

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 14 JULY 2016,
AT 7.00 PM

PRESENT: Councillor R Brunton (Chairman).
Councillors P Ballam, Mrs R Cheswright,
D Andrews, G Cutting, B Deering,
M McMullen and T Page.

ALSO PRESENT:

Councillors M Allen, G McAndrew and
S Reed.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Jonathan Geall	- Head of Housing and Health
Oliver Rawlings	- Senior Specialist Licensing Officer
Liz Watts	- Chief Executive
Kevin Williams	- Acting Head of Legal and Democratic Services

143 **CONSIDERATION OF FEEDBACK ON THE DRAFT
STATEMENT OF LICENSING POLICY**

The Chief Executive submitted a report that presented the responses to consultation in respect of the Statement of Licensing Policy.

The Senior Specialist Licensing Officer explained that the policy was last reviewed five years ago but due to emerging issues in relation to the links between

alcohol misuse and its impact on public health, a decision had been taken to review the policy. He provided a summary of the policy and the revisions made, the detail of which was set out in the report. The Senior Specialist Licensing Officer explained that the draft document that set out the Council's visions, aspirations and licensing functions, had undergone wide consultation and legal advice had been sought and provided, on the proposed changes. He provided a summary of the comments received.

Members debated the report at length, including classifications of premises and definitions of primary use. Members discussed alcohol being sold at petrol stations and the need to note that individuals needed to be responsible for their own actions in terms of buying and consumption.

Members thanked the Officer for the report and sought reassurances that the Council was doing all it could to ensure that the licensing policy was robust and enforceable.

The Committee received the report and recommended the revised Statement of Licensing Policy, as now detailed.

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

(B) the revised Statement of Licensing Policy, as now submitted, be approved to take effect from 1 August 2016.

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CONSIDERATION OF FEEDBACK ON REVISED DRIVER CONVICTIONS POLICY

The Chief Executive submitted a report that presented the responses to consultation in respect of the draft revised Driver Convictions Policy. The Senior Specialist Licensing Officer explained that

the rationale behind the need to revise the policy was a direct response to the “Report of Inspection of Rotherham Metropolitan Borough Council – February 2015”. He explained that as part of the consultation process, more than 400 letters had been sent out to every individual and business in the East Herts licensed taxi trade.

Members debated the report at length. Concern was expressed that the proposed policy had not been tested in a Court of Law. The Senior Specialist Licensing Officer assured Members that the policy, as proposed, was a huge leap forward for the Council and that this enabled Officers to review applications in retrospect to ensure that all licence holders were “fit and proper” persons. In response to further comments about the content of the policy, the Senior Specialist Licensing Officer confirmed that the form had been reviewed by a specialist lawyer, foremost in his field, who had supported the revisions. The Senior Specialist Licensing Officer stated that other Councils in Hertfordshire were reviewing their policies based on what was being proposed.

The Senior Specialist Licensing Officer explained the content of the new application process and assured Members that data sharing protocols allowed the Council access to information from the Police about applicants which previously, it had not been able to access.

Members congratulated the Officer on the report and asked that the process be continually monitored and brought back to Members when appropriate.

The Committee recommended the revised Driver Convictions Policy, as now detailed.

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

(B) the revised Driver Convictions Policy be approved, as now submitted, to take effect from 15 July 2016; and

(C) authority to make decisions under the new policy be delegated to Officers.

145 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor B Deering and seconded by Councillor G Cutting that Councillor D Andrews be appointed Vice-Chairman of Licensing Committee for the 2016/17 civic year.

After being put to the meeting, Councillor D Andrews was appointed Vice-Chairman of the Licensing Committee for the 2016/17 civic year.

RESOLVED – that Councillor D Andrews be appointed Vice-Chairman of Licensing Committee for the 2016/17 civic year.

146 APOLOGIES

Apologies for absence were submitted on behalf of Councillors J Jones, N Symonds and R Standley.

147 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Kevin Williams, Acting Head of Legal and Democratic Services, to the meeting.

The Chairman stated that item 12 (Presentation – Features and Benefits of Live ID in East Herts Licensed Premises) had been withdrawn from the agenda as the Police had advised that they could not attend owing to operational considerations. The Chairman asked that this item be added to the agenda for the next meeting and that the Police be invited back to make a presentation.

Councillor G Cutting was disappointed to hear that the Police were not in attendance to present the report given the work that he had personally contributed and hoped to see this on the agenda for the next meeting.

148 MINUTES - 17 MARCH 2016

RESOLVED – that the Minutes of the meeting held on 17 March 2016 be confirmed as a correct record and signed by the Chairman.

149 LICENSING SUB-COMMITTEE - 2 AND 10 JUNE 2016

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 2 June and 10 June 2016, be received.

150 TRAINING FOR LICENSED DRIVERS

The Chief Executive submitted a report updating Members in respect of the Council's responsibilities regarding licensing hackney carriage and private hire drivers. Members were being asked to consider amendments to the scope, style, delivery and cost of the knowledge test and application criteria. The Senior Specialist Licensing Officer provided a summary of the report as detailed. He drew Members' attention to an amendment in paragraph 2.32 of the report submitted stating that the administration fee was £9.10 and not £13.65.

The Senior Specialist Licensing Officer explained that the training would be provided by Watford Borough Council but tailor-made to suit the needs of East Herts Council and was mandatory for all Dual Drivers and Private Hire Drivers Licences.

Members considered the pass rate criteria proposed in relation to the tests for geographical knowledge and maths. The Senior Specialist Licensing Officer explained the rationale behind the criteria and why this was being

proposed. In response to a query regarding other competencies, the Officer explained that competency in English was also evaluated as part of the process.

The Committee received the report.

RESOLVED – that (A) from 1 August 2016 all new driver applicants be subject to the new requirements;

(B) from 1 January 2017 all renewing drivers be subject to the new requirements; and

(C) delegated authority to make minor modifications to the scheme, in consultation with the Chairman of the Licensing Committee be given to Officers.

151 LICENSING ACTIVITY Q1 JANUARY-MARCH 2016

The Chief Executive submitted a report updating Members in relation to statistics on processing licences, enforcement activity and implementation of the Service Plan for Quarter 1 of 2016. The Senior Specialist Licensing Officer provided a summary of the report as detailed.

Councillor G Cutting expressed concern at the number of Temporary Events Notices (TENs) issued between 1 January and 31 March 2016. He commented that the use of this process circumvented normal licensing conditions which might be imposed. The Senior Specialist Licensing Officer explained the use of TENs and how the Police and Environmental Health would get involved if there was an issue around a TEN.

In response to a query from Councillor T Page regarding pro-active monitoring of premises, the Head of Housing and Health Services explained that detailed monitoring schedules were in the process of being drawn up and anticipated that information would be reported to

Members on a quarterly basis.

Councillor R Cheswright asked that a letter of thanks be sent to Robin Clark, Enforcement Officer who had recently left the Council’s employment. The Chairman undertook to write to him. The Head of Housing and Health Services assured Members that he would ensure that he had a team “fit for purpose” and of the highest calibre to address the needs of the section.

The Committee received the report.

RESOLVED – that the report be received.

152 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Executive Member for Environment and the Public Space submitted a report detailing Members’ attendance at Licensing Sub-Committees including those attending as observers.

The Committee received the report.

RESOLVED – that the report be received.

153 PRESENTATION - FEATURES AND BENEFITS OF LIVE ID IN EAST HERTS LICENSED PREMISES

RESOLVED – that the matter be deferred.

The meeting closed at 8.15 pm

Chairman
Date