

East Herts Council Report

Licensing Committee

Date of Meeting: 15 March 2023

Report by: Claire Mabbutt (Licensing Enforcement Officer)

Report title: Review of licensing activity in Quarter 2 & Q3 2022

Ward(s) affected: All

Summary - Quarterly reports are presented to Licensing Committee to ensure oversight of these areas of regulation and allow the authority to evidence that it is fulfilling its responsibilities.

RECOMMENDATIONS FOR Licensing Committee:

(a) That Members review and comment on the Licensing activity from Quarter 2 & 3 of 2022.

1.0 Proposal(s)

- 1.1 That the report is received by members of the Licensing Committee.

2.0 Background

- 2.1 The council's Licensing and Enforcement Team covers the Hackney Carriage and Private Hire licensing, alcohol, entertainment and late-night refreshment licensing and notices, along with more infrequent applications relating to, among other things, scrap metal dealing and gambling.
- 2.2 This report presents data for the year to date on processing and enforcement, delegated decisions, and Licensing Sub

Committee involvement, on licences, notices, and permits, and applications including:

- Alcohol, entertainment, and late-night refreshment licences under the Licensing Act 2003;
- Gaming under the Gambling Act 2005;
- Taxi drivers, vehicle proprietors and operators.

3.0 Reason(s)

Complaints handling

- 3.1 Members requested that further details be provided in relation to any trends in the types of complaints received. During Q2 & Q3 the majority of complaints related to concerns about noise disturbances from the licensed premises.
- 3.2 The number of complaints in Q2 & Q3 2022, when compared with the same period in 2021, have increased. This appears to still relate to the pandemic and subsequent lifting of restrictions and that people's tolerance levels appear to have altered since the restrictions were in place.
- 3.3 It is worth bearing in mind that enforcement of licensing conditions is not a statutory matter, it is a discretionary function for individual councils to choose to provide should they wish. To date, the council has chosen to have a licensing enforcement function and it is these licensing enforcement officers who, due to the increase in complaints, have undertaken increased out of hours observations in the evenings and at weekends, including into the early hours of Sunday mornings. This allows the team to be able to witness any issues and reach a conclusion regarding the validity of individual complaint.
- 3.4 The team also carries out regular weekend market inspections to ensure compliance.
- 3.5 The team has assisted with inspections of licensed premises

during Friday and Saturday evenings and have supported the Police and Environmental Health with enforcement where requested. The key role has been to support licence holders to achieve compliance while helping to gather evidence where necessary. A stepped approach is taken when dealing with issues.

Taxis

- 3.6 With regard to the taxi trade, the enforcement team's work involves ensuring that all documentation for taxi drivers and vehicles is up-to-date and therefore ensuring licences are valid. The enforcement team ensures that the council's records are kept up-to-date and that people with expired documents are suspended until they produce the required documents.
- 3.7 Under the licensing points system, during Q2 & Q3, a total of 12 points were issued to two drivers (6 points each):
- 6 points for 'Failure to comply with the Highway Code/ conform to statutory road signs', allegation of speeding (subsequently appealed, appeal upheld, and points removed); and
 - Points for 'Failure to comply with the Highway Code/ conform to statutory road signs', allegation of parking in a position that obstructed a pedestrian crossing (subsequently appealed, appeal dismissed, and points remain for 2 years)

No points have been issued for failure to produce documents within this period.

Performance monitoring

- 3.8 The figures for the quarterly performance indicators for licensing for Q2 & Q3 are detailed in the table below with the 2021/22 overall figures for comparison.

Performance indicator – cumulative (reported quarterly) within the year unless otherwise stated	2021/2022 performance	2022/23 target	Q2 & Q3 2022 performance
Percentage of valid personal licences processed within 2 weeks	98%	85%	100%
Percentage of valid temporary event notices processed within 72 hours	90%	90%	91%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to date of determination)	100%	99%	100%
Percentage of driver’s licences issued within 30 working days of validation	95%	95%	98%

3.9 Further details on decision making and project and policy work can be found at **Appendix A**.

3.10 Performance data and year on year comparison figures can be found in **Appendix B**.

4.0 Options

4.1 To not provide the members of the Licensing Committee with Quarterly reports. This option was dismissed as it would not allow for oversight of this area of regulation by members.

5.0 Risks

5.1 None identified by author.

6.0 Implications/Consultations

Community Safety

Proper scrutiny of the work of the Licensing & Enforcement team helps to ensure that policies and procedures promote community safety.

Data Protection

None

Equalities

None

Environmental Sustainability

None

Financial

None as any work either carried out or proposed will be possible within existing budgets.

Health and Safety

Some parts of the regulatory regimes covered in this report contribute to health & safety by ensuring standards are maintained.

Human Resources

None

Human Rights

None

Legal

None

Specific Wards

None

7.0 Background papers, appendices and other relevant material

- 7.1 **Appendix A** - Further details regarding decision making, project and policy work.
- 7.2 **Appendix B** – Performance data from 1st July 2021 to 30th September 2021. Year on Year comparison figures for applications and granted licences, notices, and other permissions.

Contact Member

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