

# **East Herts Council Report**

## **Licensing Committee**

**Date of Meeting: 25 October 2023**

**Report by: Rosalyn Morris, Licensing Enforcement Officer**

**Report title: Review of licensing activity for Quarters 1 and 2 of 2023 financial year (01 April 2023 – 30 June 2023 and 01 July 2023 – 30 September 2023).**

**Ward(s) affected: All**

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**Summary** – Quarterly reports are presented to Licensing Committee to ensure the supervision of key areas of regulation and allow the members to review the evidence to ensure the council is fulfilling its responsibilities.

## **RECOMMENDATIONS FOR Licensing Committee:**

- (a) That members review and comment on the Licensing activity from the first and second quarters of the 2023 financial year (01 April 2023 – 30 June 2023 and 01 July 2023 – 30 September 2023)**

### **1.0 Proposal(s)**

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

### **2.0 Background**

- 2.1 The council's Licensing and Enforcement Team covers 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, pavement licensing, street trading and gambling.

2.2 This report presents data from the first and second quarters of the 2023 financial year (1<sup>st</sup> April 2023 – 30<sup>th</sup> September 2023) on processing and enforcement, delegated decisions, and on 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 under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

### **3.0 Reason(s)**

#### ***Complaints handling***

3.1 Members have previously requested that details be provided in relation to any trends in the types of complaints received.

#### ***Licensing Act***

3.2 During Q1 there were four complaints relating to purported breaches of the Licensing Act including:

- providing entertainment without a licence.

On investigation the premises were found to have applied for Temporary Event Notices to cover the occasions when entertainment had been provided.

- premises serving alcohol to underage persons.

This intelligence was passed to the police to investigate.

- opening beyond permitted hours.

The premises were spoken to regarding the complaint. The details of their licence were discussed and verbal advice was given.

- advertising alcohol as part of a pamper package at a hairdresser.

The premises was visited. Discussed the need for a licence if offering alcohol with any packages. Owner stated that they would remove alcohol from the price list and clients will be advised to bring their own if they so wished.

### 3.3 During Q2 there were the following complaints relating to licensed premises:

- 23 Complaints relating to AMA Fest festival:

The received complaints have all been logged on the system and the complainants have all received an acknowledgement with details of their complaint reference number. The service manager for licensing and enforcement is conducting the investigation. Once this is concluded the complainants will be notified of the outcome.

- 3 complaints relating to noise from premises.

The Environmental Health Team were notified of these complaints and were asked to lead on them as they have the necessary delegated powers to address noise issues.

- 1 complaint of a premises using their garden area outside of their permitted hours.

Premises spoken to and was informed that the garden was used as their private space when the premises had closed to customers.

- 1 allegation of a premises serving alcohol to underage persons.

Intelligence was passed to the police for them to investigate.

- 2 allegations of premises using their outside area for activities they were not licensed for – one for recorded music and the other for an outside bar.

Premises were spoken to and advised of the Live Music Act deregulation. Discussed what they were permitted to have in their outside area and management were confident that they were operating within their permissions as the recorded music being played was being played by a DJ who blends the tracks which would fall under live music rather than playing them from a play list which would be recorded music.

Officers were informed that drinks were only dispensed from the outside bar to relieve the pressure on the main bar when it was busy. Orders were taken by staff and payments were made at the main bar area. Premises have now applied for a variation of their premises licence to include the bar in the outside area.

- 1 allegation of a premises operating without a designated premises supervisor (DPS).

The officer was informed that the premises supervisor named on the licence was still in post. A few days later an email was received from the DPS stating that they no longer wished to be responsible for the premises. The agent was contacted and informed of this information along with the police who stated they would be following this up.

- 1 allegation of a premises breaching their licensing conditions.

Premises licence and conditions were looked at. From the allegations made no breaches could be found as the activities being complained about had stopped

during permitted hours.

- 3.4 The number of complaints received in Q1 and Q2, when compared with the same period in 2022, has increased. This is mainly due to the AMA Fest festival that took place on the 2<sup>nd</sup> September 2023. Other factors to consider regarding this increase could be that premises are now utilising outside areas more often later in the year due to the clement weather.
- 3.5 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. It is the council's part time licensing enforcement officer along with the support of the senior licensing and enforcement officer who has been undertaking increased out of hours observations in the evenings and at weekends, including into the early hours of Sunday mornings, to address the increase in complaints. Out of hours working allows officers to witness any issues and reach a conclusion regarding the validity of a complaint.
- 3.6 The team also carries out regular weekend market inspections to ensure compliance.
- 3.7 The team has assisted with inspections of licensed premises during Friday and Saturday evenings and has supported the Police and Environmental Health team with enforcement where requested. A stepped approach is taken when dealing with issues with the key role being to support licence holders to achieve compliance while helping to gather evidence where necessary.

### ***Taxis***

- 3.8 The enforcement team's work involves ensuring that all documentation for taxi drivers and vehicles is received, therefore ensuring licenses are valid. The enforcement team ensures that people with expired documents are suspended

until they produce the required proofs.

3.9 In Q1 and Q2, no Licensing Record Points (LRP) were issued. This is the scheme which was implemented to aid in a stepped approach to compliance relating to licensed drivers, vehicles and operators. Instead, drivers were issued with warnings, both verbally and in writing, as they were deemed as the most appropriate way of dealing with the matters that arose.

3.10 In Q1, four complaints were received in relation to private hire and hackney carriage licences, these related to:

- smoking in a licensed vehicle. Driver was issued a written warning for his actions and reminded of his responsibilities under the smoke free legislation.
- poor standard of driving. Driver was accused of purposely splashing a passenger as he drove through a puddle. Verbal advice was given to the driver as he did not recall an incident.
- jumping a red light. The driver was spoken to and stated he didn't realise that the temporary traffic light had turned red while passing through, he was just following the traffic in front. He apologised for his actions and a verbal warning was issued and recorded on his record.
- overcharging. Upon investigation the driver used an alternative route for the journey due to a road closure on part of the most direct route which, prolonged the journey causing an increase to the metered fare.

3.11 In Q2 ten complaints were received. These related to:

- 3 for aggressive behavior towards passengers. All 3 drivers have been contacted. 2 have given responses that contradict the complainants allegation, therefore the complaints have been difficult to prove resulting in words of advice being given to the drivers. A response is

still outstanding from the third driver accused of aggressive behaviour.

- 2 for poor driving standards. Both of these complaints are still under investigation as the officer is still awaiting a response from the drivers in question.
- 2 relating to allegations of drinking while on duty. One driver has been PACE interviewed and provided images of the zero alcohol lager he was witnessed drinking. The other driver has involved a solicitor and officers are awaiting a written statement as they do not want to attend an interview.
- 1 driver seen smoking in a petrol station. Driver was contacted and issued a written warning for their stupidity.
- 1 driver refused to take a single passenger. Driver was unable to be identified as complainant did not take note of any information that could have helped identify them.
- 1 complaint of out of area drivers parking on East Herts taxi ranks. Sporadic visits have been made to the rank in question. No out of area drivers have been identified during these visits. Officer will be contacting the local authority the vehicles are licensed with to try and obtain their contact details to inform them of their wrongdoings.

### ***Street trading and pavement licenses***

3.12 The enforcements teams work involves ensuring persons trading in the district of East Herts have the correct permissions to do so.

3.13 In Q1, there were three complaints. Two involved ice cream vans and one was about a fish and chip van:

- one van positioning themselves outside a school.  
2 visits were made to the area to try and find the van. No van was seen on either occasion. Contacted the owner of the vehicle and brought the complaint to their attention. They stated that they didn't realise that there was a specific distance they needed to be from a school. During the investigation the vehicle was found to have an expired mobile street trading licence. The owner was also informed of this and that they were not permitted to trade until a new licence had been issued to them.
- one using their chimes after the permitted hours.  
Owner was contacted and advised of the complaint. Owner stated that he had a new driver using the van and would ensure he was made aware of the permitted times.
- one van operating where their licence did not permit them to.  
There was miscommunication during the renewal of their licence. The owner had applied for additional areas to trade on their renewal application. This is not permitted, and the owner should have applied for a new licence. The renewal was processed allowing trading only in existing areas. This has now been resolved and a new licence was granted.

3.14 In Q2, we received one complaint relating to an ice cream van, this was to do with a van persistently parking outside the complainants' house to trade. The licence holder was spoken with and the matter swiftly resolved. In addition to this we received two emails regarding two possible street traders operating without licences. Both businesses were contacted and given information regarding compliance. No further complaints have been received.

3.15 In Q2, we also received two pavement licence complaints,



one relating to tables and chairs blocking the highway in Hertford and one relating to tables and chairs causing an obstruction outside someone's house in one of the villages. The pavement licence complaints were passed to HCC Highways who are the enforcing authority.

### ***Performance monitoring***

3.16 The figures for the quarterly performance indicators for licensing for Q1 and Q2 are detailed in the table below with the 2022/23 overall figures for comparison.

<b>Performance indicator - cumulative (reported quarterly) within the year unless otherwise stated</b>	<b>2022/2023 performance</b>	<b>2023/2024 target</b>	<b>Q1 &amp; Q2 2023 performance</b>	
			<b>Q1</b>	<b>Q2</b>
Percentage of valid personal licences processed within 2 weeks	100%	90%	100%	94%
Percentage of valid temporary event notices processed within 72 hours	100%	90%	99%	98%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to date of determination)	100%	90%	100%	100%

Percentage of driver's licences issued within 30 working days of validation	99%	90%	100%	100%
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3.17 Further details on decision making and project and policy work can be found at **Appendix A**.

3.18 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 has been dismissed at previous meetings as it would not allow members to oversee this area of regulation.

#### **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 01 April 2023 – 30 June 2023 and 01 July 2023 – 30 September 2023. Year on Year comparison figures for applications and granted licences, notices and other permissions.

## **Contact Member**

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