

East Herts Council Report

Licensing Committee

Date of Meeting: 19 March 2025

Report by: Oliver Rawlings, Service Manager - Licensing & Enforcement

Report title: Review of licensing activity for Quarters 1, 2, & 3 of 2024-25 financial year (01 April 2024 – 30 June 2024, 01 July 2024 –

30 September 2024 & 01 October 2024 – 31 December 2024)

Ward(s) affected: All

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, second and third quarters of the 2024-25 financial year.**

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 2024 financial year (1st April 2023 – 30th 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:

- 3 complaints relating to noise from premises.

One related to playing music in an outside area and the premises were reminded about the conditions on their licence.

The other two complaints were for a premises using a TEN. The premises were spoken to by Hertfordshire Constabulary as they had also received complaints of anti-social behaviour at the same event.

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

- 1 complaint relating to noise from premises.

The Environmental Health Team were notified of the complaint.

- 1 complaint of a premises being used by individuals selling drugs.

This was passed to Hertfordshire Constabulary.

- 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 During Q3 there were the following complaints relating to licensed premises:

- Sign of the Times Festival

Complainants regarding the operation of this festival were received from members of the public and partner agencies. Officers reviewed the complaints and were unable to evidence any breaches of licence conditions or unauthorized licensable activity.

- 3 complaints relating to noise from premises.

Two premises licensed for on sales of alcohol spoken to, with one having been contacted previously following a complainant received.

The third complaint related to noise from a shop that is open 24 hours and was from a resident that lives above. Licensing Enforcement visited to ensure compliance with conditions, Environmental Health made aware and the resident advised regarding a possible review of the licence.

- Indecent exposure by a member of staff.

A complaint was received from a member of the public that a member of female bar staff would put her breast into the top of a pint of Guinness for £20.00. Evidence supporting the claim was found on social media and the premises were visited by Licensing Enforcement. The premises management took action to ensure that this did not continue.

3.5 In quarter 1 of 2024 the remaining part-time licensing enforcement officer and the senior licensing & enforcement officer both left the organisation. Whilst the remaining team were able to cover the statutory functions and the reactive complaints driven work, proactive enforcement had to be carefully managed.

3.6 In quarter 3 of 2024 these vacant posts were successfully filled. The enforcement officer roles were filled internally with a secondment from within the licensing team and an officer with licensing experience from a previous role joining us part-time in addition to their other part-time role. Recruitment to the senior role attracted strong candidates with the new officer joining us

from St Albans.

- 3.7 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.

Hackney carriage and private hire

- 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-Q3 of 2024, 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.
- 3.10 In Q1, five complaints were received in relation to private hire and hackney carriage licences, these related to:
- Careless driving. Both drivers involved were spoken to and given words of advice.
 - Issues around Bishop's Stortford Train Station. Four complaints were received from the licensed trade regarding issues around parking and picking up from the station. Words of advice were given.
- 3.11 In Q2 six complaints were received. These related to:
- Five relating to roof lights. The roof lights were either not working or damaged. All drivers were spoken to, and the roof lights were either repaired or replaced.

- One complaint regarding a TFL private Hire driver touting for business in Hertford. Attempts were made to identify the driver through enquiries with TFL.

3.12 In Q3 seven complaints were received. These related to:

- One regarding a private hire operator running his business from home. The complaint was regarding the number of vehicles parked in the street. The owner was spoken to, and all the vehicles were either parked on his driveway or directly outside his house.
- One complaint regarding a licensed vehicle parked in the pavement and blocking pedestrian access. The driver was called into the office and given words of advice.
- One from a passenger who was refused a journey because they wanted to pay with a card. The driver was called in and he explained that his card machine was not working at that time. He provided evidence that the card machine was now working.
- Four complaints from an Epping Forest licensed driver stating that number plates of some East Herts licensed vehicles working at Bishop's Stortford Train Station were illegal as they had raised numbers. All the proprietors were contacted. The BSAU standard was checked, and all provided proof that the number plates were made correctly and were compatible with ANPR and car parking cameras.

Street trading and pavement licenses

3.13 In Q1-Q3 no complaints were received regarding street trading.

3.14 No complaints were received regarding pavement licences in either Q1 or Q3.

3.15 In Q2 there were three complaints regarding noise from areas covered by pavement licences. Licence holders were contacted and environmental health informed. No breaches of the conditions of the pavement licences were identified,

Charity collections

- 3.16 One complaint was received in Q3 from a local resident regarding a Street Collection being made on behalf of 'Homeless in Need'.
- 3.17 Upon further investigation, 'Homeless in Need', is not a charity but a Community Interest Company. The Charity Commission was contacted, and they confirmed that 'Homeless in Need' would be required to apply for a street collection permit. The company were emailed and reminded that an application must be made for every collection.

Performance monitoring

- 3.18 The figures for the quarterly performance indicators for licensing for Q1, Q2 and Q3 are detailed in the table below.

Performance indicator – cumulative (reported quarterly) within the year unless otherwise stated	2023/2024 target	Q1, Q2 & Q3 2024 performance		
		Q1	Q2	Q3
Percentage of valid personal licences processed within 2 weeks	90%	100%	94%	96%
Percentage of valid temporary event notices processed within 72 hours	90%	99%	98%	96%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to date of determination)	90%	100%	100%	100%
Percentage of driver's licences issued within 30 working days of validation	90%	100%	100%	100%

3.19 Performance data for Q1 – Q3 can be found at **Appendix A**.

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** – Performance data from 01 April 2024 – 30 June 2024, 01 July 2024 – 30 September 2024 and 01 October 2024 – 31 December 2024. Including figures for applications and granted licences, notices and other permissions.

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