

LICENSING AND APPEALS COMMITTEE

18 OCTOBER 2010

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

6

TITLE OF REPORT: POLICY UPDATES

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING, HOUSING & ENTERPRISE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Licensing and Appeals Committee on the current status of all licensing policies.

2. FORWARD PLAN

- 2.1 This report does not contains any recommendation on key decisions that have been notified in the Forward Plan.

3. BACKGROUND

- 3.1 In addition to the statutory policies required by the Licensing Act 2003 and Gambling Act 2005, the Licensing and Enforcement Team have been working towards the implementation of individual policies for all aspects of licensing.

- 3.2 The non-statutory policies referred to in Paragraph 3.1 above are:

- (i) Animal Licensing Policy
- (ii) Hackney Carriage and Private Hire Licensing Policy
- (iii) Sex Establishment Licensing Policy
- (iv) Street Trading Policy
- (v) Street Collection Policy
- (vi) Door to Door Collection Policy

4. CURRENT STATUS

4.1 Animal Licensing Policy

- 4.1.1 Cabinet adopted a new Animal Licensing Policy at their meeting on 26th January 2010, the Policy taking effect from 1st April 2010.

- 4.1.2 Members may remember that there was significant trade interest in the Policy, particularly in relation to grandfather rights and reptiles in pet shops. One of the recommendations of the Licensing and Appeals Committee, adopted by Cabinet was the creation of an Animal Licensing Forum to monitor and 'fine-tune' the Policy once it became a live document.

- 4.1.3 The Forum has been established and is currently working on its formal Terms of Reference and Workplan. Whilst membership has been less than anticipated, the members of the trade that have volunteered are engaging well with Officers to take the Policy forward.

4.1.4 Interestingly, one of our pet shops recently applied for, and was granted, a licence to sell reptiles. The licence has been granted in accordance with the licence conditions included within the Policy and the shop is now selling reptiles. The concerns raised by the representatives of the reptile trade have not materialised in respect of this licence and Officers are confident that the licence conditions agreed as part of the Policy are both achievable and of benefit to the animals' welfare.

4.1.5 Work is continuing as part of the Animal Licensing Forum to 'fine tune' the Policy in relation to boarding establishments, in particular adding clarification and further guidance, to allow all existing licence holders to continue to trade using their existing facilities. The Policy builds in grandfather rights, as determined by the Licensing and Appeals Committee and adopted by Cabinet, and Officers are confident that the significant concerns raised by existing boarding establishment licence holders can be addressed.

4.2 Hackney Carriage and Private Hire Licensing Policy

4.2.1 Cabinet adopted a new Hackney Carriage and Private Hire Licensing Policy at their meeting on 29th November 2007, the Policy taking effect from 6th January 2008 for a period of three years.

4.2.2 The Policy has been subject to its three year review and a public consultation has been completed.

4.2.3 It had been anticipated that the revised Policy would be presented to this meeting of the Licensing and Appeals Committee, however, this hasn't been possible.

4.2.4 Although the proposed Policy in general terms is not significantly different from the existing Policy, there was one major issue to consider. This issue was whether to retain the current operating zones within the District or remove the zones and allow hackney carriages to operate throughout the District.

4.2.5 Despite this being an issue that created much debate within the trade, only four members of the trade responded formally to the consultation. The members of the Hackney Carriage and Private Hire Consultative Forum did undertake some pre-consultation research that will be presented as part of the Report to the Licensing and Appeals Committee.

4.2.6 The main reason for withholding this particular Policy from this meeting, for which the Chairman's consent was given, was because one of the four trade members that submitted a response is unavailable to attend. It was felt that all persons that submitted a formal response should have the opportunity to attend and address the Committee, therefore, the Chairman has agreed to a meeting of the Licensing and Appeals Committee on 23rd November 2010 to progress this Policy via Cabinet on 7th December 2010.

4.3 Sex Establishment Policy

4.3.1 The Sex Establishment Policy is due to be reviewed and adopted by 1st January 2011, having initially taking effect from 1st April 2008.

4.3.2 A public consultation has been undertaken and a new proposed Policy will be presented as part of the agenda at this meeting.

4.4 Street Trading Policy

- 4.4.1 Council designated streets as consent, licence or prohibited streets by virtue of section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 at its meeting on 26th April 2005. It also adopted a schedule of standard licence conditions.
- 4.4.2 Prior to considering a formal Policy in relation to street trading it has been necessary to obtain a formal agreement with Hertfordshire County Council who also have the opportunity to regulate street trading under the Highways Act 1980.
- 4.4.3 It is hoped that the formal agreement with Hertfordshire County Council will be signed in the coming months so that the Policy can be taken forward. Whilst the Policy could be adopted without this agreement being reached, it would be more practical to introduce the Policy having secured the agreement as to which authority will regulate which activity.
- 4.4.4 Additionally, following the public consultation undertaken earlier this year in respect of the proposed Policy, it has been necessary to undertake additional consultation with the Town Centre Managers. In response to an issue raised during the consultation, it is now being proposed that the Town Centre Managers be given an annual permit for a designated location within their town to allow for street trading to take place without the need for each individual trader to obtain their own consent. This will assist the Town Centre Managers in promoting their town open spaces without unnecessary burden to traders. Consultation is underway with the Town Centre Managers as to the location of each designated area so that the agreed locations can be included within the Policy.
- 4.4.5 The Chairman has agreed to a meeting of the Licensing and Appeals Committee on 15th December 2010 to progress this Policy in order that a referral can be made to Cabinet for their meeting on 25th January 2011.

4.5 Street Collection Policy

- 4.5.1 The Council currently regulate street collections through an informal notification process that appears to be working well.
- 4.5.2 The intention is now to formalise the informal arrangements through a formal Street Collection Policy to coincide with the introduction of the Street Trading Policy.
- 4.5.3 A public consultation has been undertaken, however, any proposed licence conditions need approval from the Secretary of State.
- 4.5.4 It is hoped that Secretary of State approval will be obtained in time to present the new Policy at the 15th December 2010 meeting of the Licensing and Appeals Committee at the same time as the Street Trading Policy.

4.6 Door to Door Collection Policy

- 4.6.1 The Council currently regulate door to door collections through an informal notification process that appears to be working well.

- 4.6.2 The intention is now to formalise the informal arrangements through a formal Door to Door Collection Policy to coincide with the introduction of the Street Trading Policy.
- 4.6.3 A public consultation has been undertaken, however, it is more practical to introduce this new Policy at the same time as the Street Collection Policy.
- 4.6.4 It is hoped that the new Policy will be presented at the 15th December 2010 meeting of the Licensing and Appeals Committee at the same time as the Street Collection Policy.
- 4.7 To assist Members of the licensing and Appeals Committee, a summary of the licensing functions undertaken by the Council are listed in Appendix A to this Report.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from this Report as its purpose is solely to update the Committee on the current status of each Policy.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 There are no financial or risk implications arising from this Report as its purpose is solely to update the Committee on the current status of each Policy.

7. HUMAN RESOURCE AND EQUALITY IMPLICATIONS

- 7.1 There are no human resource or equality implications arising from this Report as its purpose is solely to update the Committee on the current status of each Policy.

8. CONSULTATION WITH EXTERNAL AND INTERNAL STAKEHOLDERS

- 8.1 All proposed policies, whether new or existing policies under review, would be subject to full external and internal consultation prior to any Report and recommendations being presented to the Licensing and Appeals Committee.

9. RECOMMENDATIONS

- 9.1 That the Licensing and Appeals Committee note the content of this Report.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To keep the Committee informed of the current status of each licensing policy.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 No alternative options have been considered.

12. APPENDICES

- 12.1 Appendix A - Summary of the Council's Licensing Functions.

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