

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND REGULATION COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBERS, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON TUESDAY, 7TH FEBRUARY, 2023 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Daniel Allen (Chair), Elizabeth Dennis-Harburg, Jean Green, Gerald Morris, Tom Tyson, Raj Bhakar, Ruth Brown, Nigel Mason, Michael Muir and Tom Plater*

In Attendance: *Jeanette Thompson (Service Director - Legal and Community), Steve Cobb (Licensing and Community Safety Manager), Melanie Stimpson (Democratic Services Manager) and James Lovegrove (Committee, Member and Scrutiny Manager)*

Also Present: *There were no members of the public present for the duration of the meeting. Councillors Alistair Willoughby and Sam North were also in attendance.*

7 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 15 seconds

Apologies for absence were received from Councillors Chris Lucas, Ian Albert, Lisa Nash, David Barnard and Richard Thake.

8 MINUTES - 2 NOVEMBER 2021

Audio recording – 1 minute 30 seconds

Councillor Daniel Allen, as Chair, proposed and Councillor Elizabeth Dennis-Harburg seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 2 November 2021 be approved as a true record of the proceedings and be signed by the Chair.

9 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 22 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.
- (2) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (3) The Chair advised for purposes of clarification that 4.8.23(a) of the constitution did apply to this meeting and Members were required to be present for the entirety of an Item to vote.

- (4) The Chair advised that he would take Item 7 'Presentation of the Annual Licensing Report 2021/22' ahead of Item 8 'Adoption of a HMO Licensing Policy'.

10 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 18 seconds

There was no Other Business notified.

11 PUBLIC PARTICIPATION

Audio recording – 3 minutes 21 seconds

There was no public participation.

12 ADOPTION OF A HMO LICENSING POLICY

Audio recording – 47 minutes 28 seconds

The Licensing and Community Safety Manager presented the report entitled 'Adoption of a HMO Licensing Policy' and advised of the following:

- The policy had been inherited from colleagues in Environmental Health.
- The Licensing Team had always been keen to have transparent licensing policies, by due to lack of resource there was no time for the Environmental Health team to put this into a single policy.
- There were several sets of existing guidance on HMOs, including fire safety.
- It was usually for policy to have been out for public consultation before being presented to Members, but this was not a new policy, rather bringing existing policies into one document.
- Therefore, it was not expected that a discussion would take place tonight on the standards within the policy and all the currently licenced HMOs in the district comply with the regulations in this policy.
- If changes were made by Members at this meeting, there would be need for a public consultation to take place, with input from existing HMOs, before a policy could be adopted.
- If the policy required revision at a later stage, this would be done as and when required, and the Committee had the remit to adopt and amend this.

The following Members asked questions:

- Councillor Tom Plater
- Councillor Elizabeth Dennis-Harburg
- Councillor Gerald Morris

In response to questions, the Licensing and Community Safety Manager advised that:

- This was an amalgamation of existing policies but bringing these into one overarching policy. There had been no material changes to the previously individual policies.
- The approval of the policy would allow for a single document to be referred to by Officers and would give the Council a more defensible position.
- If the Council was aware a property required a licence and did not act it would be liable, but the Council was not liable where it was not aware a licence was required.
- If there were reports of multiple people living in a property, the Council would investigate and, if appropriate, a HMO licence would be offered. If refused, then appropriate enforcement action would be taken.

The Chair thanked the Licensing Team for the work done and for the way in which they were upskilling and moving forward with changes to the team structure.

Councillor Michael Muir proposed and Councillor Gerald Morris seconded and, following a vote, it was:

RESOLVED: That the Committee adopted the HMO Licensing Policy attached as Appendices 1 to 5.

REASON FOR DECISION: Whilst the Council has applied national legislative standards and local guidance to all existing HMOs, it is important to ensure that the Council has a clear and transparent policy for the determination of applications and the enforcement of licences. This policy should also be easily accessible for customers.

13 PRESENTATION OF THE ANNUAL LICENSING REPORT 2021/22

Audio recording – 3 minutes 32 seconds

The Licensing and Community Safety Manager presented the report entitled 'Annual Licensing Report 2021/22' and advised of the following:

- This Committee was now a specialist Licensing Committee, and relevant training had been provided to Members. The Committee can now adopt non-statutory policies that are not reserved for Council.
- The aim was to be more proactive with licensing policy at the Council rather than including Members when required.
- The Committee had previously made contributions to policy development, including safeguarding being a consideration on all licensing policies, dealing with large scale events and promoting community liaison regarding problem premises.
- Previous reports had only updated on licensing, but the team had now incorporated Community Safety and this had increased the workload and required Officers to take on new responsibilities, for which training was required.
- The Licensing Team had supported Environmental Health in some areas.
- It was expected that the team would be more proactive with inspections next year and the number of these recorded would go up.
- The team had made some changes to working practices during the pandemic and some of these had proved successful and would be retained and built upon.
- The previous email booking system for taxi compliance testing was not suitable and, supported by CSC, a new system had been introduced which streamlined the process and made it easier for the taxi drivers to book an appointment.
- A mediation process had been established to try to minimise the number of licensing issues which would go to the Sub-Committee, by speaking with the complainant and applicant to resolve any issues.
- The team ran a closed Facebook group for taxi drivers, which opened up new communication channels with drivers and allowed the Council to post messages and reminders.
- Four of the five Licensing Officers were now fully trained and registered licensers.
- A Women's Safety Charter was being worked on and would look to build on the safeguarding work included in policies to date and bring a more consistent approach across the district. A bid to the Herts Police and Crime Commissioner was being explored to support this work.

The following Members asked questions:

- Councillor Gerald Morris

- Councillor Elizabeth Dennis-Harburg
- Councillor Daniel Allen
- Councillor Michael Muir

In response to questions, the Licensing and Community Safety Manager advised that:

- The intention was to continue with Licensing Sub-Committee meetings virtually, as this was still allowed under legislation. It was found that customers preferred this as it made attendance easier, though some Councillors preferred in person.
- It was estimated that around £4000 was outstanding in annual fees, this had been invoiced this year but would be difficult to return to in future years.
- Hypnotism would be covered with a registration scheme for providers.
- There were two types of HMO – those that meet the requirements to be licensed and those that do not. There were 40 licensed HMOs in the district but was difficult to know how many did not require licensing.
- Due to changes in the team structure, there had been a focus on upskilling and adapting to new responsibilities, so inspection numbers were still down on pre-pandemic levels. It was noted that not all inspections were recorded on the old system.
- Enforcement powers regarding scrap metal dealers were quite limited, with a focus primarily on their record keeping.
- There were two ways in which action could be taken to minimise impacts on residents of scrap metal sites; firstly, through an Environmental Health assessment of the nuisance caused and secondly through conditions applied by the Planning Control Committee.
- The change from temporary to permanent street usage for cafes and restaurants was expected to be positive as it would no longer require approval from County Council, which was often time consuming and expensive. The temporary licences did not allow for enforcement, other than where there was a Highways issue which would be responded to by County Officers, and this could often cause further delay.
- The Levelling Up Bill will bring stronger enforcement powers and increase the fees chargeable by councils.
- The issue of parking at HMOs cannot be dealt with under Licensing legislation, which only has the power to restrict certain areas. Parking issues would need to be addressed by colleagues in other departments.

In response to a question from Councillor Michael Muir, the Monitoring Officer advised that a legal challenge was ongoing in relation to the site in Baldock to which he referred and therefore should not be discussed at the Committee.

The Chair invited Councillor Alistair Willoughby, Deputy Executive Member for Housing and Environmental Health, to address the Committee. Councillor Willoughby thanked the Licensing and Community Safety Manager and his team for their work and their response to challenges and noted:

- The Women's Safety Charter was an important piece of work and would ensure that the Council assists in establishing a common approach.
- This was being developed alongside the Police and the Violence Against Women and Girls (VAWG) sub-group of the Joint Action Group.
- It was hoped this could be rolled out across the district sooner rather than later.

Councillor Elizabeth Dennis-Harburg proposed and Councillor Tom Plater seconded and, following a vote, it was:

RESOLVED: That the Committee:

- (1) Reviewed the Annual Report and commented on its content.

Tuesday, 7th February, 2023

(2) Noted the Annual Report.

REASON FOR DECISIONS: Section 8.2.3 of the Council Constitution requires the Full Committee to meet at least twice per civic year and section 8.2.3 (d) requires the Committee 'to receive an annual report on licensing activities including performance information'.

The meeting closed at 8.28 pm

Chair