

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**LICENSING AND APPEALS COMMITTEE**

**Minutes of a meeting held in the Council Offices, Gernon Road, Letchworth Garden City on Thursday, 6 October 2015 at 7.30p.m.**

**MINUTES**

**PRESENT:** *Councillors: M.R.M. Muir (Chairman), Jean Green, Simon Harwood, Joan Kirby, Ben Lewis, Jim McNally, Alan Millard, Gerald Morris and Mike Rice.*

**IN ATTENDANCE:** *Licensing Manager, Head of Housing and Public Protection, Advisory and Litigation Lawyer and Committee & Member Services Officer.*

**ALSO PRESENT:** *Councillor Bernard Lovewell (Executive Member for Housing and Environmental Health) and Heather Morris (Licensing Officer).*

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D.J. Barnard, Faye S. Frost, Gary Grindal and Lorna Kercher.

**2. MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Committee held on 12 December 2013 be approved as a true record of the proceedings and signed by the Chairman.

**3. NOTIFICATION OF OTHER BUSINESS**

There was no notification of other business.

**4. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised that, in line with the Code of Conduct, any Declarations of Interest should be declared immediately prior to the item in question.

**5. PUBLIC PARTICIPATION**

There was no public participation.

**6. PROGRESS OF LICENSING MEASURES IN RELATION TO THE PREVENTION OF CHILD SEXUAL EXPLOITATION**

The Licensing Manager gave an oral report in response to a question from a Member regarding the progress of Licensing measures in relation to the prevention of child sexual exploitation.

He advised that there were three areas of Licensing which had been considered.

Sections addressing child sexual exploitation were included in the Statement of Licensing Policy 2016-2021 (Section 5 of the Licensing Act 2003) and the Statement of Licensing Principles for 2016–2019 (Section 349 of the Gambling Act 2005), both of which were being considered at this meeting.

The Policy in respect of Taxi Licensing was due for renewal in 2016. In the interim, NHDC would be providing training sessions for staff and taxi drivers on how to recognise signs of child sexual exploitation. These sessions would be held during the day and evening of 9 November 2015 and Members were welcome to attend.

**RESOLVED:** That the oral report of the Licensing Manager be noted.

**REASON FOR DECISION:** To keep the Committee updated on the progress of Licensing measures in relation to the prevention of child sexual exploitation.

**7. ADOPTION OF A STATEMENT OF LICENSING POLICY FOR THE PERIOD 2016–2021 REQUIRED BY VIRTUE OF SECTION 5 OF THE LICENSING ACT 2003**

Prior to the item being heard Councillor Michael Muir declared a Declarable Interest as he held licenses to sell alcohol. He stated that he would not take part in any debate or vote regarding this item.

Councillor Muir, as Chairman, suggested the Committee may wish to consider Councillor Jim McNally to Chair the meeting for this item. The Members agreed and Councillor Jim McNally took the Chair.

The Licensing Manager presented a report of the Head of Housing and Public Protection summarising the responses to the public consultation regarding the Council's proposed Statement of Licensing Policy 2016-2021 in respect of the Licensing Act 2003, and requesting the Committee to make a recommendation to Council in respect of the Policy. The following appendix was submitted with the report:

Appendix A - Proposed Statement of Licensing Policy 2016-2021.

The Licensing Manager informed Members that it was a statutory requirement to have a Policy and that it was an opportunity for the Council to shape a Licensing Vision.

The Policy was intended to be used for guidance and advice to applicants and Responsible Authorities about what NHDC would be looking for and applications would be considered having regard to this Policy.

The Policy encompassed the steer given by Members over a number of years, included statutory and regulatory obligations and, for the first time, included a Vision for Licensing.

A list of potential conditions was included in the document. This list aimed to help applicants to suggest appropriate condition and Members of a Licensing Hearing to word any conditions proportionally and appropriately.

The Policy included a section regarding Child Sexual Exploitation which aimed to impress on applicants their responsibilities in respect of recognising this and the Hertfordshire Safeguarding Board could make representations regarding applications.

It was important the Members understood how the terms "appropriate" and "proportionate" were used in Licensing and that it was important that decisions were both.

North Hertfordshire had a number of large outdoor events held in the area and these had the potential for public safety issues to occur. North Hertfordshire District Council was well respected as an example of how to manage, in licensing terms, this type of event and the experience gained over a number of years had been included in a dedicated section, which promoted the use of event planning.

Applications received that either did not mention adult entertainment or were presented with the section left blank, would be treated as if this would not take place at all, and any License would impose a condition of no adult entertainment.

Public Health was now part of the Licensing responsibility and this section of the Policy gave an opportunity to work with other agencies such as the Police and Hospitals regarding issues such as increased alcohol consumption.

In response to concern expressed by Members regarding the serving of dangerous drinks and additives, the Head of Housing and Public Protection advised that, in addition to Licensing laws, action could be brought using other laws. Such as the Health and Safety at Work Act.

For the first time the Policy included sections regarding some local licensing issues such as street trading and "A" boards.

The Police Reform and Social Responsibility Act 2011 introduced two new powers. Early Morning Restriction Orders (EMRO) restricted hours during which licensing activities could take place and the Late Night Levy (LNL) was effectively a tax on late night licensing activity to fund additional resourcing such as policing and street cleaning.

It was suggested that the not be introduced as there was currently no evidence to support the use of these powers, however any decision could be changed in the future.

Another section in the Policy explained how representations and petitions regarding Licensing applications would be considered.

The Licensing Manager informed Members that all statutory agencies had been consulted about and supported the proposed Licensing Policy.

In response to a question, the Licensing Manager advised that there was a period of consultation regarding applications received and that representations were considered by the Licensing Sub-Committee, who would impose any conditions appropriate.

There was a debate regarding whether or not separate processes should be included in the Policy regarding children under 11 years of age and those 12 to 16.

The Head of Housing and Public Protection advised that NHDC had never had any comment from bodies responsible for the Safeguarding of children regarding any pub in North Hertfordshire.

It was proposed and seconded that the Head of Housing and Public Protection be requested to write to Hertfordshire County Council to express the Committee's disappointment that it had not responded to the consultation regarding this Policy and the general lack of engagement as a Responsible Authority. HCC should also be advised of North Hertfordshire District Council's adopted approach to child protection for example the expansion of the Operating Schedule Risk Assessment.

It was also proposed and seconded that the Head of Housing and Public Protection be requested to amend the wording of the Policy in order to express the Council's belief that the protection of children is paramount and therefore ask that applicants consider risk assessing their business regarding the presence of children and offer suitable conditions regarding this.

**RESOLVED:**

- (1) That the Head of Housing and Public Protection be requested to write to Hertfordshire County Council to:
  - (i) Express the Committee's disappointment that it had not responded to the consultation regarding this Policy and the general lack of engagement as a Responsible Authority;
  - (ii) Advise HCC of North Hertfordshire District Council's adopted approach to child protection for example the expansion of the Operating Schedule Risk Assessment.
- (2) That, the Head of Housing and Public Protection be requested to amend the wording of the Policy in order to express the Council's belief that the protection of children is paramount and therefore ask that applicants consider risk assessing their business regarding the presence of children and offer suitable conditions regarding this;

(3) That, subject to (2) above, the proposed Statement of Licensing Policy 2016-2021 in respect of the Licensing Act 2003, as attached at Appendix A to the report, be supported.

**RECOMMENDED TO COUNCIL:** That the Statement of Licensing Policy 2016-2021 in respect of the Licensing Act 2003 as amended, as attached at Appendix A to the report, be adopted.

**REASON FOR DECISION:** To ensure the publication of a new Policy every five years, as required by Section 5 of the Licensing Act 2003; and to enable the new Policy to be published by 7 January 2016, in order to comply with this statutory requirement.

Councillor Muir resumed the Chair.

**8. ADOPTION OF A STATEMENT OF LICENSING PRINCIPLES FOR THE PERIOD 2016–2018 REQUIRED BY VIRTUE OF SECTION 349 OF THE GAMBLING ACT 2005**

The Licensing Manager presented the report of the Head of Housing and Public Protection summarising the responses to the public consultation regarding the Council's proposed Statement of Licensing Principles 2016-2018 in respect of the Gambling Act 2005, and requesting the Committee to make a recommendation to Council in respect of the Statement of Principles. The following appendices were submitted with the report:

Appendix A – Gambling Act 2005: Proposed Statement of Licensing Principles;  
Appendix B – Summary of Consultation responses; and  
Appendix C – Consultation responses.

The Licensing Manager advised that, as the Policy had worked well in the past therefore few amendments had been necessary and none of them significant.

The Government had introduced the requirement for applicants to provide a Local Area Risk Assessment and a section had been included in the Policy regarding Safeguarding.

The Policy had received support from the Responsible Authorities and the comments from Coral and ABB had been taken into account.

The Campaign for Fairer Gambling was seeking support for their aim to change the stake limits on Fixed Odds Betting Terminals from the current maximum of £100 to £2 and it was for Members to consider.

Members agreed that Fixed Odds Betting Terminals were easy to use and had the potential for users to lose a lot of money in a short space of time. They expressed concern at the high stake level and generally supported the campaign to reduce the stake. They clarified that NHDC was not anti Gambling, but were purely concerned about the stake levels of FOBTs.

The Advisory and Litigation Lawyer agreed that, if the Committee wished to support the sentiments regarding FOBTs, he would consider the best way to take this forward.

In response to a query regarding enforcement and inspections, Members were advised that NHDC and Area Compliance Officers inspected gambling premises and that there was a Performance Indicator regarding inspections.

**RESOLVED:** That the proposed Statement of Licensing Principles 2016-2018 in respect of the Gambling Act 2005, as attached at Appendix A to the report, be supported.

**RECOMMENDED TO COUNCIL:** That the proposed Statement of Licensing Principles 2016-2018 in respect of the Gambling Act 2005, as attached at Appendix A to the report, be adopted.

**REASON FOR DECISION:** To comply with the requirement to publish a Statement of Licensing Principles every three years, in accordance with Section 349 of the Gambling Act 2005: and to enable the new Policy to be published by 3 January 2016, in order to comply with this statutory requirement.

The meeting closed at 8.50 pm.

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Chairman