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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND REGULATION COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, GERNON ROAD,
LETCWORTH GARDEN CITY, SG6 3JF
ON MONDAY, 14TH OCTOBER, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Alistair Willoughby (Chair), Emma Rowe (Vice-Chair), Ian Albert, Elizabeth Dennis, Keith Hoskins, Tim Johnson, Nigel Mason, Bryony May and Sean Prendergast.*

In Attendance: *Steve Cobb (Licensing and Community Safety Manager), James Lovegrove (Committee, Member and Scrutiny Manager) and Sjanel Wickenden (Committee, Member and Scrutiny Officer).*

Also Present: *There were no members of the public present.*

1 APOLOGIES FOR ABSENCE

Audio recording – 59 seconds

Apologies for absence were received from Councillors Amy Allen, Ruth Brown, Steven Patmore and Stewart Willoughby.

Councillors Lisa Nash and David Barnard were absent.

2 MINUTES - 30 OCTOBER 2023

Audio recording – 1 minute 13 seconds

Councillor Alistair Willoughby, as Chair, proposed and Councillor Elizabeth Dennis seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 30 October 2023 be approved as a true record of the proceedings and be signed by the Chair.

3 CHAIR'S ANNOUNCEMENTS

Audio recording – 1 minute 59 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (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 reminded the Committee to complete the IRP survey by Thursday 17 October 2024.

- (5) The Chair advised of a change in the order of the agenda. Agenda Item 7 followed by Agenda Item 8 would be considered after Agenda Item 5.

4 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 50 seconds

There was no other business notified.

5 PUBLIC PARTICIPATION

Audio recording – 2 minutes 53 seconds

There was no public participation.

6 ANNUAL LICENSING REPORT 2023/24 - PART 1

Audio Recording – 13 minutes 33 seconds

N.B. Councillor Keith Hoskins entered the Chamber at 19:37.

The Licensing and Community Safety Manager presented the report entitled 'Annual Licensing Report 2023-2024 Part 1' and highlighted that:

- There had been a department restructure with a Senior Licensing Officer being promoted to Team Leader. The Team Leader had worked for North Herts Council for the last five years and the promotion reflected the opportunities that were available to employees.
- The Licensing team sat alongside the Community Safety Team, and it was felt that the restructure would aid the management of the two areas.
- There had been an increase of inspections throughout the year. Due to the pandemic and staffing level this had previously been lower however, going forward this would be sustained. The areas deemed the highest risk and those premises that had breached conditions had all been inspected.
- The number of applications and current licenses was at its highest level for five years however, more licenses had led to more customer queries.
- It was encouraging that the level of new applications had improved and outweighed those of businesses lost.
- New taxi licenses required one appointment instead of three, which had improved engagement with customers.
- The Committee previously passed a resolution to not subsidise fees, the department continued to abide by that resolution.
- Most fees were set locally, and a full costing exercise was in progress for 2025/26.
- The Licensing Act fees were set by the Government and had not been increased since 2005. The cost of administering these licenses was not adequately covered by the fee.
- The department had used mediation to resolve possible Sub Committee disputes prior to any hearing.
- Any decisions made by the Licensing Sub Committee had the right to appeal at a Magistrates Court, no recent decisions had been subject to appeal.
- Recent case law had confirmed that virtual hearings were lawful, and this was the case for Licensing Sub Committees.
- There had been fewer enforcements in 2023/24 however, there had been a significant animal prosecution that was still ongoing. The owner received a conviction and had been banned from keeping animals, the ban was delayed until the 14 November 2024 to allow the owner time to rehome the animals, as the alternative would be to euthanize endangered species.

- There had been three decisions made regarding the fit and proper person criteria for taxi or private hire driver licences.
- Three policies had been amended and would be presented to the Committee later in the meeting.
- It was anticipated that a further three policies would need to be reviewed and considered by the Committee before the end of the financial year.
- There was a successful closed membership Taxi Forum Facebook page that was a safe space to ask questions and share responses. This had led to fewer customer queries and was being considered for other services.
- The Women and Girls Safety Charter was due to be launched in December 2024 through Hitchin Pubwatch, it would then be released in other areas. A video funded by the Office of the Police and Crime Commissioner (PCC) was available to watch online.
- The Shared Internal Audit Service (SIAS) had performed an internal audit on Houses of Multiple Occupants (HMOs). They made 11 recommendations, 9 of which have been implemented to establish a more robust process.

The following Members asked questions:

- Councillor Tim Johnson
- Councillor Elizabeth Dennis
- Councillor Ian Albert
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor Keith Hoskins
- Councillor Sean Prendergast

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

- It would be beneficial to remind the new government that a review of the Licensing Fees was overdue.
- Previously the former Leader of Council wrote to local MPs on this subject annually.
- The Committee could pass a resolution requesting that the Leader of Council or the Chair of this Committee writes to the Local MPs on this matter.
- The only enforcement powers that the Council had for scrap metal sites related to areas of administration and record keeping. The Environment Agency had powers of enforcement for noise nuisances and for overspills.
- Inspections for gambling sites were required every two years, high priority sites, pending staff availability were inspected more frequently.
- Additional scrap metal licensing details could be added to future Annual Reports.
- A Senior Licensing Officer was implementing the recommendation from the recent HMOs audit, they would also be working closely with the Revenue and Benefits Team as well as specialist rental agencies.
- The Licensing Team do not have 'rights of entry' at suspected HMOs and generally on a first visit advice was offered.
- It was likely that there were HMOs operating without licenses, this would be investigated and an increase in the number of new licences was expected in the Annual Report 2024/25.
- There was a prescribed advertising procedure for big events, this meant advertising the event, on site, in local newspapers and on the public register. This was not always effective.
- If there were no objections to an event, the event request would be granted.
- The Licensing Team were now consulting with ward Members for advice and recommendations for big events. This could be expanded to nearby wards for larger events.

- The Safety Advisory Group (SAG) reviewed large events and often gave advice to license holders. The Group consisted of professionals and unfortunately Members were unable to attend. Feedback from SAG meetings could be sent to Members to alleviate any resident queries.
- Events applications were available to view on the Public Register on the North Herts Council website.
- Legislation required events to be advertise in local papers.
- Surrounding ward notification of large events would be informally actioned and could be added to the Licensing Policy when it was reviewed in the new year.
- The SAG team had received training for their roles. Members and members of the public were not able to attend SAG meetings however, Case Officers were able to take Members comments to SAG meetings.
- An article could be published annually in Outlook to inform members of the public of the Public Register.
- The Taxi Driver and Private Hire Forum meet on a regular basis.
- Funding had been received for the Women and Girls Safety Charter which was expected to go live in December. An Officer would be allocated to this project and a report would be actioned for the PCC.
- The team had inherited a backlog of HMOs work, every registered HMOs had been inspected however, some HMOs required specialised Environment Health inspections.
- HMOs require an inspection from the Licensing Team and the Fire Service.
- The remaining two SIAS recommendations were not yet due to be implemented.
- The Team were experiencing difficulties with the rogue landlord database.
- The majority of unlicensed HMOs had been identified from parking complaints, the team however, do not have any power to restrict or deal with parking complaints.
- The Finance, Audit and Risk Committee would be informed when the SIAS recommendations had been completed.
- Work could be commenced for a joint operation with the police and fire services to inspect scrap metal sites. This would be investigated offline.
- Battery storage had been identified as a cause of the recent scrap metal site fires.
- An article could be published in the local media regarding HMOs and what to do if you, operate one or suspect one.
- There were currently between 35 and 40 licensed HMOs in the District.
- There was a meeting on the 25 October 2024 regarding the recent scrap metal fires which the Licensing and Community Safety Manager would attend if available.
- Licensing Sub Committee hearings were resource intensive and tended to have a higher level of Officer attendance, including some shared service Officers.
- It was not always practical for objectors to attend an in person hearing.
- In person hearings could be considered in special circumstances.
- Attendance at Licensing Sub Committee hearings could be discussed in more detail when the Licensing Act Policy was considered in the New Year.

Councillor Tim Johnson proposed and Councillor Sean Prendergast seconded and, following a vote, it was:

RESOLVED: That the Committee:

- (1) Reviewed the Annual Report and commented on its content.
- (2) Noted the Annual Report.
- (3) Requested that the Chair of the Licensing and Regulation Committee urgently writes to the Government to request that they review the Licensing Act fees set 19 years ago in 2005, to raise the fees and bring these in line with the current fiscal pressures in 2024.

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

N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 21:14.

7 EXCLUSION OF PRESS AND PUBLIC

Audio Recording – 2 minutes 59 seconds

Councillor Alistair Willoughby, as Chair, proposed and Councillor Elizabeth Dennis seconded and, following a vote, it was:

RESOLVED: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Part 1 of Schedule 12A of the said Act (as amended).

8 ANNUAL LICENSING REPORT 2023/24 - PART 2

N.B. This item was considered in restricted session and therefore no recording is available.

The Licensing and Community Safety Manager presented Appendix C to the report entitled 'Annual Licensing Report 2023/24' and highlighted that:

- A decision was required regarding all Taxi Drivers to ensure that they were fit and proper to fulfil their role according to Council Policy.
- The Executive Member for Housing and Environmental Health and the Chair of the Licensing Committee were often consulted on these decisions.
- The appendix provided details of Decisions Notices where a driver was deemed not fit and proper which had been requested by the Committee at the previous meeting.
- The decisions were not made easily and considered relevant policy sections and case law. The applicant had a right of appeal.

In response to questions from Councillor Elizabeth Dennis, the Licensing and Community Safety Manager advised that the applicant in the first decision came across on paper as challenging however, it was apparent from a face to face meeting that their people skills were affected by other issues and that they could not accept that their actions were deemed violent. The applicant was trying to change and the outcome could be reevaluated in the future.

Councillor Bryony May stated that the decisions were useful and had a clear layout stating the points in the decision process.

Councillor Alistair Willoughby stated that they had discussed the first applicant with the Licensing and Community Safety Manager and although this was a difficult decision, it was felt that they needed a little more time.

9 STATEMENT OF GAMBLING PRINCIPLES 2025-2028

Audio Recording – 1 hour 31 minutes 27 seconds

The Licensing and Community Safety Manager presented the report entitled 'Statement of Gambling Principles 2025-2028' and highlighted that:

- This was a statutory policy which required a review every three years and adopting by Council.

- Three representations were received from the public consultation, this was higher than in previous years.
- The Gambling venues in the district were well managed and operated.
- There was an updated local area profile in the report and this would ensure that any new gambling venues would not be proposed in areas of high deprivation.
- There had been a Safeguarding update to include, the White Ribbon Campaign, Violence against Woman and Girls Charter and child sexual exploitation.
- The report covered the required responses to the public consultation representations and it was noted that public health roles were administered by Hertfordshire County Council.

Councillor Tim Johnson proposed and Councillor Nigel Mason seconded and, following a vote, it was:

RESOLVED: That the Licensing and Regulation Committee considered the consultation responses and recommended the adoption of the policy appended at Appendix A to Full Council.

RECOMMENDATION TO COUNCIL: That Council adopts the Statement of Gambling Principles 2025-2028 policy.

REASONS FOR RECOMMENDATION:

- (1) Licensing authorities are required to publish a policy every three years by virtue of section 349 of the Gambling Act 2005 (“the Act”).
- (2) A new policy must be published by 3 January 2025 to comply with this statutory requirement.
- (3) The policy builds on the effectiveness of the existing policy with minor amendments to reflect changes in legislation, statutory guidance, consultation responses and an updated local area profile.

10 PAVEMENT LICENSING POLICY

Audio Recording – 1 hour 35 minutes 3 seconds

The Licensing and Community Safety Manager presented the report entitled ‘Pavement Licensing Policy’ and highlighted that:

- This was a new policy and related to the consumption of food and drink on tables and chairs adjacent to a venue.
- Previously this had been covered by Hertfordshire County Council (HCC) under the Highways Act however, since the Covid Pandemic temporary licenses had been made available.
- The Pavement Licenses under the Highways Act cost £1000 and took 3 months to process. The yearly temporary licenses cost £100 and were processed in 10 working days.
- The temporary licenses were extended on a yearly basis and had now become permanent legislation
- Pavement Licenses were still available from Hertfordshire County Council.
- The proposed Pavement License would have a flat fee and last for two years.
- Under the new legislation the Council now had enforcement powers. Officers would be able to seize and store tables and chairs should the need arise.
- The policy formalised a temporary condition and included enforcement powers within an open and transparent policy.

- Pavement Licenses would be reviewed by the Licensing Team Leader, and applicants would have a right of appeal from the Licensing and Community Safety Manager.

The following Members asked questions:

- Councillor Elizabeth Dennis
- Councillor Ian Albert
- Councillor Alistair Willoughby
- Councillor Keith Hoskins
- Councillor Tim Johnson

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

- There had been a typographical error and Royston Town would be added to paragraph 1.2.1.(1) of the policy.
- The Service Director - Housing and Environmental Health and the Executive Member for Housing and Environmental Health would shortly confirm the exact fee. The fee would cover the reasonable costs for processing the application and enforcement.
- The Pavement Licenses available from Hertfordshire County Council under the Highways Act covered shared areas whereas this policy covered area adjacent to the application venue.
- The current temporary licenses were held for one year, on their expiry applicants would need to apply for the new two year license. Similarly, those with Pavement Licences from HCC could apply for either the new license or to extend their license.
- Officers would contact premises prior to their expiry date to inform them of the new process.
- Should Officers notice an unlicensed premises whilst out on general duties, initially they would politely remind the owner to apply for a license.
- The current temporary licenses cost £100 the new license was expected to cost about £265 for a two year period.
- There were likely to be only limited confiscations.
- This was a set license fee for any volume of tables and chairs.
- Any A-boards on their own outside of premises were the remit of Hertfordshire County Council, an A-Board with tables and chairs was covered under this policy.
- A storage fee would be chargeable for confiscated items as well as for Officer hours, this was likely to vary for each case.
- The act did not define the word adjacent however, the interpretation for the purpose of the policy was, immediately outside the property or across a road from the property where it was deemed reasonable distance to deliver food.
- There should be a reasonable distance between designated smoking tables and non-smoking areas, and these would be marked on an application plan and stated in the license.

Councillor Keith Hoskins proposed and Councillor Tim Johnson seconded and, following a vote, it was:

RESOLVED: That the Committee adopted the Pavement Licensing Policy attached as Appendix A.

REASONS FOR DECISION:

- (1) The previous temporary licensing arrangements worked well therefore no further amendments are required, other than some clarification of previous condition wording.

- (2) The adoption of a policy ensures that applicants, licence holders, and the public have a clear understanding of the licensing process and objectives; it also ensures a consistent and transparent approach.

11 STREET TRADING POLICY

Audio Recording – 2 hours 8 seconds

The Licensing and Community Safety Manager presented the report entitled 'Street Trading Policy' and highlighted that:

- There were minimal changes to this policy.
- The policy allowed the Licensing and Community Safety Manager and the Executive Member for Housing and Environment Health to make minor changes.
- Applications had previously been made in areas known for Anti-Social Behaviour and the amendments to the policy reflected that Street Trading was not desirable in these locations.
- The amendments also introduced a right of appeal for applicants.
- The policy clarified the enforcements available, confiscation was not an option however, there was a prosecution avenue that could be taken. Mainly breeches of the policy would lead to the revoking of the license.

In response to a question from Councillor Alistair Willoughby, the Licensing and Community Safety Manager advised that there were three types of specified areas, Prohibited Streets, Consent Streets and License Streets. A licence was required for Consent Streets and License Streets. The License Streets, license was more formal and involved more administration.

Councillor Elizabeth Dennis proposed and Councillor Nigel Mason seconded and, following a vote, it was:

RESOLVED: That the Committee adopted the Street Trading Licensing Policy attached as Appendix A.

REASONS FOR DECISION:

- (1) The current policy is working well however some minor amendments are needed to ensure it remains fit for purpose.
- (2) The adoption of a policy ensures that applicants, licence holders, and the public have a clear understanding of the licensing process and objectives; it also ensures a consistent and transparent approach.

The meeting closed at 9.52 pm

Chair