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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, 10TH MARCH, 2025 AT 7.30 PM

MINUTES

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

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

Also Present: *At the commencement of the meeting approximately XX members of the public, including registered speakers.*

12 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 9 seconds

Apologies for absence were received from Councillor Lisa Nash.

Councillors David Barnard and Steven Patmore were also absent.

13 CHAIR'S ANNOUNCEMENTS

Audio recording – 1 minute 21 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.

14 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minute 53 seconds

There was no other business notified.

15 PUBLIC PARTICIPATION

Audio Recording – 1 minute 57 seconds

There was no public participation.

16 UPDATE ON ACTIONS FROM MEETING 14 OCTOBER 2024

Audio Recording – 2 minutes 11 Seconds

The Licensing and Community Safety Manager provided Members with a verbal update on progress of matters raised at the meeting of the Committee on 14 October 2024, including the following points:

- The fees costing exercise was nearing completion and fees would be set from the 1 April 2025 based on full cost recovery.
- All except 3 of the cats held by the Cat Survival Trust in Codicote had been successfully rehomed thanks to the work of Officer. The remaining 3 cats were euthanised due to ill health.
- The Violence Against Women and Girls Charter had been made live in Hitchin, with a low uptake. A Licencing Officer would be following up with licensed premises to increase sign up in Hitchin, before the Charter was rolled out in Baldock and Letchworth.
- All recommendations relating to the HMO audit had been completed and around 50 HMOs had been identified, which were unknown to the Council, as part of this work.
- Scrap metal sites had all been inspected and this would be conducted annually, unannounced to ensure standards stay high. There were heat sensors on CCTV at one sight and other measures for prevention were noticed.
- An in person Licencing Sub-Committee hearing took place on 17 February 2025 and there was another one due to take place, in person, on 13 March 2025.
- There had been one further refusal for a taxi licence since the previous meeting of this Committee, and it was expected there also would be a further refusal within the next few weeks.
- The Licence Act Policy was due for review, as this was a statutory requirement to be regularly updated, and the deadline for this was January 2026. Consultation would be take place in Summer 2025 and Members were encouraged to email Licensing and Community Safety Manager with any ideas.

N.B. During this item, Councillor Nigel Mason left the Chamber and returned at 19.56.

As part of the update, follow a request at the previous meeting of the Committee, the Chair advised he had written to the Deputy Prime Minister regarding fees and would share the response with the Committee once one had been received.

The following Members asked questions:

- Councillor Tim Johnson
- Councillor Stewart Willoughby
- Councillor Keith Hoskins
- Councillor Bryony May
- Councillor Ian Albert
- Councillor Ruth Brown
- Councillor Tom Tyson

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

- Following the decision made by a Licensing Sub-Committee an applicant has 21 days from the day the Decision Notice was issued to appeal the decision.
- When a Licensing Sub-Committee was hearing a variation, the Committee cannot address parts of the Licence that were not included as part of the variation application.
- Any licensing policy of the Council would apply at the time a Licence was applied for. Licenses would not be reviewed when policy changed, as the legislation does not allow for that.

- A license can be bought for review if it did not promote the licensing objectives of the Council.

17 ADOPTION OF A SEX ESTABLISHMENT LICENSING POLICY

Audio Recording – 23 minutes 15 seconds

The Licensing and Community Safety Manager presented the report entitled 'Adoption of Sex Establishment Licensing Policy' and highlighted:

- There were no sex establishments in the districts at the time, therefore no consultation had taken place on this policy.
- The policy had not been reviewed in over 5 years. Therefore, for good practice and due to the authorities commitment to the White Ribbon scheme, the policy was being reviewed to make sure it provided the most up to date protection.
- The policy does not outline that North Herts District can have no sex establishments, as it was better to have a robust policy in place, than ban the practice. This would help to ensure that current legislation was not misused by those seeking to run a sex establishment.
- The main change to the policy was to add a minimum age for staff and performers, for safeguarding purposes.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Tim Johnson
- Councillor Bryony May

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

- It was the intention that paragraph 1.3.1(b) of the policy would include trafficking and modern slavery. However, this could be specifically added should Members want to include direct reference to these areas.
- Emphasis could be placed on the commitment to the White Ribbon scheme, by bringing this forward in the policy document.
- He was not aware of how many authorities had a no sex establishment policy, but at a recent conference attended, none of the attendees had a nil-resolution policy in place for sex establishments.

Councillor Elizabeth Dennis proposed and Councillor Keith Hoskins seconded.

N.B. Councillor Amy Allen entered the Chamber during this item at 20:08.

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Tim Johnson

The following points were raised in the debate:

- That paragraph 2.8.2 of the policy should be moved to section 1.2 to highlight the dedication to safeguarding women and girls from violence.
- Reference to 'modern slavery' could be added to paragraph 1.3.1(b) to add a further level of protection.
- It was good to see a focus on safeguarding in this policy.

As part of the debate Councillor Ruth Brown proposed an amendment to delegated authority to the Licensing and Community Safety Manager to make amendments to the as outlined in the debate. This was accepted by Councillor Elizabeth Dennis, as proposer, and Councillor Keith Hoskins, as seconder.

Having been proposed and seconded, and, following a vote, the substantive motion was:

RESOLVED: That the Committee

- (1) Endorsed and commented on the Sex Establishment Licensing Policy, attached as Appendix A.
- (2) Delegated authority to the Licensing and Community Safety Manager, in consultation with the Chair of the Licensing and Regulation Committee, to make amendments to the Policy, as outlined at the meeting.

REASONS FOR DECISIONS:

- (1) The current policy worked well when the district did have a licensed sex shop, however some minor amendments are needed to ensure it remains fit for purpose, particularly in areas of safeguarding and the Council's White Ribbon commitment.
- (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.

18 ADOPTION OF A TAXI AND PRIVATE HIRE LICENSING POLICY

Audio Recording – 42 minutes 23 seconds

The Licensing and Community Safety Manager presented the report entitled 'Adoption of a Taxi and Private Hire Licensing Policy' and highlighted:

- A public consultation on this Policy, with limited responses from the taxi trade, which was due to limited complaints on the Policy.
- The policy had to be reviewed as the Government legislation had changed with two new documents recently which were considered and adopted into Policy.
- The Council had declared a climate emergency and due to the priorities for environment issues, a vehicle would not be licenced or renewed unless they complied with Euro 6 standards.
- Feedback from taxi traders led to vehicles that had been written off under specification N or S would be considered as licensable if deemed safe.
- Vehicle testing had been changed, the current policy was that a vehicle over 7 years old would need two MOTs per annum, due to the increased standards this was changed to 10 years.
- Taxis were required to take a payment by card, and there were policies in place to restrict additional charges for stopping. Due to delays with appointments with GPs, it was proposed that it would be possible for anyone on the General Medical Council register as a medical practitioner could complete a driver medical assessment.
- The Institute of Licensing published suitability guidance which had been considered when updating the policy, however the current policy was stricter.
- There was also an update regarding safeguarding to ensure driver and passenger safety.

The following Members asked questions:

- Councillor Tim Johnson
- Councillor Nigel Mason

- Councillor Sean Prendergast
- Councillor Amy Allen
- Councillor Ruth Brown

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

- The cost of 6 monthly test would be the cost of an MOT, plus a £30 charge by the Council.
- It would not be unreasonable to extend the 6 monthly reviews to cars 12 years old.
- Data was not available for the average annual mileage of drivers however there is a diverse trade, and not all drivers do this for a full-time job, so the mileage would vary substantially.
- The wording could be changed in relation to the General Medical Council medical practitioner to restrict which roles would be able to do this.
- The 6 monthly testing was due to the high mileage as an increased safeguard.
- Paragraph 3.8 could be moved the top of the policy to promote the safeguarding work the Council was doing.
- Drug and Alcohol offences were missing from the Policy and this should be added.
- 10% of the current fleet is accessible and this was monitored so that it would not drop below 10%.
- The guidance says drivers do not need a licence if they are not making a financial benefit from the drive, therefore volunteer drivers do not need a licence.
- Private hire operators can go anywhere in the country regardless of where they are licensed..

Councillor Ruth Brown proposed and Councillor Sean Prendergast seconded.

The following Members took part in the debate:

- Councillor Nigel Mason
- Councillor Amy Allen
- Councillor Ian Albert
- Councillor Sean Prendergast
- Councillor Alistair Willoughby

The following points were raised in the debate:

- The wording in 3.5.2 change the wording, as the wording covers a range of medical professions and this should be completed by a GMC regulated Doctor.
- The wording of 2.6.2 should add that on reaching a certain mileage, an MOT would need to be undertaken before the 3 years.
- The wording in 3.9.3 should contain any drug and/or alcohol offence.
- The impact that an alcohol offence outside of driving can have on a application was important to include.
- The wording of part 3 should be moved up to be part 2 and safeguarding move to the top of that part to promote the Councils priorities.
- Safeguarding was a top priority of the Council.

As part of the debate Councillors Nigel Mason, Amy Allen and Sean Prendergast all proposed amendments to delegated authority to the Licensing and Community Safety Manager to make the amendments to the as outlined in the debate, this was added to the substantive motion by proposer Councillor Ruth Brown and Councillor Sean Prendergast Seconded.

Having been proposed and seconded and following a vote, it was:

RESOLVED: That the Committee

(1) Considered the responses to the public consultation.

- (2) Commented on the Policy, attached as Appendix A, and delegated authority to the Licensing and Community Safety Manager, in consultation with the Chair of the Licensing and Regulation Committee, to make amendments to the policy, as outlined at the meeting.

REASONS FOR DECISIONS:

- (1) The existing policy has worked well since its adoption with effect from 26 October 2020, following a public consultation on a number of changes to policy.
- (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 to decision-making.
- (3) Continued efficiencies through smarter ways of working, supported by the co-operation of the licence holders, has resulted in changes to the policy that will improve the customer experience and make best use of existing resources.
- (4) Government has published two new documents that local authorities must consider when adopting its next policy, and they have been considered as part of this consultation process.
- (5) Early discussions with the North Herts Taxi Drivers Association identified some additional suggestions that were included in the policy published for consultation.

The meeting closed at 9.02 pm

Chair