
EXTRAORDINARY LICENSING COMMITTEE

MINUTES

Of a virtual meeting on Tuesday 22 December from 7.30pm to 9.03pm

Members of the Licensing Committee:-

Councillors:-	Martin Trevett (Chair)	Steve Drury (Vice Chair)
	Donna Duncan	Roger Seabourne
	Stephen Cox	Dominic Sokalski
	Joy Mann	Alex Turner
	Shanti Maru	Kate Turner (from 7.37pm)
	Debbie Morris	

Officers in attendance:

Matthew Roberts – Team Leader Projects and Compliance
Lorna Fryer – Lead Licensing Officer
Jessima Sweeney - Principal Solicitor
Kimberley Rowley – Head of Regulatory Services until 8.15pm
Sarah Haythorpe – Principal Committee Manager
Jo Welton – Committee Manager

Also in attendance Councillors David Sansom and Paula Hiscocks

LEC 07/20 APOLOGIES FOR ABSENCE

None received

LEC 08/20 ANY OTHER BUSINESS

There was no other business

LEC 09/20 DECLARATION OF INTERESTS

None declared

LEC 10/20 LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY 2021-2026

The Licensing Act 2003 (as amended) (“the 2003 Act”) requires that all licensing authorities should issue a Statement of Licensing Policy and keep it under review every 5 years, making revisions to it, at such times, as it considers appropriate.

The Chair thanked Officers for all their hard work in getting the draft Policy to the Committee at such short notice.

The Lead Licensing Officer said the Committee were asked to approve the content of the amended Statement of Licensing Policy to run from 2021 to 2026. Officers had apologised for the delay and said every effort was being made for the Policy to be adopted as soon as possible. Following a request, a copy of the Policy showing all the amendments had been provided. The main report had highlighted the main changes.

There were currently no issues raised to warrant consideration of a Cumulative Impact Policy (CIP), however, should there be an increase in anti-social behaviour or crime and disorder surrounding licensed premises this could be revisited during the period that the new Policy is in force. Concerns had been raised at a recent hearing regarding Moneyhill Parade in Rickmansworth. It was noted that the Police had not raised any representations on the application and did not express any concerns. The application was considered on its own merit and the concerns from the residents were considered at the sub-committee hearing with further conditions being added to the license granted.

The implementation of a CIP could be implemented if it was deemed appropriate but would require evidence and a Cumulative Impact Assessment. No request to consider a CIP in any area within the District had been requested to date and no such evidence had been collated to date. It was also viewed as inappropriate to introduce a CIP in the current climate due to struggling night time economy because of Covid-19 restrictions.

If the draft Policy was agreed consultation would begin on Wednesday 23 December 2020 for 6 weeks ending midnight on 3 February 2021.

A Member of the Committee had circulated 14 observations/questions on the draft Policy prior to the meeting which were listed below. The Lead Licensing Officer advised that the draft policy would be amended to reflect the changes that had been agreed with the Member/Officers after the publication of the report and policy for the meeting.

Members raised the following points:

Q: The Policy at 28.1 stated that the placing of tables and chairs outside premises required the consent of Herts County Council (HCC), however, Three Rivers own most of the pavements outside shops in Croxley Green so that may require amending.

A: Consent would be required from HCC in the majority of cases. HCC own large parts of the pavement in Three Rivers. It was clarified that although not all pavements were owned by Three Rivers they would have to go through HCC for pavements licences and as part of the Temporary License as applicants would need the authority from HCC to allow the use of the pavement in such a way. Three Rivers would assess temporary licences based on whether or not the proposal was acceptable having regard to highway safety in terms of disabled access, prams and being Covid compliant. The wording could be amended to clarify that not all the highways were fully adopted by HCC and in some cases were private but the majority of premises within Three Rivers were by areas maintained by HCC.

Q: Would any appeals that came in during this period before the adoption of the new Policy be against the current regulations not the proposed regulations?

A: At the previous Licensing Committee meeting it was agreed to continue with the existing Policy but the weight given would be much less. The amended policy would

be going through the consultation phase so they could not give much weight to it until it had been ratified. If an application was received for a licensed premises after 7 January, and it was refused, it would have to go through the Magistrates Court to appeal which takes a lot of time. That said Three Rivers could make a case to the Magistrates to say how they looked to minimise the risk and whilst the Policy had expired there was still a degree of weight to it and Full Council had agreed a resolution to continue to adopt it until the new policy was adopted. It was highly likely that any appeal coming in after 7 January, providing the policy was adopted and in place by end of February, regard could be had to the new Policy at the appeal stage.

Members asked for clarification that the new Policy would be in place by the time, if and when an appeal came in. The Principal Solicitor advised that when considering any application before the new policy was in place they would be looking at the Licensing Act and the overriding objectives which were complying with the licensing objectives so that would be the priority, taking regard to the policy. Therefore the likelihood of any risk would be low with regard to any appeal because the decision would be made with full regard to the Licensing objectives.

List of questions submitted by a Member of the Committee prior to the meeting:

1. Page 14, 6.3, second paragraph: surely it should read “when at least one relevant representation...”? Currently, it implies that there needs to be more than one as “representations” is plural.
Officer comment: Agreed.
Agreed by general assent
2. Page 14, 6.6, second para: “variety of permissions “means what? Think this is a mistake.
The Principal Solicitor advised that this wording was used in the Guidance under S182 of the 2003 Act at 14.10 and was correct and should remain.
Agreed by general assent
3. Page 14, 6.7, line two: please add “studying” to list of activities.
Officer comment: OK though not required.
Agreed by general assent
4. Page 15, 6.9, fourth para: I think “harm” would be a good addition as would cover actual violence and various forms of abuse which go beyond physical.
Officer comment: Definition of “fear of intimidation or violence” is as defined under the Guidance/Legislation which does not include harm as well, so leave as drafted. The Principal Solicitor advised that the wording was based on the S182 Guidance at paragraph 9.27.

The Chair moved to **not** include the word ‘harm’ and to remain as the originally worded.

Councillor Kate Turner was unable to vote due to not being present for the entirety of the debate and abstained from the vote.

On being put to the vote, the recommendation to not include harm in the wording was declared CARRIED by the Chair, the voting being 7 For, 1 Against, 2 Abstentions.

5. Page 17, 9.1 (b) and (d) could be amalgamated and extended in both instances to staff and suppliers. Could a later start time be included for weekends (Sundays certainly) and public holidays?

Officer comment: Possible but suggest that we leave in (d) and take out "and patrons" so specifically dealing with staff.

Agreed by general assent

6. Page 20, 15: I understand local residents and some Councillors have concerns about the number of licensed premises on Moneyhill Parade. Please can this be considered for a cumulative impact policy?

You refer to concerns raised but no formal complaint or representations requesting a CIP have been made in last 5 years so in considering the CIP, LO has determined that it is not appropriate at present time. However, if complaints and concerns are raised which justify the matter being reconsidered, then a CIP could be considered and Policy updated at any time between 2021 and 2026.

The Chair advised that there had been no formal complaints [to warrant a CIP]. Residents should be encouraged to put in complaints via the Licensing Team either on-line or by email directly with any noise complaints through Environmental Health. Another option would be through the Police.

Clarification was required on whether other departments would feed complaints through to Licensing Department if relevant. The Team Leader said they may not be made aware of any complaints if it was not linked to a licensed premises, however the system that was used was joined up and they would look into tightening it moving forward.

A Member outside the Committee asked if there could be a dedicated number for residents to call to log issues. The Lead Licensing Officer advised that all contact details were available on the Council website. The Licensing team were also in regular contact with the Police so they would be kept advised of issues with any licensed premises.

A Member advised that the Anti-Social Behaviour team and CSC do share information, but they would look into ensuring the system was even more robust.

Any complaints received get dealt with accordingly. There had been very few complaints since March 2020.

The Principal Solicitor clarified that the discussion was about having evidence to justify a Cumulative Impact Policy (CIP) which would be based on a number of statistics. Complaints against an individual premises would not necessarily justify this.

A Member commented that there would always be a few issues that were not addressed appropriately. It was suggested the Planning Department should link in with the Licensing Department in relation to comments on licensed premises. Going forward it was requested that a report be added to Committee Agendas on the number of complaints / representations that had been made in relation to individual premises.

An Officer suggested that moving forward it may be useful to keep a log of complaints and in which areas to come forward to the Licensing Committee to build a better picture of what was happening. With the overlap between the

Licensing and Planning team, Officers did make comments on items brought to their attention with regards both Planning and Licensing.

The Chair moved a recommendation to **not** include a Cumulative Impact Policy within the draft Statement of Licensing Policy.

On being put to the vote, the recommendation was declared CARRIED by the Chair, agreed by general assent.

7. Page 24, 20.5: Consider adding “public health” as I don’t think it’s adequately covered by ASB
Officer comment: Agreed – add in g) Public health
Agreed by general assent
8. Page 24: 19.6 should be 20.6
Officer comment: Yes
Agreed by general assent
9. Page 25, 21.4, line 2: replace “regular” with “frequent “
Officer comment: Depends – suggest “regular or frequent”. Further amendment by Member to read ‘regular and frequent’
Agreed by general assent
10. Page 26, 21.12 (b): add “days of opening “ as mornings should be later on weekends and public holidays
Officer comment: OK but covered in hours 24/7
Agreed by general assent
11. Page 29, 25.1, second para, line two: replace “This” with “These”; line five: replace “ie” with “eg” if these are examples
Officer comment: Agreed
Agreed by general assent
12. Page 32, 30.1: consider referring to LA’s adoption of antisemitism and Islamophobia definitions in this context. Should be utilised by LA and operators where issues of this nature arise.
Officer comment: Yes we can add in paragraph here to refer to this
Add at 30.2 : For example “This Policy recognises the Council’s adoption of the definitions of Anti-Semitism and Islamophobia on 1 September 2020 and these definitions are to be applied by the Council and Licensing Authority as and when any issue of relevance arises relating to licensing.
Agreed by general assent
13. Page 33, 32: Heading has misspelling: should be “LICENSED “; 33.1: how does this work if closure starts on Saturday morning? Surely 24 hours should be extended in these circumstances or over public holidays? In essence, until close of business on LA’s next working day.
Officer comment: It is REVIEW OF A LICENCE hence LICENCE REVIEW. 24 hours follows closure by Police so applies irrespective.
Agreed by general assent
14. Page 34, 33.6, m): add “public health”; 34.2: is this to cover hearings? At the last one, neither the Chair nor Vice-Chair chaired. If this practice is to be continued,

an amendment is needed. Also think both should be referred to as I have - without "man".

Officer comment: Yes can add public health.

34.2 This relates to other meetings and not hearings but agree it appears unclear. We can amend as deemed appropriate by the committee.

The Chair suggested the wording should be amended to state that the Chair of the Hearing panel should be appointed from the three Members making up the panel.

Members agreed with this amendment.

Agreed by general assent

15. Page 42: think this needs amending to follow comments elsewhere about electronic applications to be the desired way to apply.

Officer comment: Noted – we can remove as dealt with earlier.

Agreed by general assent

16. Page 43: I randomly checked three of the organisations listed and you had the incorrect address for one: British Beer & Pub Association. Therefore suggest all details are verified for each named body.

Officer comment: These will be double checked as these had been reviewed and amended after checking all website addresses.

Agreed by general assent

The Lead Member asked if it could be considered to arrange an Extraordinary Council meeting to take place following the Licensing Committee meeting on 10 February or before 23 February in order to get the Policy in place as soon as possible and moved an amendment to the recommendation to state 'for formal adoption by Full Council on 23 February 2021 or sooner'.

The Chair seconded the amendment to point ii and moved the recommendations in the report at point i) with an amendment to include the changes agreed by the Committee to the draft policy listed above.

On being put to the Committee, the recommendations in the report, the amendments agreed to the draft policy by the Committee and the calling of an Extraordinary Council meeting sooner if possible than 23 February 2021 were declared CARRIED by the Chair having been agreed by general assent.

RESOLVED:

i) That Members comments on and additions to the draft Statement of Licensing Policy 2021 – 2026 document be included in the draft policy in order that the minimum period of consultation may commence.

ii) That following the 6 week consultation period the Policy document is presented to the Licensing Committee on 10 February 2021, with any amendments following the consultation and details of consultation responses, for formal adoption by Full Council on 23 February 2021 or sooner if it is possible to organise an Extraordinary Council meeting.

CHAIR