

# Public Document Pack



## SUMMONS

### MEETING OF THE COUNCIL

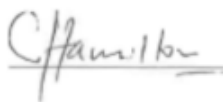
Wednesday 18 November 2020

#### Microsoft Teams

This meeting of Council will be held remotely via the Microsoft Teams application. Should any members of the public wish to join this meeting, please contact the Assistant Director (Corporate & Contracted Services) by 5pm on Tuesday 17 November.

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You are hereby summoned to a meeting of the Dacorum Borough Council in the County of Hertfordshire to be held in the Microsoft Teams on Wednesday 18 November 2020 at 6.30 pm to transact the business set out below.



**CLAIRE HAMILTON**  
**CHIEF EXECUTIVE**

**TO ALL MEMBERS OF THE COUNCIL**

**Contact: Corporate & Democratic Support**  
**ext 2209**

# AGENDA

## 1. MINUTES (Pages 4 - 23)

To confirm the minutes of the previous meeting of the council.

## 2. DECLARATIONS OF INTEREST

To receive any declarations of interest.

## 3. PUBLIC PARTICIPATION

To consider questions (if any) by members of the public of which the appropriate notice has been given to the Assistant Director (Corporate and Contracted Services).

## 4. ANNOUNCEMENTS

To receive announcements and business brought forward by the Mayor, Leader, and Members of the Cabinet or the Chief Executive.

4.1 By the Mayor:

4.2 By the Chief Executive:

4.3 By the Group Leaders: Any apologies for absence

4.4 Council Leader and Members of the Cabinet:

Councillor Williams	Leader of the Council
Councillor Anderson	Environmental Services
Councillor Banks	Community and Regulatory Services
Councillor G Sutton	Planning and Infrastructure
Councillor Elliot	Finance and Resources
Councillor Griffiths	Housing
Councillor Williams	Corporate and Contracted Services

## 5. MOTIONS

(a) Local Plan (Page 24)

(b) Feeding Hungry Children (Pages 25 - 26)

## 6. QUESTIONS

To consider questions (if any) by members of the Council of which the appropriate notice has been given to the Assistant Director (Corporate and Contracted Services).

## 7. BUSINESS FROM THE LAST COUNCIL MEETING

To consider any business referred from the previous meeting.

**8. CABINET REFERRALS (Pages 27 - 36)**

To consider the following referrals from Cabinet:

	<b>Cabinet minute number</b>	<b>Date of meeting</b>	<b>Report title</b>
<b>8.1</b>	CA/076/20	22 September 2020	Budget Monitoring Q1 report
<b>8.2</b>	CA/078/20	22 September 2020	Loan agreement with West Herts Crematorium Committee
<b>8.3</b>	CA/087/20	20 October 2020	Treasury Management Report
<b>8.4</b>	CA/088/20	20 October 2020	Medium Term Financial Strategy
<b>8.5</b>	CA/089/20	20 October 2020	Local Plan Consultation Report
<b>8.6</b>	CA/091/20	20 October 2020	Car Parking Supplementary Planning Document
<b>8.7</b>	CA/092/20	20 October 2020	Herts Growth Board – Section 101 Committee

**9. OVERVIEW AND SCRUTINY REFERRALS**

None

**10. CHANGES TO COMMITTEE MEMBERSHIP**

To consider any proposals for changes to committee membership

**11. CHANGE TO COMMITTEE DATES**

To consider any proposals for changes to committee dates

**12. REVIEW OF STATEMENT OF LICENSING POLICY - LICENSING ACT 2003 (Pages 37 - 97)**

**13. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.

Local Government Act 1972, Schedule 12A, Part 1, paragraph 3.

# Agenda Item 1

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## **DACORUM BOROUGH COUNCIL**

### **MEETING OF THE COUNCIL**

**16 SEPTEMBER 2020**

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Present -

#### **MEMBERS:**

Douris (Mayor), Adeleke, Allen, Anderson, Arslan, Banks, Barrett, Barry, Bassadone, Beauchamp, Bhinder, Birnie, Chapman, Claughton, Durrant, Elliot, England, Freedman, Griffiths, Guest, Hearn, Hobson, Hollinghurst, Imarni, Johnson, Link, Maddern, Sobaan Mahmood, Suqlain Mahmood, McDowell, Peter, Pringle, Ransley, Riddick (Deputy Mayor), Rogers, Silwal, Sinha, Stevens, G Sutton, R Sutton, Symington, Taylor, Timmis, Tindall, Townsend, Uttley, Williams and Woolner (48)

#### **OFFICERS:**

The Chief Executive, Corporate Director (Finance and Operations), Corporate Director (Housing and Regeneration), Assistant Director (Corporate and Contracted Services), Group Manager (Legal & Corporate Services), C O'Neil (Corporate and Democratic Support Team Leader) and T Angel (Minutes).

The meeting began at 6.32 pm.

#### **1. MINUTES**

The minutes of the meetings held on 15 July and 5 August 2020 were agreed by the members present and will be signed by the Mayor at the next available opportunity.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **3. PUBLIC PARTICIPATION**

There was no public participation.

#### **4. ANNOUNCEMENTS**

##### **4.1 By the Mayor:**

The Mayor announced the sad passing of former Dacorum Councillor and Mayor, Maureen Flint. He invited members to share their memories of her.

Councillor Williams said he had worked with Maureen for a long period of time and although they may not have seen eye-to-eye in regards to politics, there was no doubt that she was a long serving and vital part of the Gadebridge community and of the Labour party in Hemel

Hempstead. She chaired the Leisure Committee when Labour were in power from 1995-1999 and she was Mayor in that last year. He felt she set the bar in her Mayoral year and attended in the region of 500 events. She officially opened the refurbished Hemel Hempstead Leisure Centre and also introduced the Remembrance Parade. He said she was a really hard working councillor, she gave a considerable amount of her time to the community and it was a big loss to the people of Gadebridge.

Councillor Hollinghurst said he had worked with Maureen for a considerable amount of years and knew her very well. He felt she was a very friendly councillor and colleague and her heart was always with the people she represented in Hemel Hempstead. He always enjoyed her company and felt very sad about her passing.

Councillor Bassadone said Maureen served the people of Gadebridge admirable for several years and will always be remembered for the time and effort they put in and for the borough of Dacorum. She hoped next year we could do a memorial service for her to remember her.

Councillor Imarni said she had got to know Maureen as a fellow councillor for Gadebridge but she had stepped down in 2015 when Councillor Imarni was elected. She said every door she knocked on in Gadebridge the residents knew Maureen and had good things to say about her. She met her family during the Election period and worked with them at the local polling station. Maureen always put community above political parties and was always friendly and helpful. She expressed how happy everyone was to see Maureen because they knew she genuinely cared about them and worked so hard for the community. She will be very missed in Gadebridge.

One minutes silence was held in remembrance of Maureen Flint.

The Mayor announced that on Sunday 13 September he attended the reef laying to commemorate the Battle of Britain and this gave the opportunity to reflect on the huge sacrifices and bravery of all those involved.

#### **4.2 By the Chief Executive:**

None.

#### **4.3 By the Group Leaders:**

None.

#### **4.4 Council Leader and Members of the Cabinet:**

##### **Councillor Williams, Leader of the Council**

The Leader referred to the coverage of heightened incidents of coronavirus in the borough. He was pleased to say that with our joined up working with Public Health in Hertfordshire and other agencies, incidents of coronavirus in Dacorum had steadily come down. However we shouldn't become complacent as this could easily change if we don't abide by social distancing and increased hygiene standards etc. He checked the figures today and there had been 11 cases within the last 7 days, and we had the second lowest incident rate of the 10 districts in Hertfordshire.

Questions:

Councillor Stevens asked if there were any plans to open the Berkhamsted Civic Centre. The Portfolio Holder said he had discussed the reopening of Berkhamsted and Tring Civic Centres with the Chief Executive but given the difficulty of maintaining social distancing and the access to enter and exit the building, we did not have a date to safely reopen them yet.

Councillor Symington referred to the Black Lives Matter protests. She asked if the Portfolio Holder could comment or detail any response from the council to these events. The Portfolio Holder advised that the council hadn't formally responded to these events but we were undertaking a review of our equalities policies, particularly our external policies, to ensure equality in our community. Councillor Symington asked if there was a timescale to report back to members. The Portfolio Holder said he didn't have a fixed timescale but the review of policies would go to Cabinet and he would expect them to be finalised in this calendar year.

Councillor Hollinghurst asked if DBC had received a questionnaire from the Centre for Public Scrutiny in relation to the climate emergency. The Portfolio Holder said he was unsure, it would have gone via the appropriate officer so he would have to provide a written response. Councillor Hollinghurst said Hertfordshire County Council had received and responded to the questionnaire. He asked if the Portfolio Holder could ensure the questionnaire was completed and then circulate the responses to members. The Portfolio Holder confirmed he would.

**Action: Councillor Williams**

Councillor Adeleke highlighted that we did not have a coronavirus test centre in Dacorum. He wondered if the figures were low because individuals were unable or reluctant to travel to get tested. He asked if the Portfolio Holder was able to do anything to help get a test centre in the borough. The Portfolio Holder didn't feel that the figures were inaccurate. He said it would be advantageous to have a test centre in Dacorum but given the pressure on resources we cannot have centres in every borough and some travelling will be required.

There were no further questions.

### **Councillor Williams, Portfolio Holder for Corporate and Contracted Services**

The Portfolio Holder advised that the Berkhamsted multi-storey car park opened on 1<sup>st</sup> September and he was pleased to say that it was operating well. He highlighted that out of the 78 business permits spaces available 77 had been sold.

In July the leisure centres and sports facilities re-opened. He advised that the take-up and customer satisfaction had been positive.

The Forum remained open but with restrictions in place. The library had now reopened with a maximum of 20 customers at any one time and with a 15 minute limit. It was also possible to book a 1 hour slot to use the computers in the library.

The Citizens Advice Bureau, the Registration Service and Dacorum's Customer Service Unit were all available on an appointment only basis. The café had also reopened.

There were no questions from members.

### **Councillor Anderson, Portfolio Holder for Environmental Services**

The Portfolio Holder presented his update as follows:

- All staff at Cupid Green that had been shielding were now back at work.

- We were looking to finish the rollout of food recycling from flats at the end of this month/beginning of next month.
- He has been working on a biodiversity press release to try to persuade members of the public to increase biodiversity where they are.
- He hoped members had seen the press release regarding the renovation of the white bridge in Gadebridge Park being started.

Questions:

Councillor England asked if the Portfolio Holder had any update on the condition of chalk streams in the Dacorum. The Portfolio Holder said he did circulate the response from the Environment Agency a few months ago but interestingly he had been contacted about it today and would provide the information to members. **Action: Councillor Anderson**

Councillor Bhinder asked if the Portfolio Holder would elaborate on his press release on biodiversity. The Portfolio Holder advised he was trying to persuade members of the public, particularly those that have gardens, to look at doing gardening plans for next year in terms of planting good pollinators and trees. He said they were also looking at wild flowers in the borough but were constrained by Herts Highways. Simon Coultas was leading the development of the councils Biodiversity Strategy.

Councillor Birnie asked if we had made progress with planting more trees in the borough and if we were involving the public in this, for example, schools? The Portfolio Holder said the council still planned to plant 1000 trees by the end of this year, availability permitting. We were planning an event to involve the public in the planting of some trees but due to coronavirus and social distancing that no longer looked possible. He added that involving schools wasn't practical as not everyone has gardens and it could cause unnecessary problems.

Councillor Beauchamp said he was pleased to hear that all staff at Cupid Green had returned to work and asked if that would mean the normal grass cutting regime would commence. The Portfolio Holder suggested if there were concerns that grass wasn't being cut when it should be it needed to be reported through the appropriate channels.

Councillor England questioned if it really wasn't possible to have the tree planting event whilst staying within government guidelines. The Portfolio Holder felt it was too much of a risk for virus transmission and we needed to avoid taking unnecessary risks. Councillor England suggested that outdoor activities were significantly less likely to encounter social distancing problems and transmission of viruses. The Portfolio Holder advised that such events would go against the 'six person bubble' rule.

There were no further questions.

### **Councillor Banks, Portfolio Holder for Community and Regulatory Services**

The Portfolio Holder presented her update as follows:

#### **Environmental and Community Protection:**

Due to swift and robust action by EH, Community Safety, Economic Development and Communications teams in partnership with the Public Health Team at County, and Public Health England the recent Covid-19 spike in the Dacorum area seems to have been controlled and we now have a 'green' RAG rating on the County dashboard, with the second lowest incidence in Hertfordshire (on 10.09.2020). Although this is positive news, this is not a

time to be complacent and we must continue to pay our part in remembering to follow the rules. Hands, cover your face and make space and the 'rule of 6'

Actions taken by DBC in partnership with the Local Resilience Forum Partners, including County Council Public Health Teams, Public Health England, Trading Standards, National Health Service, Police and Fire Colleagues.

- EH Team carried out surge contact tracing for all relevant cases and contacts.
- 450+ licenced and food businesses written too, 76% visited in person.
- Generally broad compliance with Covid Safe rules, but small numbers required follow up visits for compliance required by the EH Team
- Fire and Police colleagues visited town centres to encourage personal responsibility and are considering the similar action across the County this weekend.

Team awarded funding for backfilling staff, to enable to Environmental Health Team take on the increase in workload during the Covid 19 response.

Environmental and Community Protection Team will continue to prioritise the Covid-19 response so it may take longer to address some of the other service areas.

There has been a huge increase (400%) in the number of Filthy and Verminous Cases since April that the Operations Team are dealing with. The approach taken by the team is to work with other agencies to support the individuals however in a number of cases enforcement action is necessary. There are a number of steps that need to be taken to go through the legal steps required to help residents clear and treat the property, this does take some time.

Corporate Health, Safety and Resilience Team have provided support to all Council departments in making the services operate in a Covid secure way.

Questions:

Councillor England asked if the Portfolio Holder agreed with him that the PSPO enforcement costs were proving uneconomic and also discouraged cycling. The Portfolio Holder said she would need to check the mathematics, however the PSPO'S were not there to discourage cycling but to combat anti-social behaviour and to protect residents and shoppers in the pedestrianised areas of the town centre.

Councillor England felt that a better way to manage public order in the town centre needed to be found by encouraging responsible active transport and the health benefits of cycling. He asked what progress had been made in demarcating a channel for cyclists in the town centre on which works were still in progress when he asked the question in January this year. The Portfolio Holder said she and the council as a whole fully supported cycling, however groups of people cycling at speed through the town centre, using the ramps and doing wheelies, was unacceptable. She said they will be encouraging cycling and green transport through the local plan.

Councillor Imarni asked if the Portfolio Holder agreed with her that The Old Town Hall was an obvious cultural centre for the borough and a heritage site, and we must do all we can to get it reopened as soon as possible once it is Covid secure. The Portfolio Holder agreed and said that staff will be doing everything they can to ensure a safe reopening, however the issue is with the venue being so dated it doesn't lend itself to small numbers. She said she would update Councillor Imarni on any progress of reopening.

Councillor Hollinghurst asked if the Portfolio Holder would organise a review of demarcated cycle routes where cycling is currently forbidden. The Portfolio Holder suggested that the



question may be better answered by Councillor G Sutton but the PSPO's were put in place to address anti-social behaviour following public consultation, scrutiny through our committees and the final decision being made through full council. She gave reassurance that cycle routes, walkways and green transport will be considered as part of any future plans in the borough. Councillor Hollinghurst said this information was encouraging.

Councillor Hollinghurst asked if the Portfolio Holder could look at the possibilities for Tring Skateboard Park to gain funds for refurbishment. The Portfolio Holder said she hadn't been made aware of any issues with the skateboard park but agreed she would look into it and let Councillor Hollinghurst know.

**Action: Councillor Banks**

There were no further questions.

### **Councillor G Sutton, Portfolio Holder for Planning & Infrastructure**

The Portfolio Holder presented his update as follows:

#### **HEMEL GARDEN COMMUNITIES PROGRESS**

- The Hemel Garden Communities (HGC) programme continues to make good progress.
- The HGC Programme team, led by Dacorum Borough Council, St Albans City and District Council, Hertfordshire County Council and Hertfordshire LEP partners, is progressing guidance and initiatives to shape the new development and help transform the wider town. It aims to deliver 11,000 homes and 10,000 jobs for the area by 2050 and a variety of place making infrastructure and initiatives.
- A bid for next stage Capacity Funding for the financial year 20/21 was submitted to MHCLG on 4 September. We bid for £850k funding to support the programme; this included some collaborative transformational work with Aylesbury and Harlow Gilston Garden Towns to support a solar bulk buy scheme for residents and digital connectivity, and to enable next stage studies to be funded. A funding award announcement is anticipated in late autumn, though receipt of allocations is unlikely to be until next March.
- Most recently the programme has been engaging with local residents and Councillors to find out what they most like about Hemel Hempstead, and how our great New Town should inform the shape and style of the new areas to be developed.
- This work on creating a 'Spatial Vision' for Hemel Garden Communities is nearing completion and will inform the content of masterplanning for the area – with the aim of achieving beautiful places for people to live and work in with sustainability and addressing climate change issues at its heart.
- I would like to thank all involved in participating for their valuable input and look forward to further constructive involvement of the local community as the plans develop.

#### **RE-OPENING TOWN CENTRES SAFELY**

- As the country and our local area continues to recover from the Covid-19 lockdown earlier this year, we have developed plans to help our town and shopping centres re-open safely to the benefit of our residents and to promote the retail economy in these difficult times.
- The Council is participating in the national Re-opening High Streets Safely scheme, which is backed by funds administered by MHCLG from the European Regional Development Fund.
- As such, Government has made up to £137k available to Dacorum for this purpose.

- We have submitted a Grant Action Plan to MHCLG to set out our proposals for reinvigorating our retail areas.
- These include business development support to work with traders to help them provide a safe shopping environment and to develop their business models, marketing, communications and where necessary any further adaptations to high streets to help social distancing.

## **PLANNING WHITE PAPER**

- Members will be aware that the Government is proposing major reforms to the planning system.
- There are two consultation documents – a white paper and further proposals, which include changes to the way each Council area's housing needs are determined.
- Both documents are the subject of a comprehensive report to SPEOSC on 23 September, which will help inform the final responses to Government which I will be overseeing.

## **DACORUM'S NEW LOCAL PLAN MOVING FORWARD**

- I am pleased to report that the first draft emerging Strategy for shaping the future of Dacorum in the shape of our new Local Plan – which will run to 2038 – is now complete.
- This has followed many months of hard work from the Member task and finish group and from the Officer Strategic Planning team. I would like to thank all involved in the process for getting the Council to this point.
- The emerging Local Plan will be considered by the SPEOSC at its meeting next week, on 23 September and then will progress to Cabinet in October and to Full Council in November for final consideration before it is issued for public consultation at the end of the year.
- I would remind Members that emerging Plan is in draft form and following the public consultation the Council will consider all views put forward before a final version is agreed for submission to the Secretary of State.
- The engagement of our residents and other stakeholders in the process is of course essential. I will be working with the Officer team over the next few weeks to ensure that we have in place a wide range of opportunities for people to consider the plan before giving us their views.

## **JOBS BOOST AT AMAZON**

- I am pleased to note that Amazon will be creating a further 80 permanent roles at its fulfilment centre in Hemel Hempstead, to add to the 500 permanent jobs it has there currently.
- On top of this, it is also hiring for a further 500 seasonal roles
- The news follows the surge in online demand for goods across the Country.
- This is good news for our local economy and underlines the benefits we have at Maylands Business Park with its excellent access to the motorway network.

Questions:

Councillor Pringle asked how many dwellings there currently were in the borough that have had planning permission granted but have not yet built. The Portfolio Holder said he had a rough idea but would prefer to speak to officers for an accurate figure and let Councillor Pringle know. **Action: Councillor G Sutton**

Councillor Symington asked if the Portfolio Holder had any comments on the practice of pre-meetings, such as those for the development management committee, which are disallowed at some local authorities as they are perceived to undermine the integrity of the planning process by potentially reducing the level of predetermination. The Portfolio Holder said this matter had been questioned before so advice had been sought and it was determined that there was nothing unconstitutional about it. He said he had sat on the committee from 2003-2015 and had chaired the committee for those last two years and there was no predetermination on the decisions.

Councillor Symington felt we were in a different situation now and members are all given the opportunity to ask the officers questions in advance of the meeting and can also receive answers. The argument that information needs to be shared in a different pre-meeting is negated by the fact that this occurs anyway now because of the new process through Microsoft Teams. The Portfolio Holder advised that all members were able to ask questions of officers and it wasn't restricted by political party, as long as it wasn't predetermining a decision.

Councillor Adeleke asked who was policing the instruction to wear face masks to ensure safe shopping environments in the borough. The Portfolio Holder said this wasn't part of his portfolio. Councillor Banks said she would provide a written response. **Action: Councillor Banks**

Councillor Hollinghurst made reference to the motorway improvements at the junction of Maylands Business Park. He asked if the Portfolio Holder agreed that the emphasis and focus on that project is misplaced. The Portfolio Holder disagreed and felt we needed to have a free running junction at M8 to help stop congestion and the build-up of pollution. He said we must bear in mind that the land that borders the motorway will be a large industrialised area which will include the movement of heavy good vehicles, and we will discourage the use of cars as much as we can but we were unable to stop businesses operating.

There were no further questions.

### **Councillor Elliot, Portfolio Holder for Finance and Resources**

The Portfolio Holder presented his update as follows:

#### **Financial Services:**

Financial Services is leading on the financial reporting requirements arising from the coronavirus pandemic. This covers both internal reporting and the external reporting requirements necessary to ensure the Council secures the pandemic –related Government funding it is eligible for.

The service continues to ensure prompt payment to staff and suppliers, as well as a sensitive approach in dealing with the Council's debtors.

The extreme wet weather episodes that occurred over the summer have also kept our Risk and Insurance team very busy.

The Council's external audit process of the financial statements for 2019/20 are nearing conclusion, with the final accounts published and due to be presented at Audit Committee on Thursday the 17<sup>th</sup> September. The External Audit process has again being a very smooth

with positive feedback from our external auditors on the financial strategies taken and the processes in place.

Alongside the monitoring of the current financial position, budget setting for 2021/22 will be the focus for the service over the next few months. Current circumstances present a number of challenges for this process this year but the continued fiscal scrutiny that is undertaken each year at budget setting will continue.

### **Commercial Assets and Property Development:**

The Commercial Assets service is busy liaising, and working in partnership with existing tenants through this difficult financial period, to ensure we support the local economy where possible. The uncertain market conditions brought about by Covid require a flexible and fluid approach to asset management and the service have, and will continue to liaise with tenants in a positive manner.

The Building services team have been busy during the summer implementing additional covid secure changes to operational buildings, such as Tring Victoria Hall and Berkhamsted Civic Centre so that these valuable community hubs can remain open in a safe and secure manner.

### **Ex-Civic Centre**

UKPN have completed works to energise the new substation. Decommissioning works to the old substation are on-going and anticipated to complete imminently. Dacorum's demolition contractor is on site and Phase 2 of the old Civic centre demolition works re-commenced last week, and is due to be completed this week

### **Revenues, Benefits and Fraud:**

The revenues & benefits teams have been extremely busy for the last few months, supporting residents and local businesses as part of the Government's response to the pandemic.

The team has now paid out over 1,900 small business and Retail, Hospitality & Leisure grants totalling £26 million to local business rate payers. These grant schemes have now being closed in line with government guidance.

The service has also issued over 1,000 Retail, Hospitality, Leisure and Nursery businesses with a business rates holiday for the current year, to a value of £25.8 million.

The council tax team are now starting to get in touch with residents who have fallen behind with their payments, so that we can find out what issues there are and provide or signpost to support which is available.

Questions:

Councillor Beauchamp asked if the Portfolio Holder agreed it was fantastic news that the old civic centre building had at last been demolished. The Portfolio Holder agreed and gave some background on the delays. He gave tribute to the Estates Team that had worked through a very complicated process to bring this altogether.

Councillor Birnie queried the current void status of commercial assets. The Portfolio Holder advised there were 28 void properties; 3 were under offer, 18 were for refurbishment and/or maintenance and the others are on the market. He said despite the pandemic, occupancy

rates had remained on target at 96% at the end of quarter 1, although the level of arrears was up at 12%. Councillor Birnie questioned the status of rent arrears. The Portfolio Holder said he would provide a written response. **Action: Councillor Elliot**

Councillor Riddick said it was reported at the last finance and resources overview and scrutiny committee meeting that we were projecting a pressure of £5.8M and asked for the Portfolio Holder's thoughts on the next six months. The Portfolio Holder advised that the forecast was written earlier in the year and things had changed since that was reported. The most up to date position will be reported to cabinet next week but he advised that the council were now projecting an in-year pressure of £2.5M.

There were no further questions.

### **Councillor Griffiths, Portfolio Holder for Housing**

The Portfolio Holder presented her update as follows:

#### **Tenant and Leaseholder Services:**

- The Income and Tenancy Teams have updated their processes to adapt to the latest legislation that Notice periods will need 4 weeks or 6 months depending on the reason for enforcement action. They have also started preparing for a return to court for possession claims after 20<sup>th</sup> September. Out of 5 court cases that were 'stayed' at lockdown, only 1 is likely to now progress to court for further action following regular contact and support from the Income Officers to reduce the level of arrears.
- Supported Housing Officers started carrying out door step visits throughout August. As of 2<sup>nd</sup> September they had seen 86% of all sheltered tenants to carry out a welfare check. While tenants were phoned regularly throughout the past 5 months, the ability to see tenants face to face while ensuring social distancing, led to 128 referrals for additional support from agencies like AgeUK and Adult care. Additionally in August we have had 41 alarm faults reported compared to 10 in the previous months indicating that regular home visits are still crucial to support our older tenants.
- Lounges in sheltered schemes will remain closed for general tenant use after considering the government guidelines and carrying out a risk assessment. A letter has been sent to Supported Housing Tenants to inform them of this. We are working with partners like AgeUK to identify how organised activities could be facilitated safely to improve health and wellbeing for supported tenants.

#### **Strategic Housing:**

- The service is continuing to receive and respond to approaches for housing/homeless assistance in line with government guidance and change in priority need status as a result of Covid-19;
- Currently there are 160 households in temporary accommodation (95 pre- covid) and we are seeking suitable move on options for those accommodated;
- Advertisement of the newbuild developments at Magenta Court and Martindale have been undertaken and allocations/lettings are well underway;
- The service has submitted a grant funding application to MHCLG for the Next Steps Accommodation Fund to assist with rehousing of homeless households in line with government announcement.

#### **Property & Place:**

General - The contractors have increased the scope of works now being delivered from emergency, statutory compliance and health and safety related repairs to start to work through the backlog of day to day repairs. The capital investment program has restarted, focusing on external works or those which limit the time spent in the property or number of trades in order to help keep people safe.

Leasehold Services - Numbers of leaseholders continue to rise, we currently have 1803 leaseholders on our records. In May 2020 the Leasehold team was increased to provide ongoing services to the leaseholders, which has enabled quick responses to all service charge queries.

Garages - There has been a steady demand for garages throughout the pandemic and in May June and August there were more garage licences commenced than terminated and for the period from April to September, a net gain of 9 garages were let. A further 243 garages have expressions of interest and are being validated before going through the commencement process.

VOIDS - Empty homes have been impacted throughout the pandemic and the number re-let have increased from 10 in April to 37 in August and the works to sheltered schemes are restarting with appropriate risk assessed method statements in place.

Compliance - Gas Safety – Servicing gas appliances has been challenging, especially at the peak of COVID-19 with tenants shielding and self-isolating. Thankfully, due to the commitment of the team and our contractors (Sun Realm), performance has remained high and we achieved 99.99% compliancy in August.

Fire & Electrical Safety – Risk Assessments continue at our blocks of flats and we programme the resulting works in accordingly, based on risk. We have strengthened the team with the addition of a Lead Surveyor focusing on electrical safety, which provides greater resilience in achieving compliance in our dwellings.

## Housing Development

Kylna Court	Final 12-month defects inspections completed. Rectification works currently underway after Covid pause, 75% complete.
Corn Mill Court	Final Account resolved with Osborne. End of 12 month Defects Inspections being arranged.
Martindale	Completion due mid-October. 12 market sales units offers accepted, 2 completions handed over.- sales activity slowing
Magenta Court	Handover revised from 9 <sup>th</sup> to 16 <sup>th</sup> Sept as essential certification not in place  There were a number of Minor snagging items in units along with a full builders clean still outstanding and H&S issues in relation to uneven areas of external block paving  It is worth noting that this is a really excellent development and the quality is very much present but unfortunately for these reasons we could not accept handover on the 9th.
St Margaret's Way	Design progressing and looking to maximise the site by incorporating some bedsits over garages into the scheme.

Paradise Fields	Planning Application has been submitted. Homes England have been in contact regarding car park sale.
Gaddesden Row	Progressing well on site. Completion December. 3 houses
Eastwick Row	4 No tenders received for Main Contract Works. Interviews completed and a preferred bidder selected. Recommendation to go to Sept Cabinet.
Coniston Road	Tender documents returned for Principle Contractor (18 No) Shortlisted 3. Interviews completed and a preferred bidder selected. Recommendation to go to Sept Cabinet.
Wilstone	Design commenced. Meeting planned with Estates to agree land value.
LA1	Design commenced. Meeting held with Homes England
Cherry Bounce	Tender documents returned for Architect and EA. Shortlist and Interviews for Architect & EA underway.
Paradise Depot	Design underway. Tender documents being adjudicated for M&E and Structural Eng. Meeting held with DENS to share design options 2 design options being consider, increased density with undercroft parking or parking policy complaint scheme outside of the building footprint. Land value has been issued by Estates. Meeting set up with Estates to review and agree way forward with delivering the DENS building
Garage Sites	8 No sites - Initial design complete and ready to submit for pre application with Planning Dept.
Randall's Ride	Initial design complete commencing site due diligence checks.

Questions:

Councillor Birnie asked if we had been affected by the most recent government restrictions in relation to cladding. The Portfolio Holder advised they were up to speed with the recent proposals and were monitoring it very carefully. She confirmed it would affect us if put in place as we have properties 3 storeys high and over. Work was already progressing on The Elms to make that compliant. A report on the matter will be going to the housing and community overview and scrutiny committee in the near future.

Councillor Birnie asked if The Elms was the only property impacted or if there would be others. The Portfolio Holder advised there could be others but she would keep members updated.

There were no further questions.

## 5. MOTIONS

The following Motion was proposed by Councillor Freedman and seconded by Councillor Uttley:

This Council resolves:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people

- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people—including the precautions that can be taken to mitigate risks
- to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
- to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.

Councillor Freedman said the motion was inspired by the RSPCA and other animal welfare charities aimed at making fireworks less frightening for animals and vulnerable people. Sadly fireworks inadvertently lead to the distress, injury and death of a significant number of family pets, farm animals and wildlife every year. He didn't want to illustrate the evidence behind this claim especially as the motion didn't call for any restrictions, rather it seeks to use the council's position as a community leader to help educate people both to the dangerous side effects of fireworks but also to the safer, quieter alternatives that are becoming available. He hoped this motion would encourage our community to be good neighbours whilst enjoying the fireworks and we're asking them to do this by firstly giving them advance notice of displays especially those with animals or conditions, encouraging the community to be aware of the problems fireworks may contribute to, and finally to encourage the sale and use of the quieter and safer alternatives. He explained that although the motion was inspired by animals, the noise of fireworks also has an impact on those with mental health conditions. He hoped that encouraging the use of quieter, safer fireworks would increase the range and availability locally, and that the high decibel and high range products would reduce in popularity and be replaced by these better alternatives. Finally this motion asks DBC to add its name to the list of councils calling on the government to add the decibel level to the criteria of fireworks marketed to the general public. Currently fireworks containing over a certain amount of explosives are regulated and only available to those licenced for holding public displays. The basis of this regulation seems to be risk associated with physical injury caused by a fireworks explosion. This motion simply asks the government to consider the damage done by sudden noise as part of that criteria. He felt this motion didn't reduce any capacity for residents to enjoy fireworks in the manner that they currently do but at the same time it acknowledges the problems they may possibly cause and strikes a balance.

Councillor Anderson said he had sympathy with the motion and with what it was trying to achieve but he couldn't support it because it was impractical. He said the government had already introduced restrictions on time limits and also that it would be in the interest of the operator to advertise events in advance anyway. He advised he was contacted by a couple of residents around bonfire night last year and although he had sympathy with them he wasn't sure what we as a council could practically do to encourage stockists to provide quieter fireworks. He had every sympathy for pets and pet owners but it was a difficult thing to get through and he couldn't support the motion.

Councillor Pringle spoke in favour of the motion. She said she has had pets for a number of years and also had a son that was diagnosed with autism so she could confirm that it does have an impact on pets and those with mental health conditions. She appreciated it was difficult to enforce but felt we should be ambitious in trying to support our residents and lead on education and information at not a great deal of cost. She suggested information packs that residents could access or download to help advise them on how to resolve issues surrounding fireworks. She felt we should all work together to lead our community and invited others to support the motion.



Councillor Williams said he was sympathetic to the content of the motion but had an issue with motions like this one coming to full council and felt more education was required. He felt that full council wasn't the place to try and amend council policies and it was inappropriate. He agreed there was a need for the government to look at issues around the sale of fireworks and the noise etc. but he wouldn't be supporting this motion.

Councillor England said many residents of Adeyfield West enjoy fireworks and many do not. Over a long period fireworks have become more affordable for more people so it is important to recognise it has the effect of putting more people and pets in closer proximity to more fireworks. There is a problem here, some of these people may be ex-services that would like to see anything done to address this at any level of government. This motion is a way to find some level of accommodation between the extremes of feelings of bouts, a back garden private choice of one household which can be heard, smelt and felt by the whole community and crucially at the level of individual distress. On the demand side this council can assist its residents by promoting good neighbourly behaviour and that is part of what we're here for, and we could call for a 21<sup>st</sup> century reconsideration of how to enjoy celebrations when gardens are getting smaller and the effects on neighbourhoods are better understood. On the supply side, by developing choice on the responsible end of the product range, we would be able to respond locally to demand while community impact is moderated. He accepted that the effects we can achieve may be small, but if you view them at an individual level they are worth having. As a council we can signal this move in many ways and this message would look good on the council website, we can achieve an improvement on quality of life for our ward residents. He hoped many members would support this motion.

Councillor Griffiths said she would be voting against the motion on the basis that full council wasn't the way to develop policy. Full council doesn't give the option for members to scrutinise and have a full debate. She recalled a couple of years ago that we created an information pack for residents that could be found on our website and suggested we could reissue this information again. As a ward councillor for Leverstock Green and the executive of the Leverstock Green Village Association, she said they tried to co-ordinate a firework display every year so that residents can enjoy fireworks in a safe environment and do not need to go and buy fireworks themselves. She was concerned that due to coronavirus and the lack of firework displays this year that people may go and buy their own fireworks but that was unfortunately out of our control.

Councillor Tindall felt that full council was an appropriate place for opposition members to present motions and highlight matters of concern. He referred to Councillor Griffiths's point about information packs being made available to residents in previous years and advised that he was unaware of this so he felt that this proved that bringing matters to full council was an appropriate mechanism and had served a purpose.

Councillor Adeleke said he wouldn't be supporting the motion as it should be directed to the government rather than a local council. He felt it served no purpose to residents.

Councillor Uttley explained we were a nation of animal lovers in the UK yet through our own ignorance we often inadvertently cause them harm. This motion wasn't about stopping people doing what they want to do or to seek to take away the joy that people need, it is about education. With education comes change and change starts from the ground up which is why people look to local councillors for support and take interest in the information they provide. This motion was about raising awareness and understanding. She referred to the points about practicalities and suggested that there was time for a discussion and amendment if that was a concern.

Councillor Freedman thanked everyone for their contributions. He said there were many things we can do no matter how small and thanked Councillor Griffiths for sharing the

information on the packs used in previous years as this is what he was asking for. He agreed that major changes would need to be done nationally but that doesn't reduce the need for us to act locally. He advised that the motion didn't ask the council to enforce anything but to actively encourage with an education system through its existing forms of publishing and there would of course be a small cost for this. He finalised by saying this motion was in no way a political move as suggested by Councillor Williams and asked members to overlook political party when considering their vote for this motion.

A vote was held:

17 for,  
26 against,  
2 abstentions,

Therefore the motion failed.

The following Motion was proposed by Councillor Tindall and seconded by Councillor Williams:

The recent changes to planning law made by the Government are causing a stir across the country, removing the right of local people to have a say in the planning process.

In protecting the public's say in the planning process;

A. This Council notes:

1. The publication by Government of the White Paper, 'Planning for the Future' on 6 August 2020, which set out proposals on reforms to the planning process for the future.
2. That the vast majority of planning applications are given the go ahead by local authority planning committees, with permission granted to around 9 out of 10 applications.
3. That research by the Local Government Association has said that there are existing planning permissions for more than one million homes that have not yet been started.

B. This Council is concerned that the proposals seek to:

1. Reduce or remove the right of residents to object to applications near them.
2. Grant automatic rights for developers to build on land identified as 'for growth'.
3. Remove the consultation role of Parish and Town Councils to comment and make recommendations on local planning applications.

C. This Council Further Notes:

1. The Royal Institute for British Architects called the proposals 'shameful and which will do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes'. RIBA also said that proposals could lead to the next generation of slum housing.
2. The reforms are opposed by the all-party Local Government Association, currently led by Conservative Councillors.
3. That the reforms remove section 106 payments for infrastructure and proposes their replacement with a national levy, paid direct to councils and non-negotiable by developers.

D. This Council Believes:

1. That existing planning procedures, as currently administered by our own team in Dacorum Borough Council allow for local democratic control over future development, and provides an opportunity for local people to make contributions regarding planning proposals that affect them.
  2. That proposals for automatic rights to build in 'growth' areas, and increased permitted development rights, risk unregulated growth and unsustainable communities.
  3. That local communities must be in the driving seat on shaping the future of their communities, and local determination of the planning framework and planning applications play an important part in this process.
- E. This Council requests that, when considering the response from Dacorum Borough Council, the Strategic Planning and Environment O&S Committee takes into account the sentiments expressed in this motion.

A vote was held:

42 for,  
0 against,  
0 abstentions,

Therefore the motion was carried.

## **6. QUESTIONS**

1. To Councillor Williams from Councillor Symington:

"The government is keen to promote the roll out of 5G networks and has a target that the majority of the population will be covered by a 5G signal by 2027. As stated in 2017, the government 'wants to provide world class digital connectivity that is gigabit-capable, reliable, long-lasting and widely available across the UK – and to do so at pace.' In July 2020 the government announced it is taking forward proposals to simplify planning rules to speed up 5G rollout and improve rural mobile coverage.

Could the portfolio holder please confirm that Dacorum Borough Council will work with stakeholders to promote and facilitate the roll-out of 5G networks to ensure the residents of Dacorum benefit at the earliest opportunity from the commercial and personal benefits of super-fast broadband connectivity?"

Councillor Williams said the borough had always supported improved broadband facilities, whether it was 5G or fibre cables across the borough, we recognise the importance of both in the commercial and residential sector for maximum possible connectivity to support businesses. He wasn't sure that the borough council had a massive role in this, the planning process for telecommunications providers had always been generous in the permissions that they're able to implement, and if the government is further relaxing that as Councillor Symington has stated it does give flexibility to telecoms providers to install the equipment and improve the network. He said there has to be a small degree of caution on that and there are some public concerns about the installation of some of this equipment and there has to be a role in the process for that. There also has to be a degree of understanding that we expect some sort of consideration from telecoms providers about where and when they install the equipment. He said the amount of power and legislation that supports the objective of delivering 5G and other forms of connectivity across the country is already very much in favour of the telecoms providers to enable them to deliver the standards of communication that Councillor Symington refers to.

Councillor Symington felt Councillor Williams only answered part of her question. She requested that we do follow through with the work we need to do to see this through.

Councillor Williams said the powers that mobile network providers have are quite significant in planning terms, it is very few of the applications that actually come through the planning process in full. He said there were a number of 5G masts that have appeared around Hemel Hempstead over the last six months that were delivered under the powers that the operators have to install these. The vast majority of the installations do not go through a full planning process because the legislation favours the installation of this equipment and favours the fastest possible roll out of it. He said there were very few occasions when they come to a planning committee and when they do it is usually because there is a reason why they effect a particular property or neighbourhood and the process should take place. A vast amount of equipment is installed under delegated authorities or permissions and he felt that the planning process was a positive contribution rather than a hindrance towards the improvement of the system.

2. To Councillor G Sutton from Councillor Tindall:

“Dacorum Borough Council rightly set a high target for the provision of affordable housing in new developments of 40% in its supplementary planning document on affordable housing dated 25/9/2013. Unlike a number of other local authorities, Dacorum Borough Council policies allow that C2 land need not contribute to affordable housing provision. As the definition of ‘extra-care’ is not defined in law, there is scope for developers to bring forward schemes which do not meet the spirit of the exemption to providing affordable housing. Would the portfolio holder consider revising the supplementary planning documents to prevent this happening by bringing Dacorum Borough Council’s policies in line with those of other local authorities?”

Councillor G Sutton said they have been working on a new policy for affordable housing in the new local plan to address current and future issues. He said they were aware that one of the specific issues was over the provision of care facilities and the affordability of care facilities through increasing proportion of our older and less able residents. The delivery of these types of schemes has specific liability issues that may require exemptions to the normal affordable housing policies, however such matters will need careful consideration to ensure that they are genuine community needs for care are secured in perpetuity and not to the detriment of the supply of affordable properties. The local plan policy will set the basis of our approach to affordable housing generally and we will need in due course to add to this through the new affordable housing supplementary planning document to add necessary and appropriate detail.

Councillor Tindall asked if the portfolio holder agreed that as extra care facilities were not envisaged in 2013 that an update on the policy is needed urgently in order that profiteering developers cannot take advantage of this loophole in the law which we unfortunately were unaware of until the first example recently.

Councillor G Sutton agreed that we do need to investigate further as there are issues around this. The current proposals for site LA4 at Hanburys, Shooters Way in Berkhamsted for an extra care residential development. This application is under consideration and will be coming in due course to the development management committee for determination and is expected to be at the meeting on 15 October. Officers are currently addressing the issue of extra care housing on the site against the council’s current policies and advice from Hertfordshire County Council and this will be set out to members in the report to DMC.

Councillor Tindall asked if the portfolio holder agreed that when presenting the report it would be good to include the detail of the various legal actions that councils have taken

successfully in order to prevent this happening elsewhere and to explain why we have the loophole at present.

Councillor G Sutton replied he would raise that with the responsible officers.

3. To Councillor Elliot from Councillor Symington:

“Could the portfolio holder confirm that the total payments made to Everyone Active to date amount to £825k? At the Finance and Resources Overview and Scrutiny committee meeting on 7 July 2020, it was stated: ‘in relation to Everyone Active the only supplier relief they have received at this stage was the management fee being waived for the first five months of the financial year’. However, the report to the F&R OSC meeting on 8 September 2020 states that ‘an initial support payment of £205k was made to allow EA to top up the furlough pay for their staff to 100% of salary in the first 3 months of closure. A second support payment of £320k has been agreed relating to July to September to support reopening of leisure services across Dacorum,’ in addition to the previously reported £300k management fee rebate.”

Councillor Elliot said this question was raised at the finance and resources overview and scrutiny committee on 8 September and was responded to by Mark Brookes. He advised that the information provided was confidential and commercially sensitive and must not be disclosed to any third parties or discussed in any public forum so he was unable to discuss the matter at this meeting.

Councillor Symington thanked Mark Brookes for his email. She said the information she quoted was taken from minutes of the finance and resources overview and scrutiny committee on the council’s website. She highlighted the in-year pressure of £2.5m and the £825k to Everyone Active and then asked if the portfolio holder recognised that is a large percentage of the pressure that we are facing as a council and our current in-year projected deficit.

Councillor Elliot replied that St Albans and Watford had provided the same level of support and possibly at the same percentage as we have to their leisure centres. He said that we needed to provide this support to keep our leisure centres open and had no other option.

Councillor Symington said she wasn’t commenting on what other councils were doing and whether they were right or wrong, she was interested in what we were doing with public money and that is why she was asking this question. She felt as much information as possible should be in the public domain.

Councillor Elliot said he couldn’t answer Councillor Symington’s question following advice from the council’s solicitor.

The Mayor suggested that Councillor Elliot could provide Councillor Symington with a confidential written response. Councillor Elliot agreed.

4. To Councillor Elliot from Councillor Symington:

“The Council is projected to suffer a £5.8m pressure on finances for the current year. In the light of this, does the portfolio holder think they could reconsider their position on turning down grants from the Football Association amounting to £200k which would enable local clubs to upgrade Dacorum Borough Council owned football pitches? “

Councillor Elliot replied we were responsible for football pitches, particularly the health and safety aspect. He said the grant wouldn’t come to us, it would be given to us on a separate

entity who would be looking after the pitches but we would still be responsible for the health and safety. He felt this would be outside of our control. He said he understood from the football association that the grant would be for football pitches only and would preclude it from being an open space for general public and other uses and that is why we were not prepared to go down that route.

Councillor Symington said it was her understanding that other authorities were able to work under this arrangement and asked what differentiates our policies to other councils that prevents us from using these funds.

Councillor Elliot replied he was unaware of any other councils that operated in this way so he was unable to make a comparison. He suggested Councillor Symington could give him some examples and he would come back to her.

5. To Councillor G Sutton from Councillor Symington:

“The land at the top of Durrant’s Lane, on the corner of Shootersway, was part of a S106 agreement with the developer, Taylor Wimpey and with the intention to provide a community facility in the form of football pitches and general amenity space. The land has been transferred to Hertfordshire County Council but has not been delivered up for use by the community, either in the form of amenity space or football pitches. What can the portfolio holder do to ensure that the policies of the planning department and intentions of the Council in terms of providing amenity space to the community are followed through on and that the community has access to the land set aside for its use?”

Councillor G Sutton explained the land referred to has been transferred to Hertfordshire County Council and DBC property officers were liaising with them on this matter. They have passed details over to HCC of a local sports club who were now liaising directly with them with the view of them taking on the space for local use. The delivery and management of other sports pitches and facilities is an important issue for the borough and one we are addressing within the new local plan.

Councillor Symington asked what can we do to facilitate this and how can we actually make it happen to ensure the land is used by the people in the local community.

Councillor G Sutton replied that the arrangements were subject to negotiations and as this was a HCC matter he was unable to make any further comment.

Councillor Symington asked how we could link up the policies to ensure they’re actually carried through. Councillor G Sutton said he would discuss the matter with the officers and let her know.

## **7. BUSINESS FROM THE LAST COUNCIL MEETING**

None.

## **8. CABINET REFERRALS**

None.

## **9. OVERVIEW AND SCRUTINY REFERRALS**

None.

## **10. CHANGES TO COMMITTEE MEMBERSHIP**

None.

## **11. CHANGES TO COMMITTEE DATES**

The following changes to committee dates were agreed:

- Additional Strategic Planning and Environment Overview and Scrutiny Committee on 30 September.

## **12. ANY OTHER BUSINESS**

The Mayor advised that this will be the last full council meeting with our current Chief Executive Sally Marshall.

The Group Leaders, Councillor Williams and Councillor Tindall, and also the Mayor Councillor Douris, shared words of appreciation and recognition to Sally Marshall and wished her all the best for the future. Sally Marshall shared fond memories of her time at Dacorum and thanked her colleagues for their support and wishes.

The meeting ended at 9.20 pm.

# Agenda Item 5a

Motion to Council

Proposed by Councillor Ron Tindall

This Council believes that the Government's centrally-determined targets for housing development in the Borough will adversely affect the development of the Dacorum Local Plan, forcing high levels of new housing onto green belt land.

This Council therefore requests

- the Leader of the Council to write to the Ministry of Housing, Communities and Local Government asking that the figure of 922 per annum be revised downwards in line with the figures of the Office of National Statistics which are based on housing starts of 170-200,000 per annum rather than the Government target of 300,000, and
- A copy of that letter be sent to the Borough's two Members of Parliament with a request that they make representations to the Secretary of State in support of the Council's position



MOTION proposed by Councillor Symington

1. This Council notes:

- a. That numbers of pupils entitled to Free School Meals are rising fast.
- b. That every child who is entitled to Free School Meals is a sign of a family under significant financial pressure.
- c. That this picture of increasing child poverty is supported by the rapid rise in the number of families dependent on food banks.
- d. That children who are hungry are less able to learn and thrive at school.
- e. That the extension of the school meals voucher scheme (campaigned for by Marcus Rashford) to cover the period of the summer holiday was incredibly important and valuable to families in food poverty.
- f. The very welcome commitment from Education Minister in the Welsh Assembly, Kirsty Williams, to guarantee free school meal provision for school holidays until at least Easter 2021.

2. This Council recognises that the second lockdown will lead to further increases in child poverty and

- a. supports the calls by the Child Food Poverty Task Force, supported by Marcus Rashford and many leading food suppliers and producers, for the expansion of free school meals provision to every child whose family is in receipt of Universal Credit or equivalent, or with a low-income and no recourse to public funds.
- b. calls for the provision of food vouchers to cover school holidays and periods of lockdown for all families in receipt of Universal Credit or with low-income and no recourse to public funds.
- c. asks that Healthy Start vouchers should be increased in value to £4.25, and expanded to be made available to all those in receipt of Universal Credit or with a low-income and no recourse to public funds.

3. Therefore this Council resolves to write to the Secretary of State for Education and the Chancellor of the Exchequer to call for

a. extend eligibility for free school meals to every pupil whose parents or guardians are in receipt of Universal Credit

b. food vouchers for every one of those pupils in every school holiday and during any period of lockdown in which schools are closed

c. extended eligibility for free school meals to pupils from low-income families whose parents or guardians have no recourse to public funds or who are destitute asylum seekers under s4 of the Immigration and Asylum Act 1999

## Cabinet referrals

22 September 2020

### 8.1 CA/076/20 BUDGET MONITORING Q1 REPORT

#### Decision

That Cabinet consider the budget monitoring position for each of the above accounts and:

#### RESOLVED TO RECOMMEND:

1. **Recommend to Council approval of the revised capital programme to move £7.3m slippage identified at Quarter 1 into financial year 2021/22 as detailed in Appendix C.**
2. **Recommend to Council approval of supplementary revenue budgets as follows:**
  - **Supplementary budget of £140k in The Forum premises budget to fund the costs of ensuring the building is safe for staff to return under Coronavirus.**
  - **Supplementary budget of £60k in the Premises Insurance budget to fund additional costs of Uninsured Losses, to be funded from the Uninsured Losses reserve.**
  - **Supplementary budget of £253k in the Building Control service to fund the final settlement of Work in Progress following the transfer of the service to Hertfordshire Building Control. This is to be funded from the Management of Change reserve.**
  - **Supplementary budget of £33k in the Garage service, funded from the Invest to Save reserve, to fund a specialist project manager to lead on improvements to the garage letting process.**
3. **Recommend to Council approval of supplementary capital budgets as follows:**
  - **A capital budget of £90k in the Waste and Recycling Capital budgets for new Wheeled Bins.**
  - **Additional budget of £400k in the Fleet Replacement Budget, to fund additional vehicles.**
  - **Capital budgets of £24k and £19k to fund electrical upgrade works at Berkhamsted Civic Centre and Victoria Hall Tring respectively.**
  - **Capital budget of £15k for essential roofing improvements at The Denes.**

#### Corporate objectives

Ensuring efficient, effective and modern service delivery.

**Deputy Section 151 Officer:**

This is a Deputy S.151 Officer report.

**Monitoring Officer:**

No comments to add to the report.

**Advice**

Councillor Elliot introduced the report to members. He stated that since the report was written, significant data has been made available which has updated the forecast pressure and is superseded by the Covid-19 update report next on the agenda. The report has been taken to Finance and Resources OSC for information.

Recommendations agreed.

**8.2 CA/078/20 LOAN AGREEMENT WITH WEST HERTS CREMATORIUM COMMITTEE**

**Decision**

**RESOLVED TO RECOMMEND:**

- 1. a £6m loan to the partner authorities of the West Herts Crematorium Joint Committee (WHCJC), and a supporting Deed of Contribution and Indemnity and delegate authority to the Corporate Director , Finance and Operations in consultation with the Portfolio Holder for Finance and Resources to finalise terms of the required legal documentation.**
2. That Cabinet delegate authority to the Assistant Director of Finance and Operations in consultation with the Assistant Director, Corporate and Contracted services to agree a land management or lease agreement with one or all of the partner authorities of WHCJC for the proposed crematorium site on Bedmond Road.

**Corporate objectives**

Ensuring Economic Growth and Prosperity

**Monitoring Officer:**

The loan will be documented in a formal loan agreement made between Dacorum as the lender and the partner authorities of Watford, Hertsmere, St Albans and Three Rivers District Council as the borrowers. Dacorum's liability for its proportionate share of the loan in the event of default is documented in the supporting Deed of Contribution and Indemnity.

**Deputy S.151 Officer**

The comments of the Deputy S151 are included in the body of this report.

**Advice**

Councillor Elliot introduced the report to members and this project was a joint venture with the West Herts Joint Crematorium Committee. If agreed, this report will agree a loan of £6m

for the building of the crematorium over the next 20 years. The land is owned by Dacorum so we will receive income from the site plus we are charging interest on the loan at 2%. The recommendations delegate authority to the Assistant Director of Finance and Resources and the Portfolio Holder to finalise the legal documents after the outcome of the planning application.

N Howcutt said the first recommendation referred to the lease of the land and we have worked in partnership with the four other members of the West Herts Joint Crematorium Committee on this project.

Councillor Williams noted the financial aspects of the report and said this would be a good social facility for residents of Dacorum especially with severe capacity issues at Garston.

Recommendations agreed.

## **20 October 2020**

### **8.3 CA/087/20 TREASURY MANAGEMENT REPORT**

#### **Decision**

#### **RESOLVED TO RECOMMEND**

**The acceptance of the report on Treasury Management performance in 2019/20 and the Prudential Indicators for 2019/20.**

#### **Corporate objectives**

Optimising investment income for General Fund and Housing Revenue budgets whilst managing investment risk is fundamental to achieving the corporate objective of ensuring efficient and modern service delivery.

#### **Monitoring Officer**

No comments to add to the report.

#### **Deputy Section 151 officer**

This is a Deputy S151 Officer report.

#### **Advice**

Councillor Elliot introduced the item to members. This report is a statutory requirement for the Council to provide an annual performance report on treasury management activities, and this report fulfils that requirement. The report outlines the financial performance of DBC's treasury management function for 2019/20, covering the borrowing and investment performance. The report is self-explanatory, but a key point worth highlighting is that during 2019/20 the council achieved an average rate of return of 0.81%, which represented a year-on-year improvement of 0.12% which equated to an average increase in the rate of return of 17%.

There were no questions.

Recommendations agreed.

#### **8.4 CA/088/20 MEDIUM TERM FINANCIAL STRATEGY**

##### **Decision**

##### **RESOLVED TO RECOMMEND**

**The approval of the revised Medium Term Financial Strategy for the period 2020/21 – 2024/25, including the recommendations at Section 2 of the Strategy.**

##### **Corporate objectives**

The Medium Term Financial Strategy supports the delivery of all five of the Corporate Objectives.

##### **Section 151 Officer**

This is a S151 Officer report.

##### **Deputy Monitoring Officer**

No comments to add to the report.

##### **Advice**

Councillor Elliot introduced the report to members. The MTFFS has been much more challenging to pull together this year than in previous years due to the unprecedented economic uncertainty caused by Covid. Assumptions are an inherent part of forecasting, but the unknown severity and duration of the expected recession means that all the forecasts in this report are subject to potentially significant change over the coming months. The detail behind the forecasts and the rationale behind them are outlined in the report, but key points to note are that the underlying savings requirement to deliver a sustainable council into the medium-term remains the same as it was last year at £1.8m over the 4 years. The financial impact of Covid based on available evidence and the assumptions in the report is currently estimated to be £10m between the current year and 2024/25. The fundamental element of the recommended strategy is that the Council separates out the underlying savings requirement from the Covid impact. It's recommended that the Council continue to seek efficiencies to deliver the underlying requirement of £1.8m, and treats the Covid pressure as a time limited pressure that can be funded from one-off sources, i.e. reserves. It is planned that MTFFS updates to Members be increased in frequency over the coming months to effectively monitor both the forecasts and the robustness of the recommended strategy.

Councillor Birnie referred to page 32, paragraph 6.3 and sought clarification on the revenue support grant.

J Deane responded by saying the report shows the change from the previous MTFFS. When the four year deal came out in 2016, it was scheduled to end in 2020 and another multi-year deal was supposed to replace it. There was a roll over because the government's new deal was not ready in time so we had already planned to have a reduction in funding over that

period so as we managed to increase our efficiencies and the government funding was kept the same, this has created a gap and we are going to get more than we thought we would.

Recommendations agreed.

## **8.5 CA/089/20 LOCAL PLAN CONSULTATION DRAFT**

### **Decision**

#### **RESOLVED TO RECOMMEND**

- 1. That the Emerging Strategy for Growth (Appendix 1) is published for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).**
2. That Cabinet consider the views of Strategic Planning and Environment Overview and Scrutiny Committee and officer response (Appendix 5) and to set out any changes to be made to the consultation document.
3. That the temporary changes needed to the Statement of Community Involvement (SCI) (Appendix 2) be approved to ensure the consultation can take place in accordance with the approved Local Development Scheme.
- 4. That authority is delegated to make changes to the Emerging Strategy for Growth , including any necessary to reflect the Cabinet's and/or Council discussions and decision, to the Assistant Director Planning, Development and Infrastructure in consultation with the Portfolio Holder for Planning and Infrastructure.**

### **Corporate objectives**

The Council's Local Plan helps support all 5 corporate objectives:

- *Safe and clean environment:* e.g. contains policies relating to the design and layout of new development that promote security and safe access;
- *Community Capacity:* e.g. provide a framework for local communities to prepare area-specific guidance such as Neighbourhood Plans, Town / Village Plans etc.;
- *Affordable housing:* e.g. sets the Borough's overall housing target and the proportion of new homes that must be affordable;
- *Dacorum delivers:* e.g. provides a clear framework upon which planning decisions can be made; and
- *Regeneration:* e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead Town centre, Two Waters, Hemel Hempstead and the Maylands Business Park.

### **Deputy Monitoring Officer:**

The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements and statutory procedural arrangements for preparing Local Plans, which include the requirements to consult.

The recommendations in this report comply with statutory requirements and procedures under the Councils Constitution.

### **Deputy S.151 Officer**

There are no direct financial implications as a result of consulting on the proposed Dacorum Plan.

### **Advice**

Councillor G Sutton introduced the report to members. This report was a culmination of a great deal of work by members and officers to set out the draft proposals in the Local Plan. If agreed by Cabinet, the report will be recommended to council to approve the draft plan to go out to public consultation under regulation 18. The draft plan has been considered in depth by the Strategic Planning and Environment Overview and Scrutiny Committee and their recommendations are detailed in appendix 5 of the report. Councillor G Sutton thanked the committee and the work of the members on the Task and Finish group to help guide and shape the content of the plan and its proposals. This draft plan is the most ambitious and challenging that Dacorum has faced and there has been a major step change in the provision of new housing and development required by central government but the challenge is to also protect the green belt and a high quality environment. The plan allows for a further 16,000 homes between 2020-2038 with a major expansion of Hemel Hempstead planned and a complete transformation of the town as part of the Hemel Garden Community plans. Major developments are also planned in Berkhamsted and Tring with smaller development in the surrounding villages. The council have engaged extensively with adjacent and nearby councils under the duty to cooperate. The plan is in draft form for consultation with residents, developers, land owners and other stakeholders. The consultation will begin at the end of November through to January and has been extended by two weeks to take account of the Christmas and New Year period. After the consultation has closed, the team will take into account the views expressed and move onto the publication stage and for the public to comment on the final plan in June 2021. It will then be submitted to the Secretary of State to conduct a public examination. He explained that the consultation will look different this year due to covid-19 but the team are doing everything possible to make sure it is accessible in a covid secure way.

Councillor Birnie was concerned that some of the evidence base behind the plan are not yet published and asked if there was a timeline for when these would be available. He also referred to paragraph 3.8 about the Infrastructure Delivery Plan and asked what would happen if it is not delivered in time.

J Doe responded that the draft Local Plan is complete. There may be some changes through refinements before it goes out to consultation which is allowed for in recommendation four. He said what is important is that the evidence base is complete when the plan is published. The Infrastructure Delivery Plan is a piece of work that is ongoing with Herts County Council and a range of other infrastructure providers. The plan is highly advanced but there are some gaps that need to be filled and the team are meeting with Herts County Council every month to work on these. He said it was essential that this plan is available when the local plan has been submitted and said he was confident this would be ready.



A Robinson referred to the list of items at appendix three and said a majority of these have reached an advanced stage in draft form. The studies that are complete will be published but there will be studies that will continue beyond this upcoming consultation but they will be finalised at regulation 19 stage.

Councillor Anderson paid tribute to the efforts of officers to get the plan to this stage. He said he supported the plan going out to consultation but under the heading we do so because we have to. He asked for clarification about the local plan's position on requiring developers to replace trees lost as it seems the plan contradicts itself. Also he hoped that as a result of the consultation, we could be in a better position to require more sustainability and referred to the issue of allow proposals for solar farms to come forward where land is protected.

A Robinson said the local plan sets out requirements for tree planting and will result in a net increase of tree coverage. In developments that are proposing a loss of trees, the plan requires developers to plant additional trees above and beyond the original provision. He confirmed he would check the document to make sure this is clear. In relation to sustainability, the local plan takes into account the council's climate change resolution and the policy set out in the plan seeks to ensure developments come forward and deliver net reductions in emissions, prioritising a fabric first approach. In order to reach the overall targets, it is inevitable that onsite renewable energy will be required in specific sites. The policy is drafted so that standalone energy schemes are encouraged in appropriate locations and balanced with the wider objectives alongside the protection of wider landscapes.

Councillor Birnie referred to appendix five and the officers reply to the recommendations made by SPAE OSC on point 1 and 2 about developments on green belt sites after 2038.

A Robinson clarified the Local Plan's position. The north Hemel Hempstead site (Phase 2) is to be removed from the Green Belt and safeguarded to meet longer term needs, beyond 2038.

Councillor Birnie asked about the officer's response to point 3 and what was meant by community engagement.

J Doe said once masterplans had been produced in draft form, they will come to Cabinet for approval. There are a range of consultation measures which can include members and the future of the task and finish group needs to be considered.

Councillor Williams confirmed that supplementary planning documents are subject to Full Council approval. He said this plan places significant challenges on the borough and if housing targets were not imposed by central government, the plan could have followed a different route. He highlighted that these housing targets could change over the consultation period.

Recommendations agreed.

## **8.6 CA/091/20 CAR PARKING SUPPLEMENTARY PLANNING DOCUMENT**

### **Decision**

#### **RESOLVED TO RECOMMEND**

- 1. That the draft SPD is adopted.**
2. That authority to make changes to the documents, including any necessary to reflect the Cabinet's discussions and decision, be delegated to the Assistant Director Planning, Development and Infrastructure in consultation with the Portfolio Holder for Planning and Infrastructure.

### **Corporate objectives**

Having a clear set of standards to govern parking requirements for new development will help support the following objectives:

- *Safe and clean environment:* e.g. support policies in the Local Plan that promote a safe built environment
- *Dacorum delivers:* e.g. helps provides a clear framework upon which planning decisions can be made.

### **Deputy S151 Officer**

No further comments to add to the report.

### **Deputy Monitoring Officer**

The SPD will ensure that the Council's standards are consistent with the latest government guidance and should assist consistent decision making and reduce the likelihood of successful challenges to planning decisions

### **Advice**

Councillor G Sutton introduced the report to members. This report follows consultation and consideration by SPAE OSC on 28 July 2020 and this is the amended draft of the new policy reflecting the views expressed at SPAE OSC for the revision of parking spaces in new developments. The proposed policy aims to secure sufficient levels of onsite parking and marks a departure from previous government guidance on maximum standards to minimum ones and so the requirement has to be met or exceeded. There is also a provision for electric charging points.

Councillor Guest asked what the timetable was for this policy being adopted.

Councillor Williams confirmed it would go to Full Council in November and be implemented immediately.

Councillor Guest ask what the evidence base was for the accessibility zones with lower levels of parking.

A Robinson said this was linked to historical evidence from previous census reports and other aspects including the location of services in these areas.

Councillor Anderson seconded the adoption of the policy and said he asked for this issue to come before the SPAE OSC when he was chairman and has seen its progress and was pleased to see the council were moving to adopt a minimum parking standard. The impact on maximum standards has been huge.

Councillor Birnie thanked officers for taking on board the comments and views of SPAE OSC. He said he was unclear on how parking provision within industrial sites are calculated. The overspill from developments into residential areas causes problems.

A Robinson said the standard is set out in appendix three which looks at floor space requirements which stems from the accessibility zones and earlier work carried out by Markides. He said the issue of lorry parking was being addressed in the Local Plan with the inclusion of a proposal to provide additional lorry parking in the borough.

Councillor Griffiths asked if this additional lorry parking referred to HGV vehicles or smaller commercial vans.

A Robinson said it focused on larger HGV vehicles. The parking standards for small commercial vehicles tie into the SPD.

Councillor Tindall asked about controlling growth in industrial areas especially at Christmas time where additional lorries and larger vehicles are present.

A Robinson said the SPD does include guidance to cover service vehicles.

Councillor Williams said this issue should partly be addressed by having better parking provision when built, these existing buildings were constructed a while ago and it is now difficult to deal with historical issues. He thanked officers for their work and said it was a hard task trying to reach a consensus and dealing with members expectations on what could be achieved but was pleased that the council was moving to minimum standards.

Recommendations agreed.

## **8.7 CA/092/20 HERTS GROWTH BOARD – SECTION 101 COMMITTEE**

### **Decision**

#### **RESOLVED TO RECOMMEND**

- (1) Agree to the establishment of the Hertfordshire Growth Board Joint Committee and Hertfordshire Growth Board Scrutiny Joint Committee and delegate such functions to the committees as set out in the annexed Hertfordshire Growth Board - Integrated Governance Framework and annexed Terms of Reference and Standing Orders for each committee.**
- (2) Adopt the Hertfordshire Growth Board - Integrated Governance Framework into the Councils own constitutional framework and delegate authority to the Assistant Director, Corporate and Contracted Services to make any required changes to the Council's constitution to give effect to the Governance Framework.**
- (3) Agree that the Council's nominated representative on the Hertfordshire Growth Board Committee shall be Councillor Andrew Williams as Leader of the Council and the approved substitute shall be Councillor Margaret Griffiths as Deputy Leader**
- (4) Delegate authority to the Leader of the Council to nominate the Council's representative on the Hertfordshire Growth Board Scrutiny Joint Committee and approved substitute.**

**Corporate objectives**

The proposed joint committee will support growth across Hertfordshire and will therefore help to ensure economic growth and prosperity.

### **Monitoring Officer**

Local authorities are able to constitute joint committees with other authorities to discharge functions as set out in Sections 101 and 102 of the Local Government Act 1972; Section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

The functions proposed to be delegated to the Joint Committee are set out in section 4 of the Terms of Reference document annexed to this report but Members will note that Section 4.3 clarifies the specific statutory functions which are excluded from this delegation.

### **S151 Officer**

There are no direct budgetary implications for DBC arising from the recommendations in this report. Any future DBC contributions to joint projects shall be subject to the Council's internal approval processes, and membership of the Growth Board does not fetter its discretion.

### **Advice**

Councillor Williams introduced the report to members. The Herts Growth Board has been operating for the last few years and is made up of the 10 councils in Hertfordshire, represented by their Leader and Chief Executive. This report is going to all councils in Hertfordshire and requires agreement from them all for this to be effective. This committee would enhance the group's negotiating position with the government.

There were no questions.

Recommendations agreed.



<b>Report for:</b>	<b>Council</b>
<b>Date of meeting:</b>	<b>18 November 2020</b>
<b>Part:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Review of Statement of Licensing Policy - Licensing Act 2003</b>
<b>Contact:</b>	<i>Referral from Licensing and Health &amp; Safety Enforcement Committee</i> Author/Responsible Officer: Nathan March – Licensing Team Leader (Corporate and Contracted Services) Farida Hussain – General Manager (Corporate and Contracted Services)
<b>Purpose of report:</b>	To receive a report on a matter referred from the Licensing and Health and Safety Enforcement Committee, concerning the adoption of revised statutory licensing policy statement in respect of alcohol and entertainment.
<b>Recommendations</b>	That Council adopts and publishes in accordance with statutory requirements:- The attached draft Statement of Licensing Policy as the Council's 'Statement of Licensing Policy' for the five-year period from 7 January 2021 to 6 January 2026
<b>Corporate Objectives:</b>	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> <li>• Delivering an efficient and modern council</li> </ul>

Implications:	<u>Financial</u> None identified.
'Value For Money Implications'	<u>Value for Money</u> None identified.
Risk Implications	Adoption of revised policy statements is a statutory requirement, and failure to correctly fulfil that requirement may have adverse legal and reputational consequences. All pre-requisite actions to the adoption of policies have been fulfilled, and if adoption is agreed officers will ensure that necessary actions are taken to publish and disseminate the revised policies, in accordance with statutory requirements.
Community Impact Assessment	A Community Impact Assessment has been carried out and no adverse implications have been identified arising from this report.
Health And Safety Implications	None identified
Monitoring Officer/Deputy S.151 Officer Comments	<b>Deputy Monitoring Officer:</b> The Licensing Act 2003 places a legal duty on the Council to create a Statement of Licensing Policy every 5 years. The recommendations in this report satisfies the statutory requirements.  <b>Deputy S.151 Officer</b> All Council activities carried out under the remit of the updated Statement of Licensing Policy will be delivered under existing approved budget provision.
Consultees:	Public consultation was carried out over an 8-week period in August and September 2020; the results were reported to the Licensing and Health and Safety Enforcement Committee on the 28 October 2020 and the changes requested were incorporated during the preparation of the final draft policy statements.
Background papers:	Draft Statement of Licensing Policy 2021-2026  Review of statement of licensing policy - licensing act 2003 report - presented at Licensing and Health and safety Enforcement Committee on 28 October 2020
Glossary of acronyms and any other abbreviations used in this report:	

## Background

1. The licensing of alcohol supplies, regulated entertainment and late night refreshment under the Licensing Act 2003 is one of the most significant regulatory regimes under which the Council has statutory responsibilities.

2. The Act requires licensing authorities (district councils or unitary authorities) to publish a written policy, setting out how they intend to exercise the licensing and enforcement powers conveyed to them; the principles that they will follow, and their expectations of licensees. The policy must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
3. The Council's licensing officers, in conjunction with the Licensing and Health and Safety Enforcement Committee ('the Licensing Committee'), have reviewed the Council's current policy statement over the past few months, and prepared a revised version. In the course of this work, public consultation was carried out on the proposed revisions in August and September, with feedback in particular sought from the agencies and representatives stipulated in the Act. The results of the public consultation were reported to the Licensing Committee on 28 October 2020.
4. The draft policy statement under the Act has been amended to reflect changes in recent years to both pieces of primary legislation, significant case law, and the experiences of the Council as licensing authority in carrying out its functions. The aim is to provide clear and concise documents summarising the aims and expectations of the Council as licensing authority, and to guide the exercise of delegated powers by both officers and members of the Licensing Sub-Committees when they determine actual licensing applications under both Acts.
5. Following the consultation, suggested amendments were incorporated into the draft policy for the Licensing and Health and Safety Enforcement Committee to consider prior to endorsing the policy. These amendments were all agreed and one addition was also requested which was incorporated and confirmed to be sufficient with the Chair of the meeting prior to this referral to Council.
6. The Licensing and Health and Safety Enforcement Committee resolved to endorse the draft policy statement and recommend them to Council for approval and adoption. The power to approve and adopt new or revised policies must be exercised by full Council, and cannot be delegated to a committee or officers.

### **Recommendations**

7. That Council adopts and publishes in accordance with statutory requirements:-
  - (1) The attached draft Statement of Licensing Policy as the Council's 'Statement of Licensing Policy' under section 5 of the Licensing Act 2003 for the five-year period from 7 January 2021 to 6 January 2026.



# Statement of Licensing Policy

under the Licensing Act 2003

## 2021 – 2026



Date of publication	
Version no.	1.0 DRAFT
Date of expiry	

Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers



## Contents

<b>Introductory information .....</b>	<b>2</b>
1. About Dacorum .....	3
2. About this document.....	5
<b>Part A: Exercising our powers .....</b>	<b>8</b>
3. General principles.....	9
4. Licensable activities.....	10
5. Licensing objectives.....	11
6. Licensing Authority functions.....	15
7. Responsible authorities and other persons.....	16
8. Representations and reviews.....	19
9. Applications.....	20
10. Licensing hours.....	22
11. Licence conditions.....	23
12. Enforcement.....	26
13. Exchange of information.....	27
14. Digital services.....	27
<b>Part B: Further considerations .....</b>	<b>28</b>
15. Pre-Application Advice.....	29
16. Cumulative impact.....	29
17. Security.....	31
18. Drugs and new psychoactive substances.....	33
19. Public health.....	<b>Error! Bookmark not defined.</b>
20. Child sexual exploitation.....	36
21. Film classifications.....	38
22. Outdoor events.....	40
23. Use of multiple Temporary Event Notices for single events.....	40
24. Other relevant considerations.....	42
<b>Part C: Other regulatory controls .....</b>	<b>44</b>
25. Special licensing policies.....	45
26. Public space protection orders.....	47
27. Fire safety.....	47
28. Planning and building control.....	48
29. Promotion of equality.....	49
30. Copyright restrictions.....	50
<b>Annexes.....</b>	<b>51</b>
Annex A – Delegation of functions.....	52
Annex B – Useful resources.....	54
Annex C – Contact details.....	56

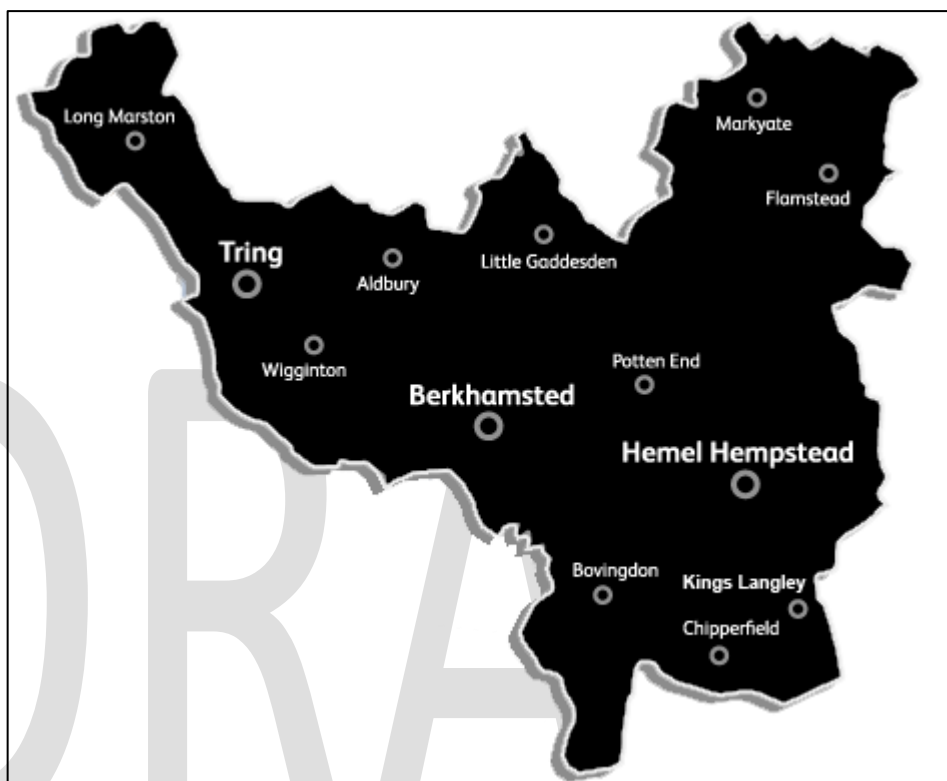
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# Introductory information



## 1. About Dacorum

- 1.1. Situated in western Hertfordshire, Dacorum is a borough with a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages, from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.



- 1.2. One of the first 'New Towns' built after the Second World War, Hemel Hempstead's development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.
- 1.3. Much of the rest of the borough is rural, including two market towns: Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, our communities value their rural heritage, and the conservation of historic buildings and landscapes are important considerations. We know that our communities expect good, modern services and thriving town centres. Dacorum Borough Council works closely with the town and parish councils which represent communities in rural areas of the borough, to deliver these aims.
- 1.4. Dacorum has a population of 144,800<sup>1</sup>, the largest of the Hertfordshire districts. Further information about Dacorum and the demographics of its populace can be found in the 'Statistics about Dacorum' area of the council's website<sup>2</sup>.
- 1.5. The majority of the borough's licensed premises fall in and around the main urban areas, with particularly high concentrations of licences in Hemel Hempstead in the historic Old Town, and the Jarman Fields leisure complex, as well as around the High Streets of Berkhamsted and Tring.

<sup>1</sup> Office of National Statistics, Census 2011 (published July 2012)

<sup>2</sup> [www.dacorum.gov.uk/home/community-living/statistics-about-dacorum](http://www.dacorum.gov.uk/home/community-living/statistics-about-dacorum)

- 1.6. Licensed premises can also be found in many of the community centres in outlying areas of Hemel Hempstead, while village pubs and shops are prevalent in many of the more rural communities.
- 1.7. Dacorum is also home to a number of nationally recognised destinations and historic sites, with places such as the Ashridge Estate, Berkhamsted Castle, the Snow Centre in Hemel Hempstead, and Champneys in Tring attracting visitors from across the region.
- 1.8. The borough is continuing to develop, and with significant regeneration planned for much of the borough and Hemel Hempstead in particular over the coming years, it is an exciting time for those who live and work in the area. Licensed premises are expected to form a key part of these regeneration plans<sup>3</sup>, and while it falls outside the remit of this document to specify exactly how those plans will be achieved, the principles and policies set out within this document will give details of the council's expectations on how licensing applications will be viewed and considered, and of how we will seek to preserve the balance between economic development and the protection of residents and businesses from issues arising from the operation of licensed premises.

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<sup>3</sup> <http://www.dacorum.gov.uk/home/regeneration/hemel-evolution>

## 2. About this document

- 2.1. This document is Dacorum Borough Council’s statement of licensing policy in respect of the regulation of alcohol supplies, regulated entertainment and late night refreshment, and publication of it fulfils the authority’s statutory obligation under section 5 of the Licensing Act 2003 (“the Act”). It sets out the policies and principles that we will follow when exercising our powers under that Act, particularly in respect of considering applications in respect of licences and other authorisations. It also gives details of our expectations of applicants and licence-holders. This statement must be published on at least one occasion in each five-year period. The statement must also be kept under review during its validity period, and revised if required, with any revisions published prior to taking effect.
- 2.2. This statement of licensing policy was adopted by the Council on the xx xxxx 2020, and was published via our website, at [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing). The statement will have effect from **7 January 2021** to **6 January 2026**.
- 2.3. This revised policy has been reviewed and updated to reflect the authority’s experiences in exercising its powers that have taken place in the intervening period.
- 2.4. We are required to exercise our licensing functions under the Act with a view to promoting the licensing objectives, which are:
- the prevention of crime and disorder,
  - public safety,
  - the prevention of public nuisance, and
  - the protection of children from harm.
- 2.5. Each objective has equal importance, and they are explained in greater detail in later chapters.
- 2.6. We must also have regard to our published statement of licensing policy, and to the Guidance for licensing authorities published by the Secretary of State under section 182 of the Act.
- 2.7. The purpose of this statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Government’s Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.
- 2.8. This policy statement reflects the wide range of competing, and sometimes conflicting, considerations which we must take into account when exercising our powers, and aims to balance these insofar as is possible.

### Our vision

- 2.9. Licensing authorities are encouraged to include a vision statement within their licensing policies, summarising the strategic aims and intentions that will guide the exercise of their licensing powers. Dacorum’s vision statement is:

**“To regulate the operation of a diverse range of safe, well-managed and enjoyable licensed leisure and retail outlets throughout the Borough, offering a variety of entertainment, cultural and community activities while also ensuring the promotion of the licensing objectives”.**

2.10. The inclusion of such a statement in no way fetters the authority's discretion to determine cases on their individual merits, but rather seeks to guide applicants as to the authority's expectations of licensed premises.

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## Interpretation

2.11. Within this policy statement:

- a) “the Act” means the Licensing Act 2003,
- b) “Licensing Authority” means Dacorum Borough Council,
- c) “Guidance” means the guidance to licensing authorities published by the secretary of state under section 182 of the Act<sup>4</sup>.

## Consultation

2.12. In producing this statement of licensing policy, the Licensing Authority has had regard to the licensing objectives of the Licensing Act 2003, the Guidance issued by the secretary of state, and any views expressed during our consultation upon the proposed statement.

2.13. We carried out consultation on a draft version of this statement of licensing policy, in accordance with the provisions of section 5 of the Act, between 3 August 2015 and 27 September 2015. The people and organisations we sought feedback from included:

- the responsible authorities, including Hertfordshire Constabulary, Hertfordshire Fire & Rescue Service and Hertfordshire Public Health,
- individuals and organisations who hold premises licences, club premises certificates and personal licences, issued by this authority,
- premises users who give temporary event notices (TEN’s) to this authority,
- representative bodies within the leisure and licensed retail trade industries,
- borough and county councillors,
- town and parish councils,
- the Members of Parliament for Hemel Hempstead and South West Hertfordshire,
- residents, businesses, and voluntary groups.

2.14. Views expressed in response to our consultation were considered prior to the determination of the final version of this statement.

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<sup>4</sup> <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

# Part A: Exercising our powers





### 3. General principles

- 3.1. The Act specifies a set of licensable activities, which may only be provided under an authorisation issued by the relevant local Licensing Authority (Dacorum Borough Council for all premises within the borough of Dacorum). The licensable activities, which are covered in greater detail within the next section of this statement, include supplying alcohol, providing regulated entertainment, and providing late night refreshment.
- 3.2. The types of authorisation which licensing authorities may issue to permit licensable activities include premises licences, club premises certificates, temporary event notices, and personal licences.
- 3.3. In exercising its licensing functions under the Act, the Licensing Authority shall:
- aim to promote the licensing objectives,
  - have regard to this statement of licensing policy, and
  - have regard to the Government’s Guidance.
- 3.4. The Licensing Authority may not reject an application nor revoke a licence in response to representations concerning general moral or ethical objections to the carrying on of licensable activities, unless a direct link to one or more of the licensing objectives can be established. In particular, the supply of alcohol is expressly permitted under UK legislation, and the Licensing Authority has a duty to act fairly and in accordance with the legislation.
- 3.5. Every matter considered by the Council, in its role as a Licensing Authority, will be considered on its own merits and in accordance with the statutory requirements of the Act. Nothing in this statement of licensing policy shall:
- a) prevent any person from making an application for authorisation or giving a notice under the Act;
  - b) prevent any person from making representation in respect of an application of a type where the Act provides for them to do so;
  - c) prevent any person from making an application for the review of a premises licence; or
  - d) restrict or fetter the Council’s discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.
- 3.6. Typically, the Licensing Authority’s discretion over whether to refuse applications, to issue counter-notices or to impose additional licence conditions is only engaged if relevant representations or objection notices have been given to the authority within a prescribed period. For many of the application processes under the Act (with a small number of key exceptions), if no relevant representations or objection notices are received within the prescribed period, the Licensing Authority will be obliged to grant the application, subject only to any statutory conditions and conditions consistent with measures proposed by the applicant in their operating schedule.
- 3.7. The Licensing Authority also has a general duty under the Crime and Disorder Act 1998 “to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.
- 3.8. Dacorum Borough Council is a signatory of the Hertfordshire Local Enterprise Partnership’s ‘Better Business For All’ charter<sup>5</sup>, and we will follow the provisions of the charter when we exercise our regulatory powers in respect of licensable activities.

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<sup>5</sup> <http://www.hertfordshirelep.com/Better-Regulation.aspx>

## 4. Licensable activities

- 4.1. The Act regulates a set of broad ‘licensable activities’ relating to the leisure and retail industries, as follows:
- Supplies of alcohol, including:
    - Sale by retail of alcohol,
    - Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
  - The provision of regulated entertainment, comprising:
    - Performances of plays,
    - Exhibitions of films,
    - Indoor sporting events,
    - Boxing and wrestling entertainments,
    - Performances of live music,
    - Playing of recorded music,
    - Performances of dance,
    - Entertainment which is similar to music or dance,
  - The provision of late night refreshment.
- 4.2. To be considered licensable, entertainment must be provided in the presence of an audience (which may consist of a single person), and either be open to the public or a section thereof, or provided for a consideration (e.g. admission fee, tickets) and with a view to profit. The definitions of these activities were left deliberately wide so as to account for future developments in the industries carrying on those activities – for example in recent years there has been an increase in the number of ‘silent discos’, which are considered to be regulated entertainment as they consist of recorded music, but which may not have been captured under a narrower definition.
- 4.3. In recent years, the Government has pursued a deregulatory agenda in respect of entertainment licensing for community events and lower-impact entertainments by introducing new exemptions. As a result, many smaller-scale entertainments now fall outside of licensing requirements. Where this is the case, it should be noted that we may be unable to use our licensing powers to regulate these events, although other regulatory schemes may be utilised to remedy any issues that arise.
- 4.4. Schedule 1 to the Act details the exemptions that apply to entertainment licensing requirements.
- 4.5. Late night refreshment is defined as the sale of hot food or hot drinks, between the hours of 11 p.m. and 5 a.m. Exemptions applying to late night refreshment are set out in schedule 2 to the Act.
- 4.6. Although the Act has fairly wide application, it does not control every activity which may be carried out in licensed premises, and some premises which are authorised under this Act may also need separate licences and authorisations for other activities carried on at those premises. Where the Licensing Authority is responsible for issuing such authorisations (for example, for gaming machines or prize gaming in licensed premises), we have published separate licensing policies to give details of how applications for those alternate licence types will be considered.

## 5. Licensing objectives

5.1. Licensing authorities must carry out their functions with a view to promoting the four licensing objectives, which are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

Each objective has equal importance.

5.2. It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the licensing objectives as outlined.

5.3. The Licensing Authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the Licensing Authority, responsible authorities and other persons who may be affected by the operation of a licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to negate any potential adverse impact.

5.4. The Licensing Authority is committed to empowering local community action, and meeting the needs of its communities through close partnership working with others. The Licensing Authority recognises that licensed entertainment can provide a valuable contribution towards the economy of the Borough, and seeks to balance the needs of the local business holders and licensees, whilst protecting those of local residents.

5.5. Further policy considerations in respect of each of the objectives are set out below.

### Crime and disorder

5.6. When considering applications and reviews the Licensing Authority will give consideration to:

- whether the premises make or will make a significant contribution to levels of crime and disorder in the local area, and
- whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the issue of an authorisation has been carried out by the applicant.

5.7. The authority will work closely with Hertfordshire Constabulary and the other members of the Dacorum Community Safety Partnership, both to monitor and investigate incidents of crime or disorder associated with licensable activities at and around licensed premises, and to identify emerging trends and patterns in such incidents.

5.8. To achieve the best results, the prevention of crime and disorder requires partnership working between statutory bodies and licensed premises. While there are a number of measures which licence-holders can, and will be expected to, implement in order to promote this objective within their premises, the authority also expects licence-holders to understand which issues they will not be

able to resolve themselves, and to liaise and co-operate with the Licensing Authority, police, and other bodies. In particular, incidents occurring outside of but in the vicinity of licensed premises, which do not involve the customers or staff from that premises, are likely to be outside of the direct control of licence-holders, but they may be able to provide evidence or intelligence allowing statutory bodies to investigate the incident in question.

## Public safety

- 5.9. When considering this objective, the Licensing Authority will concern itself with the physical safety and wellbeing of the people who use licensed premises, and those who may be affected by the use of licensed premises (e.g. non-customers who happen to be in the immediate vicinity of a premises). This will include measures that seek to prevent accidents, injuries and short- or long-term illnesses to staff, customers or other persons.
- 5.10. There are several regulatory regimes concerned with public safety, and the Licensing Authority will seek to avoid duplication with these insofar as is possible. In particular, we will not duplicate obligations placed upon licence-holders under the Health and Safety at Work Act 1974 or the Regulatory Reform (Fire Safety) Order 2005 (which is discussed further later in this Statement). However, where representations are made by responsible authorities responsible for enforcing these regimes concerning the failure of a licence-holder to adhere to or comply with another regime, the Licensing Authority may consider whether this is indicative of a wider systemic failure on the part of the licence-holder to promote the licensing objectives.
- 5.11. Where a premises is providing high-risk activities ancillary to licensable activities, or is utilising special effects in conjunction with a licensable activity, such as the use of lasers, pyrotechnics, dry ice, smoke machines, foam machines or strobe lighting during an entertainment performance, the Licensing Authority expects that all necessary equipment and materials will be under the control of a suitably-trained and experienced individual, and for a suitable risk assessment to have been carried out prior to use.
- 5.12. The Licensing Authority encourages licensees to support the delivery of positive local and or national projects and schemes which help to promote public safety for their customers. These schemes may support customers generally, or may be aimed at specific groups who find themselves to be vulnerable at any given point in time.

## Public nuisance

- 5.13. The Licensing Authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.
- 5.14. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The Licensing Authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.
- 5.15. The Authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows

environmental health officers to require the abatement of a statutory nuisance, and would be considered the primary control for such issues. However, the Licensing Authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

- 5.16. Where representations are made by a responsible authority with nuisance prevention obligations, advising that restrictions may be necessary to prevent a nuisance from arising, the Licensing Authority will consider the imposition of conditions or the modification of operating schedules as it considers necessary to promote this licensing objective.
- 5.17. Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.
- 5.18. The Licensing Authority will have regard to best practice guidance when considering this licensing objective, including but not limited to:<sup>6</sup>
- Guidelines on Community Noise (World Health Organisation)
  - Effective Management of Noise from Licensed Premises (British Beer and Pub Association)
  - Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- 5.19. Where premises which are the subject of licensing applications involving amplified musical entertainment beyond 11pm are in close proximity to residential properties, the Licensing Authority will require a comprehensive operating schedule listing measures that the applicant intends to implement to ensure the promotion of this licensing objective.
- 5.20. The Licensing Authority will also pay close regard to premises in close proximity to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public nuisance if not closely controlled. Applicants are required to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

## Protection of children

- 5.21. The Licensing Authority is aware that this objective relates primarily to preventing children from being exposed to or permitted to access age-restricted products, such as alcohol; or age-restricted services, such as films with content deemed suitable only for adults or relevant entertainment of a sexual nature. Considerations relating to the physical safety and welfare of children will also be taken into account as part of any action the authority takes to promote the public safety objective.
- 5.22. There is no reason why children should not be admitted to responsibly-run, family-oriented licensed premises (for example, restaurants, theatres, cinemas (showing age-appropriate films), supermarkets, community premises, etc), when accompanied by a suitable adult, such as a parent or guardian, and the Act allows for this. However, it is an offence under the Act:

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<sup>6</sup> See Annex B for links to these documents

- to admit children to exhibitions of films where a premises holds a licence permitting such regulated entertainment, if they are below the minimum age recommended by the Licensing Authority or a film classification body,
- to allow unaccompanied children under the age of 16 to be present at premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, or
- to allow unaccompanied children under 16 to be present between midnight and 5 a.m. at licensed premises supplying alcohol for consumption on the premises.

5.23. The Licensing Authority will only look to impose further restrictions beyond those set out above prohibiting access to premises by children if it considers it appropriate to do so, to protect the child from a relevant type of harm.

5.24. The Licensing Authority will judge each application and the circumstances pertaining to each premises on the individual merits. Examples which may give rise to concern in respect of children would include premises:

- where entertainment or services of an adult or sexual nature are commonly provided,
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking,
- where there is a strong element of gambling on the premises (but not, for example the simple presence of a small number of gaming machines),
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises, or
- where other concerns relating to this objective have arisen.

5.25. Alternative options to limiting access by children may include, but are not limited to:

- limits on the hours when children may be present,
- limits or exclusions on children when particular activities are taking place,
- limited access to parts of premises, or
- full exclusion of under-18s from the premises when any licensable activities are taking place.

5.26. Where a large number of children are likely to be present at a licensed premises, the Licensing Authority will expect an appropriate number of suitably-trained adult staff to be present, to control access and egress of children, and ensure their safety and protection from harm.

5.27. Even if the age restrictions mentioned above do not apply and the Licensing Authority has not attached conditions restricting access by children, there is still no obligation for licence-holders to admit children to their premises. Ultimately access to premises will remain at the discretion of the licence-holder, who may choose to adopt any reasonable admission policy.

5.28. Child sexual exploitation is a significant concern for licensing authorities nationwide, as demonstrated by a number of high-profile reported cases which revolved around licensed premises. Where the operation of licensed premises is causally or demonstrably linked to child sexual exploitation, the Licensing Authority will not hesitate to use the full range of powers at its disposal to promote this licensing objective. Further details regarding this issue are given later in this document.

## 6. Licensing Authority functions

6.1. Licensing authorities have statutory responsibilities under the Act for:

- the authorisation of premises where licensable activities are to take place, through the issue of premises licences;
- the preliminary authorisation of premises for proposed licensable activities, through the issue of provisional statements;
- the authorisation of club premises where qualifying club activities are to take place, through the issue of club premises certificates;
- the review of premises licence and club premises certificates, at the request of a responsible authority or other person;
- the authorisation of individuals to authorise supplies of alcohol at licensed premises, through the issue of personal licences;
- the receipt and endorsement of temporary event notices, authorising infrequent licensable activities;
- investigating and taking enforcement action in respect of allegations on unlicensed activities, or activities carried out otherwise than in accordance with an authorisation or the legislation;
- the exchange of information with Government regarding details of applications, licences and notices and enforcement issues; and
- the maintenance of registers of the applications and notices received, and licences and certificates issued, by the authority.

6.2. The Licensing Authority has delegated its functions under the Act to the Licensing, Health & Safety and Enforcement Committee. In turn the Committee has delegated the exercise of these functions as summarised in the table at Annex A, to:

- the Licensing of Alcohol and Gambling Sub-Committee, to consider contested applications and notices, and review proceedings, and
- licensing officers, to deal with the day-to-day administration of applications, the grant of uncontested applications, and compliance and enforcement issues.

6.3. The scheme of delegation does not preclude officers from referring a particular matter back to the Sub-Committee, nor the Sub-Committee from referring a matter back to the full Committee.

6.4. There are three functions which must be exercised by the Council, and cannot lawfully be delegated. These are the adoption of a statement of licensing policy (although the Committee may undertake preparatory work and make recommendations to Council), the making of an early morning alcohol restriction order, and the adoption of a late night levy requirement (discussed later).

6.5. Duplication of other regulatory regimes, such as health and safety or fire safety, will be avoided in so far as is possible. In particular, this authority will not consider whether a premises that is the subject of a licensing application is likely to be awarded planning permission or building regulations approval, in its consideration of that application. This authority will though, listen to, and consider carefully, any concerns about proposed conditions that would be contrary to pre-existing planning restrictions, should such a situation arise.

## 7. Responsible authorities and other persons

7.1. Responsible authorities and other persons can make representations about certain premises licence and club premises certificate applications, or apply for a review of an existing licence or certificate. They include statutory bodies with professional expertise relevant to the regulation of licensable activities, and local residents and businesses that may be affected by the provision of such activities.

### Responsible authorities

7.2. Under the Act, a number of statutory bodies are specified as ‘responsible authorities’. These bodies are ones whose duties and responsibilities may affect licensed businesses within the borough, or who have separate regulatory powers allowing for the control of one or more aspects of those businesses. They include:

- the Licensing Authority, and any other Licensing Authority responsible for part of a premises which lies across authority boundaries,
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Public Health
- Dacorum Regulatory Services
- Dacorum Local Planning Authority
- Hertfordshire Trading Standards (weights and measures authority)
- Hertfordshire Safeguarding Children’s Board
- Health & Safety Executive (for premises where HSE is the enforcing authority under the Health and Safety at Work Act 1974 only)
- Canal & Rivers Trust, Environment Agency, and the Secretary of State (for vessels only)

7.3. Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the Licensing Authority’s main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the Licensing Authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations.

7.4. The Licensing Authority is required by sections 13(4)(f), 69(4)(f) and 172B(4)(i) of the Act to designate a body which represents those who are responsible for or interest in matters relating to the protection of children from harm, and which the authority considers competent to advise it about these matters. For the purposes of these sections, the Licensing Authority recognises the Hertfordshire Safeguarding Children’s Board as a responsible authority in connection with any application for a premises licence or club premises certificate, or a proposal to make an early morning alcohol restriction order.

7.5. Where an application is made in respect of a vessel, additional responsible authorities will be consulted in respect of that application. These include navigation authorities for the waterway(s) where the vessel will be while it is used for the provision of licensable activities, the Environment Agency, the Canal and Rivers Trust, and the Secretary of State. Waterways running through Dacorum include the Grand Union Canal, and the Rivers Gade and Bulbourne, although the latter two are unnavigable.



## Other persons

- 7.6. In addition to responsible authorities, any other person may make representation in respect of an application which is subject to public notice requirements, or apply for a review of a premises licence or club premises certificate. As well as people who live or work near licensed premises, this provision also allows any company, charity, community organisation or similar body, to make representations and apply for reviews in their own right.
- 7.7. Representations and review applications may also be made by persons who are democratically elected, such as borough, county, town or parish councillors, or an MP. Such representatives are free to make representations and review applications in their own right, and no specific evidence of being asked to represent any other person will be required.
- 7.8. The Licensing Authority will consider all representations or review applications received from persons other than responsible authorities, but may reject and disregard a representation or application, in whole or in part, if it believes that:
- a representation or ground for review is frivolous,
  - a representation or ground for review is vexatious,
  - a representation is not relevant to the likely effect of the grant of the application on the promotion of the licensing objectives,
  - a ground for review is not relevant to one or more of the licensing objectives;
  - a ground for review is a repetition of a ground for review or a representation made in respect of an earlier application for the same licence or certificate, where a reasonable interval has not elapsed since the earlier application.
- 7.9. For the purposes of the previous paragraph, the Licensing Authority will typically consider that a period of 12 months between review or other applications will constitute a reasonable interval, although the authority may consider evidence as to why it should use a shorter time period on a case-by-case basis.
- 7.10. When considering whether a representation or ground is frivolous or vexatious, the authority will consider the ordinary dictionary definitions of these terms. It is not possible to give an exhaustive list of what may cause the authority to exclude a representation or ground under these provisions, but examples may include relying on a matter with no relevance to the licensing objectives (for example, the effect of an application on nearby house prices) or a matter which is unrelated to the operation of the premises concerned (for example, litter repeatedly left on a pavement near a premises which is unconnected to that premises).
- 7.11. Persons with business interests within a similar trade sector as the subject of their representation (or review application) will be expected to satisfy the Licensing Authority that their representation (or application) is not made vexatiously with the intent of limiting competition to their own business. This will typically be by way of suitable and sufficient evidence within their representation or review application to support the claims that are being made and evidence how they are linked to the subject business.
- 7.12. The Licensing Authority must also reject any representation which was not given to the authority within the prescribed period for the associated application (typically 28 days for most applications, although minor variation applications and summary/closure order reviews are subject to shorter periods – in all cases, the final date for the submission of representations will be displayed on public notices at or near the premises and in a local newspaper, which will be checked by the authority).
- 7.13. Dacorum borough councillors who have agreed to represent a party to an application at a hearing, or

who have made a representation in their own right, shall not sit on any Sub-Committee considering that application.

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## 8. Representations and reviews

- 8.1. Where a right exists for a responsible authority or other person to make representations in respect of an application, any representation must be made in writing (whether by letter, fax or email), and must contain the name and address of the party making the representation, together with any relevant information to assist the Licensing Authority in determining their status. The grounds upon which the representation is made should also be clearly set out.
- 8.2. Our preferred means of receiving representations is by email, to [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk). However, we will continue to accept any valid written representation submitted by alternate means.
- 8.3. Representations may encompass a variety of views about an application, and may include comments or grounds which are supportive of an application, objecting to an application, or neutral about an application. The Licensing Authority will treat all relevant representations in the same manner, regardless of their stance.
- 8.4. Applications for the review of a premises licence or club premises certificate may only be made in the prescribed form, and following the procedure set out in the Act. Licensing officers are able to offer further advice on this procedure to any party considering making an application for review of a licence.
- 8.5. The Licensing Authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts to carry little weight in the decision-making process, and it is therefore likely that the Licensing Authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

## 9. Applications

- 9.1. Every matter requiring determination by the Licensing Authority will be considered on its individual merits, and in doing so the authority shall have regard to this Statement, the Guidance, and the need to promote the licensing objectives. Where applicable, an evidentiary hearing will be conducted prior to the determination of the matter, in full accordance with Regulations made under the Act.
- 9.2. Many application types are subject to a statutory provision whereby they must be granted in the absence of relevant representations. In such cases, licences must be issued for the full range of licensable activities applied for, subject only to applicable mandatory conditions, and conditions which are consistent with measures set out by the applicant within their operating schedule.
- 9.3. Where the authority's discretion is engaged, following receipt of a relevant representation or an objection notice, or in the case of review or minor variation applications, the Licensing Authority will apply the considerations set out below.
- 9.4. Almost all of the decision-making powers under the Act require licensing authorities to take such action as they consider appropriate for the promotion of the licensing objectives. The Act was amended to substitute 'appropriate' for 'necessary', a move which may be regarded as having increased authorities discretion in respect of the determination of applications. The Licensing Authority will now consider 'appropriate' in accordance with the standard dictionary definition: "suitable or proper in the circumstances".<sup>7</sup>
- 9.5. The Licensing Authority strongly encourages dialogue between applicants (or licence-holders) and persons affected or concerned about proposals within a licence application. In many cases, such concerns can be resolved informally, without the need for a hearing. Where parties give their consent, the Licensing Authority may facilitate mediation between parties to a prospective hearing, to explore whether an informal resolution can be achieved.
- 9.6. When considering applications for a new licence, or a variation of an existing licence, the options available to the authority will generally include: granting the application as applied for, granting the application with amendments to the operating schedule or additional conditions, or refusing the application. The last of these options is clearly the most serious, and the authority will only look to refuse applications where it is satisfied that the proposed activities could not be carried on, even with modifications or additional restrictions, without a detrimental effect to the licensing objectives.
- 9.7. The options available when considering premises licence or club premises certificate applications will include the restriction of licensed hours or the imposition of additional conditions, which may be considered appropriate for the promotion of the licensing objectives. These powers are considered in greater detail in the following chapters.

### Minor variations

- 9.8. The Act provides a simplified method for making changes to an existing premises licence or club premises certificate which will not adversely impact upon the licensing objectives, and which do not involve:
  - a substantial variation to the applicable premises,
  - authorising alcohol supplies for the first time,
  - increasing the permitted hours for the supply of alcohol,

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<sup>7</sup> <http://www.oxforddictionaries.com/definition/english/appropriate>

- transposing permitted hours for the supply of alcohol to have effect between 11 p.m. and 7 a.m.,
- extending the validity period of a time-limited licence (this can only be achieved through the grant of a new licence),
- changing the individual specified as the designated premises supervisor (a dedicated application type is available for changes of this type), or
- substituting the alternate licence condition for community premises (a dedicated application type is available for changes of this type).

9.9. Changes of a type listed above, or which may bring about an adverse impact on the licensing objectives, are not eligible for a minor variation application and must instead be made via a full variation application (unless otherwise indicated).

9.10. The type of changes that the authority will generally consider appropriate to be made via a minor variation application will include, but are not limited to:

- Internal reorganisation of a premises, including the relocation or removal of fixed or static furniture, where there is no significant change to the overall size or location of the licensed area;
- Removal or modification of outdated, unclear or unenforceable conditions;
- Removal, modification or addition of other conditions, with the prior agreement of relevant responsible authorities;
- Amendment of opening hours, with no change to the times during which licensable activities may be provided (e.g. to allow a premises to carry on non-licensable activities during breakfast trade); or
- Reduction of permitted times for licensable activities, or removal of activities the premises no longer intends to provide.

9.11. The authority may consider accepting other types of change within a minor variation application on a case-by-case basis, so long as they will not contravene the principles set out at para 9.8. Applicants are welcome to contact licensing officers for pre-application advice.

9.12. Unlike other application types, the absence of relevant representations will not prevent the authority from exercising its discretion in respect of a minor variation application. Minor variations must be refused, irrespective of any representations received, if the authority believes that the proposed changes, individually or cumulatively, could have an adverse effect on any of the licensing objectives.

9.13. Where a minor variation application is refused on grounds that the proposed change may adversely affect the licensing objectives, the applicant may submit a full variation application in respect of the proposed change, for consideration by the authority following a full public consultation process.

9.14. The power to consider minor variation applications has been delegated to the authority's officers, who will determine all such applications. The short time periods which apply to applications of this type preclude the arrangement of Sub-Committee meetings to consider such matters.

## 10. Licensing hours

- 10.1. Flexible hours for licensable activities and particularly the sale of alcohol can help to ensure that large concentrations of customers leaving premises simultaneously are avoided. Requiring a number of similar premises to close at the same time could lead to friction at late night food outlets, taxi ranks, transport hubs and other 'pinch points'. By encouraging a staggered approach to closing times, it is possible to achieve a steadier dispersal of patrons from town centres, with fewer incidents of disorder and disturbance.
- 10.2. For this reason, the Licensing Authority will not seek to impose rigid terminal hours on premises in particular areas (a concept known as zoning), which is considered likely to increase the potential for crime, disorder and nuisance. That said, if the authority becomes aware of a proliferation in disorder or nuisance in a particular area linked cumulatively to the operations of licensed premises, it may consider imposing restrictions on opening hours through the use of its various powers, including early morning alcohol restriction orders.
- 10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.
- 10.4. The Licensing Authority expects that issues relating to licensing hours, and in particular measures to limit the potential for nuisance or disorder arising from later hours of trading, will be addressed by the applicant in their operating schedule.
- 10.5. In addition to their licensable activities, applicants are also expected to set out the proposed opening hours of their premises within their operating schedule. The Licensing Authority expects these times to be provided for all premises which may be accessed by members of the public, as these will inform the authority, responsible authorities and other persons of the full extent of the operation of the premises, and allow all parties to consider the application and the effect on the licensing objectives fully. The hours given should include all times when the premises may trade to the public (whether licensable activities are being provided or not), when individuals may be present on the premises.
- 10.6. At premises licensed to supply alcohol for consumption on the premises, the Licensing Authority encourages the inclusion of a 'cooling-off' or 'drinking-up' period between the terminal hour for supplies of alcohol, and the end of other licensable activities, typically of around 20 to 30 minutes. Inclusion of such a measure will ensure patrons have the opportunity to finish their drinks and gather their belongings prior to leaving the premises. This should be indicated within the timings given in the operating schedule for supplies of alcohol and opening hours. Where music is being played, applicants may also wish to consider a slower tempo of music within this period.
- 10.7. Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the normal hours they intend to open for shopping, unless there are good reasons, based on the licensing objectives, for restricting those hours; for example, a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance. Where alcohol hours are shorter than opening hours, premises should ensure that robust systems are in place to prevent the sale of alcohol before or after permitted times.
- 10.8. The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are more likely to be considered appropriate for the promotion of the public nuisance objective in the case of premises that are situated in predominantly residential areas.

## 11. Licence conditions

- 11.1. The Licensing Authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.
- 11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder, generally this will mean within the premises, or in the nearby vicinity
- 11.3. When we set conditions, we will follow the SMART methodology, and aim to ensure that the conditions are:
- **Specific** – directly related to the premises and the licensable activities carried on; the condition clearly and unambiguously states what is required of the licence-holder;
  - **Measurable** – that it is possible to confirm whether the condition is being satisfied; if compliance cannot be readily verified, it is likely that a court will rule a condition is unenforceable;
  - **Achievable** – that the licence-holder is able to satisfy the measures required to comply with the requirement: it is not something which is outside his control;
  - **Reasonable** – that the condition does not place unachievable, disproportionate or unrealistic requirements on the licence-holder;
  - **Time-bound** – where appropriate (for example, if substantial new equipment will have to be purchased and installed) a time period will be stated for the licence-holder to achieve compliance with the requirement.
- 11.4. We will also have regard to the work undertaken by the Institute of Licensing with regards licence conditions, and any guidelines that they issue.<sup>8</sup>
- 11.5. Lengthy lists of licence conditions are not viewed as particularly desirable, as they make it difficult for licence-holders and regulators alike to readily verify compliance with the licence. Where the authority is of the opinion that a substantial number of conditions are needed, consideration should be given firstly to whether the applicant is a suitable person to hold a licence, given that the effect of the numerous conditions will be to micromanage his business. In such circumstances, the authority must consider whether refusal of a licence would be a more appropriate decision to take.

### Conditions on premises licences

- 11.6. Conditions on premises licences will fall into one of three categories, and will be contained in one of three annexes to the licence:
- Annex 1 contains mandatory conditions, which licensing authorities are required to add to licences if certain conditions are met. Mandatory conditions are all transposed directly from the legislation, and the authority may not modify or disapply these conditions.
  - Annex 2 contains conditions consistent with the operating schedule. These conditions will be compiled by the authority's officers (even if a case was ultimately determined by a Committee) based on the measures set out by the applicant within their operating schedule, including any modifications volunteered by the applicant following discussions with the Licensing Authority, responsible authorities, or other persons. When compiling conditions in this annex, the authority will not simply reproduce the operating schedule, but will convert the measures it contains into a number of clear, relevant and enforceable conditions.

<sup>8</sup> [http://www.instituteoflicensing.org/content.aspx?page=GUIDANCE\\_ON\\_PREMISES\\_LICENCE\\_CONDITIONS](http://www.instituteoflicensing.org/content.aspx?page=GUIDANCE_ON_PREMISES_LICENCE_CONDITIONS)

- Annex 3 contains any other conditions imposed by a licensing committee when it determines an application. These conditions comprise any requirements over and above the operating schedule that a committee decided were appropriate to promote the licensing objectives, when they determined the application.

11.7. The mandatory conditions are prescribed in legislation, and are subject to periodic change. The Licensing Authority has adopted an approach of not replacing licences following every change, but rather making amendments when the licence is next returned to the authority for amendment. A full schedule of the current mandatory conditions will be maintained on our website. Licence-holders should be aware that mandatory conditions will apply to their licence, even if they are not printed upon it, and as such are encouraged to periodically check for updates to the current conditions.

11.8. Licensing authorities may not impose conditions which restrict the nature, content or manner of performances of plays provided under a premises licence, save to ensure the safety of the public.

### **Conditions on club premises certificates**

11.9. Club premises certificates will generally be subject to similar conditions to premises licences, and the provisions set out above will apply equally to authorisations of this type.

11.10. The Licensing Authority notes that it may not impose a condition which prevents the sale of alcohol or the provision of regulated entertainment to associate members and their guests, where the club rules provide for such.

### **Conditions on temporary event notices**

11.11. Where an objection notice is received in respect of a standard temporary event notice and neither is withdrawn, the Licensing Authority is obliged to conduct an evidentiary hearing into the proposed event and the objections raised by a responsible authority. At the end of the hearing, the authority must decide whether it is appropriate for the promotion of the licensing objectives to issue a counter-notice, which has the effect of cancelling the authorisation to carry on licensable activities conveyed by the temporary event notice.

11.12. Where the authority has decided not to issue a counter-notice, and the temporary event notice is in respect of premises authorised by a premises licence or club premises certificate, the Licensing Authority may resolve to bring forward conditions from the licence or certificate and impose them upon the temporary event notice, if it considers this appropriate for the promotion of the licensing objectives.

11.13. Any conditions brought forward will be replicated in the same form as used on the licence or certificate, and will be imposed only if they address issues raised within objection notices given to the authority. The authority will not utilise this power to condition or restrict aspects of the event which are not referenced within an objection notice or supplementary representations.

11.14. If the Licensing Authority is of the opinion that an event should not proceed, it will issue a counter-notice. The power to impose conditions will not be utilised to impose conditions which are inconsistent with the proposed event, or which are impossible for the premises user to comply with.

11.15. The Licensing Authority understands that it has no other power to impose conditions on temporary event notices. Undertakings agreed between a premises user and a responsible authority to resolve



objections to a notice are unenforceable, and are therefore discouraged.

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## 12. Enforcement

- 12.1. Licensing authorities are required to state the principles to be applied by the authority in exercising enforcement functions under the Act, both in terms of the inspection of premises and in instituting criminal proceedings in respect of specified offences.
- 12.2. The Licensing Authority will be led by the Guidance in respect of the inspection of premises and the powers to institute criminal proceedings, and will endeavour to ensure that enforcement and compliance actions are:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly;
  - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 12.3. The Licensing Authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised licensable activities therein. The Licensing Authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken.
- 12.4. The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.
- 12.5. In addition to this statement of principles, the Licensing Authority also maintains a licensing enforcement policy, setting out further details of our methodologies. This can be viewed via our website, at [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing), or a copy obtained by contacting us using the details given in Annex C. The Licensing Authority shall also have regard to any corporate enforcement policy published by Dacorum Borough Council.
- 12.6. Where the power to make representations or initiate reviews on behalf of the Licensing Authority is utilised, proper separation of functions will be ensured by having different officers conduct the different functions (for example, if a licensing enforcement officer makes a representation, they will have no involvement in the administration of the application itself).
- 12.7. A number of licence-holders with multiple outlets have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

## 13. Exchange of information

- 13.1. From time to time, licensing authorities are required to exchange information with other bodies – whether this be the Government for the purpose of official statistics, responsible authorities and other statutory bodies in respect of intelligence about possible breaches of licence conditions or legislative requirements, or other persons following requests under data disclosure laws.
- 13.2. The principle that this Licensing Authority applies is that it will act in accordance with the provisions of applicable legislation when exchanging information, which includes the provision that the Data Protection Act 2018 will not be contravened.
- 13.3. Should any protocols be established as regards information exchange with other bodies then details will be made available via our website, and incorporated into a future revision of this document.
- 13.4. Where required by law applicants will receive copies of any representations made in respect of their application, although sensitive or personal information not required to be disclosed will usually be redacted.

## 14. Digital services

- 14.1. We will carry out our functions with regard to the EU Services Directive and the Provision of Services Regulations 2009, which give effect to the Directive within the UK. In particular we will:
- provide clear and concise guidance on our website explaining what activities licences and permissions are required for, how they can be obtained and how we will consider applications for such,
  - encourage applications for licences which are in scope of the Directive to be made online via our electronic application facility,
  - apply the same considerations and requirements to applications from applicants based in EEA member states other than the UK as we do for UK-based applicants.
- 14.2. Almost every type of application under the Act can be made online via our website, [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing). The exceptions to this are applications for personal licences, and for reviews of premises licences and club premises certificates, which must be made using a paper application form.

# Part B: Further considerations



## 15. Pre-Application Advice

- 15.1. The Council's Licensing team are available to provide what is known as pre-application advice. This is a chargeable service
- 15.2. As applications for licences can be quite complex, and have a wide variety of requirements, it may be beneficial to applicants to seek advice prior to completing and submitting an application. One example that highlights the importance of getting the process right is the requirement to use a newspaper notice to alert people of your application. Getting the advert details or timing wrong could lead to the application being invalid, and the applicant losing the money spent on that notice; obtaining advice from the Council is a good way to avoid this sort of mistake, which is not unusual and easily made.
- 15.3. As well as ensuring the requirements are followed, the Licensing team can assist you in drafting a good application, which ensures that you are applying for the full extent of the activities that you are likely to require for your business, whilst avoiding inadvertently including or omitting information that increases the likelihood of objections being received.
- 15.4. Objections to applications can lead to delays in licences being granted, and can cost time away from your business in order to resolve any issues arising, so it is best that applicants do all that they can to ensure that any unnecessary objections are avoided.
- 15.5. The Council's Pre-application advice policy is available on our website at:  
<http://www.dacorum.gov.uk/home/environment-street-care/licensing/licensing-pre-application-advice>

## 16. Cumulative impact

- 16.1. Cumulative impact is the term used to describe the impact, potential or actual, of a large number of licensed premises concentrated in a single locality. In terms of the licensing objectives, this may be evidenced by an increase in incidents of crime, disorder or public nuisance, over and above the impact of the individual premises themselves.
- 16.2. The cumulative impact of licensed premises on the promotion of any of the licensing objectives is a matter that the Licensing Authority can take into account in determining its licensing policy. This should not, however, be confused with any question of 'need' which relates to the commercial demand for a particular type of premises (for example, a pub, restaurant or hotel). The issue of 'need' is a matter for market forces to influence and for the planning authority to regulate, and so does not form part of this policy statement.
- 16.3. The Licensing Authority will not seek to introduce quotas of licensed premises, nor will it seek to impose general limitations on trading hours in particular areas. Instead, consideration will be given to the individual characteristics of the premises concerned within a given area. It is recognised that a wide variety of venues sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 16.4. The Licensing Authority notes that, in accordance with the Guidance, it may adopt a special policy in response to a cumulative impact issue in a defined area. Consideration of such a policy may be prompted by submissions from responsible authorities or other persons, evidenced appropriately and linked to one or more of the licensing objectives. Where such a policy has been adopted, the

issue of cumulative impact can be taken into account when considering the individual merits of any application within the area defined within that policy. Further details regarding this power are given in the special licensing policies section of this Statement.

16.5. When dealing with cumulative impact issues, the Licensing Authority recognises that, as well as licensing functions, there are a number of other mechanisms for addressing issues of nuisance, disorder and anti-social behaviour occurring away from licensed premises. These may include:-

- planning controls;
- measures to provide a safer and cleaner environment in partnership with local businesses, transport operators and other departments of the Council;
- the provision of CCTV surveillance in town centres, taxi ranks, street cleaning and litter patrols;
- powers for a local authority to protect public spaces from the effects of anti-social consumption of alcohol, enabling police and accredited persons to confiscate alcohol;
- enforcement of the law relating to disorder and anti-social behaviour, including the issue of fixed penalty notices or other sanctions under the Anti-Social Behaviour, Crime and Policing Act 2014;
- the prosecution of any personal licence holder or member of staff at licensed premises who is selling alcohol to children or people who are drunk;
- powers to close down instantly any premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from premises causing a nuisance;
- the power for responsible authorities or other persons to apply for a review of a premises licence or club premises certificate; or
- other local initiatives that similarly address these problems.

16.6. The Licensing Authority will also monitor and address such issues through engagement in the Dacorum Community Safety Partnership.

## 17. Security

- 17.1. Under a mandatory licence condition, any person engaged to work at licensed premises who is carrying out a prescribed security activity, as specified under the Private Security Industry Act 2001, must be correctly licensed to carry out that function by the Security Industry Authority, or otherwise authorised under an approved contractor scheme or similar.
- 17.2. The Licensing Authority will expect applicants for licences to consider whether they may need to employ security personnel when compiling their operating schedules. This expectation will not just apply to premises licensed for the supply and consumption of alcohol, but any premises which may potentially experience disorder.
- 17.3. Premises which are licensed for the supply of late night refreshment, located either in town centre locations or on primary dispersal routes from such locations, and which cater primarily for the night-time economy may in particular need to consider whether security personnel will be necessary, both to safeguard their premises against damage, and to prevent outbreaks of disorder among customers who may be intoxicated.
- 17.4. Where a premises experiences regular incidents of disorder and does not employ security personnel to guard against this, the Licensing Authority may consider the imposition of licence conditions mandating their provision, on receipt of an application to review a licence.
- 17.5. Where a premises has a policy of searching patrons prior to entry, searches should only be carried out by security personnel of the same gender as the customer who is being searched. This will mean that such premises will need to employ a minimum of one male and one female door supervisor.

### CCTV

- 17.6. The Licensing Authority will have regard to the Surveillance Camera Code of Practice<sup>9</sup>, in particular paragraph 1.15, which highlights that the blanket imposition of licence conditions requiring CCTV systems to be operated in licensed premises without strong justification would be contrary to the first principle of the code. The imposition of CCTV conditions will, like all other matters relating to authorisations under the Act, be considered on a case-by-case basis, taking into account the circumstances and individual merits of the case in question. The Licensing Authority may still impose conditions requiring the operation of CCTV, if it is considered necessary to meet an identified pressing need and for a specified purpose, in addition to being appropriate for the promotion of one or more of the licensing objectives.
- 17.7. In the absence of a condition requiring it, it will be for the licence-holder to decide whether to operate a CCTV system in their premises. The Code of Practice, while binding on public authorities, is voluntary for private operators, although adherence to the principles therein is encouraged.
- 17.8. Where CCTV is in use in licensed premises, the Licensing Authority will expect its use to comply with the provisions of the Data Protection Act. In particular, this will mean that:
- the licence-holder must register with the Information Commissioner as a Data Controller,
  - clear signage is displayed advising of the usage of CCTV,
  - the CCTV is under the control of and accessible only by management and supervisory staff, who are conversant in its usage,
  - the licence-holder has a clear policy on the retention of recorded images, and disposes of them

<sup>9</sup> <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice> (June 2013)

after a set period (typically around 28 days) unless an incident is reported.

17.9. To ensure the most effective use of CCTV, it is also encouraged that:

- the date and time on the system is correctly set,
- the system is kept operational at all times while the premises are open to the public,
- there is camera coverage of the key parts of the premises, including all entrances/exits, bars, checkouts and dancefloors,
- where recordings are required by police to assist in an investigation, that these can be accessed and supplied within a reasonable period – a maximum of 24 hours from receipt of a request is suggested.

17.10. Hertfordshire Constabulary's crime prevention officers can offer advice on the installation and setup of CCTV systems to ensure best evidential quality.

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## 18. Drugs and new psychoactive substances

18.1. The Licensing Authority expects all licensed premises to adopt suitable measures to detect and discourage persons from using controlled drugs (which for the purposes of this section means substances which are proscribed under the Misuse of Drugs Act 1971) while on those premises. Examples of such measures may include, but are not limited to, the following:

- Ensuring a highly visible staff presence throughout the premises,
- Regular checks by staff of ancillary areas such as lobbies, toilets, cloakrooms and corridors,
- Redesigning toilet facilities to remove horizontal surfaces, and niches and other areas where illicit items could be concealed,
- Ensuring that all staff, and door staff in particular, are trained to recognise visible signs that a person is under the influence of an illegal substance, and to refuse such persons entry to the premises,
- Operating robust 'search on entry' policies, with procedures in place to confiscate controlled drugs found during searches and hand these to police at the earliest opportunity,
- Carrying out testing on surfaces within the premises to detect the presence of traces of controlled drugs,
- Enforcing a zero tolerance policy to the use or supply of controlled drugs within the premises, ejecting or refusing entry to persons known to be linked to the use or supply of controlled drugs, and reporting to the police any person suspected of supplying controlled drugs.

18.2. Where a licence-holder believes that there may be an issue with the illegal use or supply of controlled drugs within their premises, they are strongly encouraged to contact Hertfordshire Constabulary for advice and assistance in remedying that issue. This may involve a degree of 'target hardening' – redesigning parts of the premises or operating procedures to more easily detect and discourage such practices. Where premises are co-operating with the police to deal with such issues, the Licensing Authority is less likely to take action to remove or restrict the licence, than it would with premises which do not offer co-operation.

18.3. For the purposes of this part of the policy, the Licensing Authority will regard new psychoactive substances (widely referred to as 'legal highs') in the same way as it does controlled drugs, and will expect that the measures taken in licensed premises to detect and discourage the use of controlled drugs will also extend to these substances, which generally mimic the effect of a controlled drug.

18.4. The Licensing Authority expects that licensed premises will not engage in, sanction nor condone the sale or supply of new psychoactive substances in or from their premises, and may seek to take enforcement action against premises that are found to be doing so.

18.5. The Licensing Authority recognises that Government has committed to strengthening the legislation around the supply and use of new psychoactive substances and welcomes such moves.

## 19. Modern Slavery

Modern slavery is a crime. The UK Modern Slavery Act 2015 includes the following under the offence of modern slavery:

- Slavery, where ownership is exercised over a person,
- Servitude, where a person is obliged to provide services imposed by coercion,
- Forced or compulsory labour, which involves work extracted under the menace of penalty and for which the person has not offered himself voluntarily, and
- Human trafficking, which involves the movement of people by means such as force, fraud, coercion or deception with the aim of exploiting them.

In the UK, estimates go as high as 136,000 when quantifying the number of hidden victims living in conditions of slavery. In the European hospitality sector, which includes bars and restaurants, a recent study found 110,000 victims of exploitation annually. Government agencies in the UK have specifically identified hospitality as a high-risk area for modern slavery.

### Licensed premises might be unwitting hosts to modern slavery in two ways:

1. Victims and their traffickers visiting the establishment. Sexual exploitation and forced criminality would be the most common forms identified in this way.
2. Staff being recruited through unscrupulous means, leaving them trapped and/or indebted to a trafficker.

Identification and Reporting Staff at licensed premises can have the power to identify and report any exploitation they encounter. A licence holder may ensure awareness of modern slavery by:

- **Identifying any risks** at the premises and working with relevant business partners and suppliers (i.e. recruitment agencies) to mitigate such risk.
- **Actively informing those working on the premises** of their rights and how they can confidentially seek help or advice on modern slavery if required.
- Provide **regular training** to all staff on the indicators of modern slavery and how to report concerns.
- Establishing **strong relationships with local police and victims service providers**, such as the national Modern Slavery Helpline (0800 0121 700), in advance of any incident.

### Reporting Protocols

Having **clear and straightforward protocols** for when an incident is discovered is crucial to ensure that victims get appropriate support. Where employees identify a potential victim, they can follow a specific internal procedure in order to protect the safety of that individual.

The procedure should **1) not be overly complex, 2) should involve senior level staff and 3) should account for when reporting should go immediately to the police** (i.e. if certain indicators are met, if the potential victim is in immediate danger, if the potential victim is a child).

**The Modern Slavery Helpline (0800 0121 700) can provide support to anyone who has a suspicion and would like some guidance on next steps, 24 hours a day.**

### Useful Resources

- Blueprint training (<http://www.shivafoundation.org.uk/blueprint/training/>)
- Indicator list ([http://www.shivafoundation.org.uk/blueprintdocs/18\\_SF\\_SSB\\_Sec05\\_Indicator-List.pdf](http://www.shivafoundation.org.uk/blueprintdocs/18_SF_SSB_Sec05_Indicator-List.pdf))

- Example policies (<http://www.shivafoundation.org.uk/blueprint/policies-and-practices/>)

## 20. Public health

- 20.1. The Director for Public Health in Hertfordshire is a responsible authority under the Act, and may make representations in respect of applications for premises licences and club premises certificates, and apply to review licences and certificates.
- 20.2. At the time of writing, there is no licensing objective correlating purely to public health, and as such any representations or applications made by the Director for Public Health must be predicated upon one or more of the current licensing objectives. Representations relating solely to public health issues are not relevant under the Act.
- 20.3. The Licensing Authority will work with the Director of Public Health and his staff in order to identify and utilise relevant public health data within the licensing process. In particular, the authority may seek to rely upon public health data if it considers the introduction of a special licensing policy, such as a cumulative impact policy or an early morning alcohol restriction order.
- 20.4. Public Health may also hold (or have access to) health data concerning individual premises – for example, ‘Cardiff model’ data of alcohol-related admissions to hospital emergency departments. Such data may be of particular use to the Licensing Authority when it considers an application for review of an existing licence or certificate, and the Licensing Authority encourages responsible authorities who are bringing reviews to liaise with Public Health and examine whether any such data supports, or conflicts with, the grounds on which a review has been brought.
- 20.5. The Licensing Authority notes that there are limitations to such data – for example, the Cardiff model generally only specifies the last premises attended by a casualty, and may not detail any other premises where they consumed alcohol earlier in the evening, or any alcohol consumed at home (a practice widely known as ‘pre-loading’). For this reason, the Licensing Authority will carefully examine any such data presented in support of a representation or review. It is considered unlikely that action will be taken based solely on Cardiff model data – however, such data may act to reinforce other evidence presented in respect of a particular case, or may be indicative of an issue in a particular area requiring further investigation.
- 20.6. Health data relating to alcohol consumption by children will also be considered carefully by the authority, as it may indicate a particular geographic area where children are gaining access to alcohol. Such data may be correlated with complaints and reports of underage sales to inform and influence future enforcement operations undertaken by the Licensing Authority and responsible authorities.

## 21. Child sexual exploitation


- 21.1. High-profile cases around the UK have acted to highlight the potential links between victims of child sexual exploitation and licensed premises. As licensing authorities have a statutory duty to ensure the protection of children from harm through the exercise of their licensing functions, it is important that licence-holders are aware of the potential for premises to be used by persons who are exploiting children for sexual purposes, and take appropriate measures to detect and discourage this.
- 21.2. Child sexual exploitation generally involves a young person being encouraged, coerced or forced into participating in a sexual relationship or activity by an adult. It frequently involves the victim being offered something in exchange for this, such as money, gifts, food, alcohol, cigarettes, drugs, involvement in adult situations, or sometimes just attention. Victims may have been subject to a grooming process lasting for weeks, months or years.
- 21.3. There is no single model of sexual exploitation – different cases will all have different circumstances. Similarly victims will not all come from the same mould – while some victims may have had troubled backgrounds, others may come from prosperous and loving families.
- 21.4. There are a number of indicators which may indicate possible child sexual exploitation. These include, but are not limited to:
- relationships which develop between a child and an adult;
  - children accompanied by a group of unrelated adults;
  - children regularly attending premises and meeting with a number of different adults, particularly if alcohol is being purchased for the child;
  - children outside of licensed premises who develop relationships with adults, particularly if alcohol is being purchased for the child;
  - children leaving the premises with unrelated adults, particularly with a group of adults;
  - children looking uncomfortable in the company of or leaving the premises with adults, or groups of adults.
- 21.5. It must be stated that not every instance of the behaviours listed above will indicate exploitation, and many interactions between children and adults will be perfectly innocent. However, if staff at licensed premises have reasonable grounds for suspicion (for example, if the child does not appear to know the adults they are with, or appears distressed) then they should be urged to report this.
- 21.6. The Licensing Authority expects licence-holders and applicants for new licences to be aware of the possibility of child sexual exploitation taking place in or around licensed premises, and to adopt suitable protective measures to assist in the detection and reporting of incidents of this. These may include:
- inclusion of child sexual exploitation issues within training programs for new and existing staff,
  - written management procedures for identifying and reporting suspicious behaviour to police,
  - frequent monitoring of all areas of the premises and immediate vicinity, including external areas, to detect behaviours of the types listed above.
- 21.7. Hertfordshire Safeguarding Children Board, in conjunction with Hertfordshire Constabulary, has produced information packs<sup>10</sup>, containing further relevant guidance to the management and staff of licensed premises, and of hotels. The Licensing Authority strongly recommends that licensed premises use these packs to raise awareness of child sexual exploitation among staff, and to formulate protocols for reporting any suspect behaviour, observed by their staff.


<sup>10</sup> <http://www.hertsdirect.org/services/healthsoc/childfam/childprotection/hertssafboard/childexplo/>


*I didn't want to  
but my boyfriend  
asked me to be  
nice to his  
friends*

**CHILD SEXUAL EXPLOITATION**  
**SAY SOMETHING IF YOU SEE SOMETHING**  
**CALL HERTS POLICE ON 101**

**WWW.HERTSSAFEGUARDING.ORG.UK**

**Halo**  Tackling Child Sexual Exploitation

 HERTFORDSHIRE  
safeguarding children  
BOARD

 HERTFORDSHIRE  
CONSTABULARY

## 22. Film classifications

- 22.1. Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the Licensing Authority. Where recommendations have been made by both bodies, and the Licensing Authority has notified licence-holders of this, the Licensing Authority's recommendation will take precedence.
- 22.2. For the purposes of sections 20 and 74 of the Act, the Licensing Authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.
- 22.3. The Licensing Authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or Licensing Authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 22.4. Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a Licensing Authority recommendation should be displayed at or near the entrance to the screening.
- 22.5. The Licensing Authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the borough. However in a small number of cases, the Licensing Authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of three groups:
- In cases where the Licensing Authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
  - In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.
  - In cases where the Licensing Authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.
- 22.6. The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The Licensing Authority is aware that some cinemas across the country have agreed schemes whereby the applicable Licensing Authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.
- 22.7. It is recommended that any premises considering the provision of such screenings contacts the Licensing Authority to discuss the proposals firstly. The authority will typically expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.

## Issue of recommendations by the authority

- 22.8. When exercising powers under section 20 to issue an admission recommendation for a previously-unclassified film, it is proposed that the authority will adhere to the BBFC's Classification Guidelines ([www.bbfc.co.uk/whatclassification/guidelines](http://www.bbfc.co.uk/whatclassification/guidelines)), and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.
- 22.9. In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the Licensing Authority.

## Alternate recommendations for parent and baby screenings

- 22.10. Where the Licensing Authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the authority shall have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the authority may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Issues will be assessed on a film-by-film basis, but it is anticipated that scenes of strong violence and gore, sex and strong threat will lead to greater concern around viewing by children of that age than strong language, mild nudity and discriminatory content will.
- 22.11. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

## 23. Outdoor events

- 23.1. The Licensing Authority recognises the contribution that well-run outdoor events bring to local communities, and is pleased to support events which are run in a manner that will promote the licensing objectives.
- 23.2. The organisation of outdoor events of any size is a significant undertaking, with a multitude of issues which must be taken into account. Licensing is only one aspect of the regulation and control of such events.
- 23.3. Generally we would expect the organisers of all outdoor events to follow the advice contained in the “Purple Guide”<sup>11</sup> when planning their event. This document contains guidance written by and for the events industry in respect of safety and welfare aspects of event management, and replaced earlier guidance issued by the Health and Safety Executive.
- 23.4. For larger events, taking place under the authority of premises licences, it is recommended that organisers consider engaging professional advice and assistance, particularly with regards to issues which may affect public safety.
- 23.5. The authority will also expect the organisers of any large events (taking place under the authority of a premises licence) or events which include special risk factors to consult the Dacorum Safety Advisory Group while planning their event, and to implement any reasonable recommendations made by the group. The safety advisory group is a multi-agency body, which includes representatives of the Licensing Authority, responsible authorities and other statutory bodies who have involvement in the organisation and safe running of events.
- 23.6. Prior to applying for a licence, event organisers will need to secure permission from the appropriate landowner for the site on which they intend to hold their event. In the case of public land for which the Council is responsible for managing, including parks and common land, approaches should be made to the Outdoor Recreation Officer, within the Council’s Estate department.
- 23.7. One of the major concerns arising from outdoor events is disturbance to local residents from noise associated with music entertainment at the event, or other noisy equipment such as generators, public announcement systems, fireworks, and so on. The Licensing Authority will expect to receive a comprehensive operating schedule from licence applicants, containing appropriate proposals to control such issues and promote the public nuisance licensing objective.

## 24. Use of multiple Temporary Event Notices for single events

- 24.1. It has become increasingly common for larger scale events where licensable activities are taking place to be covered by multiple Temporary Event Notices.
- 24.2. Whilst, this will often be perfectly legal, it is important that sufficient formal planning is carried out for such events in order to reassure the Police and Environmental Health that the event can take place in such a way that the licensing objectives are promoted.
- 24.3. It is also important that organisers take suitable steps to ensure that they can be confident that they will not be inadvertently breaching licensing laws when running events in this way.

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<sup>11</sup> [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk)



24.4. Organisers should consider using the Dacorum Safety Advisory Group, and whether [Pre-Application advice](#) is worthwhile.

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## 25. Other relevant considerations

- 25.1. Licensed premises are subject to many statutory requirements including fire safety, trading standards, food hygiene, health and safety, and planning. These different regulatory systems will be properly separated as described in the Guidance.
- 25.2. In addition, section 17 of the Crime and Disorder Act 1998 requires the Council when exercising its functions to do all it reasonably can to prevent crime and disorder.
- 25.3. By consulting widely prior to this policy statement being published the Licensing Authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.
- 25.4. Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedule.
- 25.5. There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Authority may, when appropriate, receive reports on:
- the needs of the local tourist economy;
  - the cultural strategy for the area;
  - the employment situation in the area and the need for new investment and employment opportunities where appropriate;
  - planning considerations which might affect licensed premises

### **Live music, dance and theatre**

- 25.6. The Licensing Authority will monitor the impact of its licensing decisions on the provision of regulated entertainment within the Borough, and particularly live music, dancing and plays.
- 25.7. Many events which consist solely of these activities will now fall outside of licensing requirements, following recent deregulation.
- 25.8. The Licensing Authority is aware of the Covenant on Economic, Social and Cultural Rights and the requirements of Article 15 which require that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. Care will be taken to ensure that only appropriate, proportionate and reasonable licensing conditions impose any restriction on these events.
- 25.9. Account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community of these activities.
- 25.10. When attaching conditions the Licensing Authority will generally seek to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However the Licensing Authority notes that on occasion it may have no choice but to impose such requirements in order to safeguard the licensing objectives – for example, requiring the installation of safety equipment to ensure the safety of persons attending an entertainment performance.

## Transport

25.11. Where any protocols agreed with the police identify a particular need to disperse people from town centres swiftly and safely to avoid concentrations which could lead to disorder and disturbance, the Licensing Authority will inform and work with local transport providers to reduce the potential for problems to occur.

25.12. At present no issues have been identified with regard to transport and the dispersal of people from the town centres. The Licensing Authority will continue to liaise with the local police and licence-holders to review the transport situation and to report its findings.

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# Part C: Other regulatory controls



## 26. Special licensing policies

26.1. There are several types of special licensing policy which a Licensing Authority is entitled to adopt, to help it regulate the provision of licensable activities within its area.

### Cumulative impact policies

26.2. The authority may adopt a special policy, known as a cumulative impact policy, if it is satisfied that there is an adverse impact on one or more of the licensing objectives as a result of a significant number of licensed premises being concentrated in a defined locality. The effect of this impact will be, for example, a spike in incidents of crime, disorder or nuisance over and above what can be attributed to the operation of the individual premises.

26.3. By adopting a cumulative impact policy, a Licensing Authority creates a rebuttable presumption that future licence applications for premises within the area defined in the policy will be refused, unless applicants can demonstrate conclusively that their proposals will not adversely affect the issues being experienced. Policies may relate to any licensable activity, although the supply of alcohol is the most common subject of policies adopted nationwide.

26.4. Where a cumulative impact policy is adopted, the Licensing Authority's discretion to consider the rejection of an application is only engaged upon the receipt of relevant representations. In the absence of such representations, the duty to grant a licence in the terms applied for remains unchanged.

26.5. In determining whether to adopt a special policy for a particular area the Licensing Authority will:

- identify evidence of concerns about relating to a licensing objective;
- consider whether the evidence demonstrates that a cumulative impact caused by the customers of multiple licensed premises is adversely affecting a licensing objective;
- identify the precise area(s) where issues are occurring;
- undertake a public consultation on the proposed policy; and
- include and publish details of any special policy within this policy statement.

26.6. Having considered the available evidence, the Licensing Authority considers that there is no particular part of Dacorum experiencing cumulative impact on the promotion of any of the licensing objectives, at the present time, which would warrant the introduction of a cumulative impact policy.

26.7. The Licensing Authority will continue to monitor the entirety of the Borough for issues relating to cumulative impact, in conjunction with the responsible authorities and other members of the Dacorum Community Safety Partnership. Should evidence of a cumulative impact issue emerge during the validity of this policy, the Licensing Authority may look to adopt a cumulative impact policy by way of an interim revision.

### Early morning alcohol restriction orders (EMARO's)

26.8. To promote the licensing objectives, a Licensing Authority may utilise powers under the Act to pass an early morning alcohol restriction order. Such an order would prohibit the sale of alcohol from any premises within an area defined in the order between specified times (which may extend from midnight until 6 a.m.) on specified days.

26.9. It is envisaged that this power will only be used in response to severe and recurring issues arising

from the supply of alcohol in the night-time economy, such as high levels of alcohol-related crime and disorder in specific areas at specific times, which cannot be attributed to an individual premises. The Licensing Authority views this as a 'last resort' option, for use after other tools have been unsuccessful in remedying the issue.

26.10. At the present time, Dacorum has not utilised the provisions of the Act to pass an early morning alcohol restriction order, and has no current plans to do so. Should this position change, full details will be published on our website and notified to all licensed premises that would be affected.

## Late night levy

26.11. Part 2 of the Police Reform and Social Responsibility Act 2011 introduced a new power for licensing authorities to establish a 'late night levy'. Licensed premises within the area of a Licensing Authority which has adopted such a requirement will be required to pay an additional annual fee if they are licensed to supply alcohol within a late night period set by the authority (generally between midnight and 6 a.m., although shorter periods are permissible).

26.12. Where a levy requirement has been adopted, the Licensing Authority will be responsible for the collection of the appropriate amounts from licence-holders. After deduction of administration costs, not less than 70% of the net proceeds of the levy must be paid by the Licensing Authority to the local police force, which may be used (but is not required to be) to offset the costs incurred in policing the night time economy arising from the alcohol supplies permitted from affected licensed premises. The remaining amount may only be applied on purposes prescribed in Regulations, namely arrangements connected with the late night supply of alcohol for one or more of the following functions:

- The reduction or prevention of crime and disorder
- The promotion of public safety
- The reduction or prevention of public nuisance
- The cleaning of any relevant highway or relevant land in its area.

26.13. At the time of writing, Dacorum has not adopted the provisions of the 2011 Act relating to a late night levy, nor is it currently intended to do so.

## 27. Public space protection orders

- 27.1. Under the Anti-Social Behaviour, Crime and Policing Act 2014, local authorities may make orders to protect public spaces from specified forms of nuisance, including anti-social behaviour arising from the consumption of alcohol, which has or is likely to have a detrimental effect on the quality of life of those in the vicinity. This power replaced that under previous legislation for the creation of designated public place orders (DPPO's).
- 27.2. Where a public space protection order has effect and includes provisions relating to the consumption of alcohol, any person who is consuming alcohol in a street or public place which is within the area covered by that order must cease drinking if requested to do so by a police officer or an authorised person, and surrender any alcohol for disposal. It is a criminal offence to fail to comply with the instructions of a police officer or authorised person in this respect, and may result in a fixed penalty notice being issued, or arrest and prosecution.
- 27.3. A public space protection order will not apply to any premises within a specified area at which alcohol may be supplied and consumed under the authority of a premises licence or a club premises certificate, or at which a temporary event notice authorising the supply of alcohol is currently active or was active no more than 30 minutes previously.
- 27.4. Details of any such orders adopted by the Council will be published on our website.<sup>12</sup>
- 27.5. Dacorum has previously adopted a number of DPPO's in response to issues around street drinking, which will continue to have effect for a limited time ahead of a review process. Following a review, the authority may replace these orders with a new public space protection order, or extinguish them.

## 28. Fire safety

- 28.1. The primary legislation in respect of fire safety in commercial premises is the Regulatory Reform (Fire Safety) Order 2005, which is enforced by fire and rescue authorities.
- 28.2. The Licensing Authority will seek to avoid duplication with this regulatory regime when exercising its licensing powers. In particular, we will not seek to attach conditions to licences and certificates which duplicate requirements under the Order, nor will we impose conditions which limit capacity within a licensed premises on fire safety grounds, although we may continue to set capacity limits if this is considered appropriate on another public safety ground.
- 28.3. The Licensing Authority expects all premises licence and club premises certificate holders to adhere fully to the requirements of the Order, in particular with regard to ensuring that a suitable fire risk assessment has been undertaken and any applicable measures implemented. We will work closely with Hertfordshire Fire & Rescue Service in this respect, as failure to fully adhere to fire safety legislation may be indicative of a more systemic management failure to promote the licensing objectives.
- 28.4. The fire and rescue authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and not solely based on a failure to adhere to fire safety legislative requirements.

<sup>12</sup> For alcohol-related orders, see [www.dacorum.gov.uk/home/environment-street-care/licensing/alcohol-entertainment-licensing/statement-of-licensing-policy/special-licensing-policies](http://www.dacorum.gov.uk/home/environment-street-care/licensing/alcohol-entertainment-licensing/statement-of-licensing-policy/special-licensing-policies)

## 29. Planning and building control

- 29.1. The planning and licensing regimes involve the consideration of different (albeit partly-related) matters. For instance licensing considers public nuisance whereas planning considers amenity. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee – the Licensing Authority is not bound by the decisions made by the planning authority, and vice versa.
- 29.2. The granting by the Licensing Authority of a licence or a variation thereof, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate. In particular, where licensable activities are proposed to be carried on at listed buildings, no works should be undertaken without first applying to the Local Planning Authority for listed building consent, where required.
- 29.3. There are also circumstances when, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different from the permitted licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of either their planning or licensing permissions would be liable to enforcement action under the applicable legislation.
- 29.4. The planning, building control and licensing regimes of the Licensing Authority will be properly separated to avoid duplication. Normally applications for premises licences for permanent commercial premises will be from businesses with planning consent for the premises concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority, or simultaneously.
- 29.5. The planning authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and are not solely based on a failure to adhere to planning or building control legislative requirements
- 29.6. The Council as a planning authority has adopted planning policies which relate to planning concerns, including the development and use of buildings and land. They contain criteria related to such matters as the size of premises and the use of premises, rather than to individual licensable activities.
- 29.7. Planning remains the regime that is concerned with the development of premises and their overall use. Licensing is directed at individual licensable activities and their management. The granting of planning permission for a premises or a finding that premises enjoy lawful use, will not prevent the Licensing Authority from considering in detail the licensable activities, their management and conditions appropriate to them.
- 29.8. The Council regards licensing as a key means of controlling nuisance and anti-social behaviour and part of the holistic approach to the management of the evening and night time economy.



## 30. Promotion of equality

30.1. The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different characteristics. The 2010 Act provides for a number of protected characteristics, as follows:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

30.2. The Licensing Authority expects that licensed premises will not discriminate against any person based solely on any of these characteristics – for example, refusing a person entry to a licensed premises on the basis of their race, gender or age.

30.3. The sole exception to this will be where such action is necessary to comply with legal requirements or licence conditions, particularly in respect of ensuring an individual's age in situations where licence-holders must restrict access to age-restricted goods or services to any person who is below the legal age for that good or service – for example, the sale of alcohol to under-18's, or admission of under 15's or under 18's to a film with a '15' or '18' certificate.

30.4. The Licensing Authority will also expect member's clubs to ensure that their membership rules do not result in discrimination against a person on the basis of a protected characteristic – for example, maintaining different membership classes for persons of different genders.

## 31. Copyright restrictions

- 31.1. Premises which play music or exhibit films under the authority of a licence issued by Dacorum will need to ensure that they are not infringing upon the copyright of the creators, publishers or distributors of the applicable content, and hold appropriate permission authorising the commercial or public use of the songs or films in question. Premises licences, club premises certificates, and temporary event notices only authorise the physical act of playing music or exhibiting films in the presence of an audience, and do not convey any entitlement under copyright law.
- 31.2. It is beyond the remit of this document to provide a full breakdown of copyright laws. However, in essence, the vast majority of films and music purchased from consumer outlets are typically licensed for non-commercial private (or home) use only. Use for any other purpose, such as exhibition to an audience or use in conjunction with a commercial enterprise will not typically be compatible with the terms of the licence granted upon purchasing the music or video recording.
- 31.3. There may be several persons or bodies with legitimate copyright claims to every film or piece of music – for example, claims in respect of a recording of a song may be enforced by the singer, the songwriter, the producer and the publisher, as a minimum. Securing individual permissions from every such person would be a complex and costly undertaking. However, many copyright holders are represented by a smaller number of copyright collection societies or distributors, who often issue annual licences covering every song or film in their catalogues. These include:
- For music:
    - Performing Rights Society (PRS) – [www.prsformusic.com](http://www.prsformusic.com)
    - Phonographic Performance Ltd (PPL) – [www.ppluk.com](http://www.ppluk.com)
  - For films:
    - British Film Institute (BFI) – [www.bfi.org.uk/distribution/](http://www.bfi.org.uk/distribution/)
    - Filmbank Distributors – [www.filmbank.co.uk](http://www.filmbank.co.uk)
    - Motion Picture Licensing Company – [www.themplc.co.uk](http://www.themplc.co.uk)
- 31.4. The Licensing Authority expects premises licence and club premises certificate holders to ensure that they are correctly authorised by all relevant copyright holders or collection societies for every song played or film exhibited at licensed premises. The authority may be legally required to provide details of licences and licence-holders to rights-holders for use in legal proceedings in respect of copyright infringement.
- 31.5. Copyright restrictions also affect another activity frequently provided at licensed premises – the showing of televised sporting events. Although this activity will not typically require authorisation from the Licensing Authority (unless the original broadcast is recorded for later exhibition), licence-holders showing such broadcasts should ensure that they have a valid TV licence for their premises. If the sporting event is shown on a channel which is not free-to-air, or is broadcast on a pay-per-view basis, a valid commercial premises contract should be obtained from the appropriate broadcaster.
- 31.6. The primary means of enforcing copyright claims is by way of proceedings brought under the Copyright, Designs and Patents Act 1988 by rights-holders. As such, the Licensing Authority will not generally consider it appropriate to exercise its licensing powers in respect of claims of copyright infringement at licensed premises. However, convictions for certain offences under the 1988 Act are specified as relevant offences in respect of personal licences, and may be considered as grounds for the refusal of an application for a personal licence or forfeiture of an existing personal licence (to be ordered by the court upon conviction for a relevant offence).

# Annexes



## Annex A – Delegation of functions

Full details of the scheme of delegation adopted by Dacorum can be viewed in the Council’s Constitution, which is available on our website. The table below summarises the main delegations, and shows which functions will be exercised at which level.

Matter to be determined	Delegation level	
	Licensing of Alcohol & Gambling Sub-Committee	Officers
<b>Premises licences</b>		
Determination of an application for a provisional statement	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for a premises licence	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for variation of a premises licence	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for minor variation of a premises licence	-	✓
Determination of an application to designate a premises supervisor	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
Determination of an application for transfer of a premises licence	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
Consideration of an interim authority notice	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
Determination of an application for review of a premises licence (including summary reviews and reviews following closure orders)	✓	-
Consideration of interim steps on summary review application	✓	-
Suspension of premises licence for non-payment of annual fee	-	✓
<b>Club premises certificates</b>		
Determination of an application for a club premises certificate	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for variation of a club premises cert.	Where relevant representations have been received and not withdrawn	Where relevant representations were not received or have all been withdrawn
Determination of an application for minor variation of a club premises certificate	-	✓
Determination of an application for review of a club premises certificate	✓	-
Withdrawal of club premises certificate from ex-qualifying club	-	✓
Suspension of club premises certificate for non-payment of annual fee	-	✓

Matter to be determined	Delegation level	
	Licensing of Alcohol & Gambling Sub-Committee	Officers
<b>Temporary event notices</b>		
Consideration of a standard temporary event notice	Where an objection notice has been received and not withdrawn <i>(includes imposition of conditions if no counter-notice is issued)</i>	Where an objection notice was not received or has been withdrawn
Consideration of a late temporary event notice	-	✓ <i>(includes issue of counter-notice where an objection notice was received)</i>
Issue of counter-notice where statutory limits exceeded	-	✓
<b>Personal licences</b>		
Determination of an application for a personal licence	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
Consideration of convictions coming to light after grant of personal licence	Where a police objection notice has been received and not withdrawn	Where a police objection notice was not received or has been withdrawn
<b>General</b>		
Decisions to prosecute or issue cautions for offences under the Act	-	✓
Initiation of reviews and making of representations on behalf of the Licensing Authority	-	✓
Determination of relevancy of representations	-	✓
Issue of premises closure orders (Anti-social Behaviour, Crime and Policing Act 2014)	-	✓

Adoption of the statement of licensing policy, early morning alcohol restriction orders and a late night levy requirement are functions of the Full Council.

## Annex B – Useful resources

### Age verification

No ID No Sale campaign

- [www.noidnosale.org](http://www.noidnosale.org)

### Alcohol awareness

Drinkaware

- [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

### Alcohol promotions

Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks (Portman Group)

- [www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice](http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice)

### Child sexual exploitation

Operation HALO minisite (Hertfordshire Constabulary)

- [www.herts.police.uk/advice/halo.aspx](http://www.herts.police.uk/advice/halo.aspx)

Say Something If You See Something resources (Hertfordshire Safeguarding Children's Board)

- [www.hertsdirect.org/services/healthsoc/childfam/childprotection/hertssafboard/childexplo/](http://www.hertsdirect.org/services/healthsoc/childfam/childprotection/hertssafboard/childexplo/)

### Counter-terrorism

Protecting Crowded Places from Terrorism (National Counter-Terrorism Security Office)

- [www.gov.uk/government/collections/crowded-places](http://www.gov.uk/government/collections/crowded-places)

### Crowd safety

Managing Crowds Safely: a guide for organisers at events and venues (HSE Publications)

- [www.hse.gov.uk/pubns/priced/hsg154.pdf](http://www.hse.gov.uk/pubns/priced/hsg154.pdf)

### Film classification

Classification guidelines (British Board of Film Classification)

- [www.bbfc.co.uk/what-classification](http://www.bbfc.co.uk/what-classification)

### Fire safety

Fire safety advice documents (Department for Communities and Local Government)

- [www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents](http://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents)

Hertfordshire Fire & Rescue Service – large outdoor event advice/requirements

- Available via [www.dacorum.gov.uk/home/environment-street-care/licensing/event-safety](http://www.dacorum.gov.uk/home/environment-street-care/licensing/event-safety)

### Modern Slavery

- The Modern Slavery Helpline (0800 0121 700) can provide support to anyone who has a suspicion and would like some guidance on next steps, 24 hours a day.

- Blueprint training (<http://www.shivafoundation.org.uk/blueprint/training/>)

- Indicator list ([http://www.shivafoundation.org.uk/blueprintdocs/18\\_SF\\_SSB\\_Sec05\\_Indicator-List.pdf](http://www.shivafoundation.org.uk/blueprintdocs/18_SF_SSB_Sec05_Indicator-List.pdf))

- Example policies (<http://www.shivafoundation.org.uk/blueprint/policies-and-practices/>)

## **Noise control**

Guidelines on Community Noise (World Health Organisation)

- [www.who.int/docstore/peh/noise/guidelines2.html](http://www.who.int/docstore/peh/noise/guidelines2.html)

Effective Management of Noise from Licensed Premises (British Beer and Pub Association)

- [www.beerandpub.com/industry-briefings/bbpa-guidance-on-licensed-property-noise-control](http://www.beerandpub.com/industry-briefings/bbpa-guidance-on-licensed-property-noise-control)

Code of Practice on Environmental Noise Control at Concerts (Noise Council)

- [www.cieh.org/policy/default.aspx?id=13870](http://www.cieh.org/policy/default.aspx?id=13870)

## **Outdoor events**

The Purple Guide to Health, Safety and Welfare at music and other events

- [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk) (*subscription required*)

The 'Can Do' guide to Organising a Voluntary Event (Cabinet Office)

- [www.gov.uk/government/publications/can-do-guide-for-organisers-of-voluntary-events](http://www.gov.uk/government/publications/can-do-guide-for-organisers-of-voluntary-events)

Event safety guidance (Dacorum Safety Advisory Group)

- [www.dacorum.gov.uk/home/environment-street-care/licensing/event-safety](http://www.dacorum.gov.uk/home/environment-street-care/licensing/event-safety)

## **Security and CCTV**

Security Industry Authority website

- [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)

Surveillance Camera Code of Practice (Surveillance Camera Commissioner)

- [www.gov.uk/government/publications/surveillance-camera-code-of-practice](http://www.gov.uk/government/publications/surveillance-camera-code-of-practice)

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## Annex C – Contact details

For information on this statement of licensing policy, or for informal advice on making an application or whether a particular activity is likely to require authorisation, please contact:

**Licensing  
Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
HP1 1HH**

Phone: **01442 228000**  
Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)  
Web: [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

Many applications for licences can be made online – to do so, look for the ‘Do it online’ links on our website, at [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

### Responsible authority contact details

Hertfordshire Constabulary (Dacorum Licensing)  
Phone: 01442 271601

Email: [dacorumlicensing@herts.pnn.police.uk](mailto:dacorumlicensing@herts.pnn.police.uk)

Hertfordshire Fire and Rescue Service (Fire Protection)  
Phone: 01707 292310

Email: [administration.cfs@hertfordshire.gov.uk](mailto:administration.cfs@hertfordshire.gov.uk)

Hertfordshire Public Health  
Phone: 0300 123 4040

Email: [publichealth@hertfordshire.gov.uk](mailto:publichealth@hertfordshire.gov.uk)

Hertfordshire Trading Standards  
Phone: 01707 292429

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Full contact details for the above authorities including postal addresses, and additional authorities in respect of licensable activities on vessels, can be viewed on our website.



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For informal advice or queries, please email:  
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