

Committee Agenda



Epping Forest District Council

Licensing Committee Tuesday, 1st November, 2022

You are invited to attend the next meeting of **Licensing Committee**, which will be held at:

**Council Chamber - Civic Offices
on Tuesday, 1st November, 2022
at 7.00 pm.**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

Adrian Hendry (Democratic Services)
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors R Morgan (Chairman), J Jennings (Vice-Chairman), I Hadley, S Heather, P Keska, A Lion, T Matthews, L Mead, Caroline Pond, B Rolfe, M Sartin, P Stalker, D Stocker, D Sunger, J M Whitehouse and K Williamson

PLEASE NOTE THE START TIME OF THE MEETING

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast and Members are reminded of the need to activate their microphones before speaking.
2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights. If you have any concerns then please speak to the Webcasting Officer.”

2. APOLOGIES FOR ABSENCE

To be announced at the meeting.

Please use the Members Portal webpage to report non-attendance at meetings https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council’s website, at the bottom under ‘Contact Us’ <https://www.eppingforestdc.gov.uk/your-council/members-portal/>

3. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

4. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks notice of non-urgent items is required.

5. MINUTES OF THE LICENSING COMMITTEE (Pages 5 - 10)

To confirm the minutes of the Licensing Committee meeting held on 21 March 2022.

6. MINUTES OF THE LICENSING SUB-COMMITTEES

The minutes from the Sub-Committee's meetings will be available for the relevant Chairmen to sign off.

7. LICENSING STATISTICS

Latest statistics were given at the March meeting.

8. PAVEMENT LICENSING (Pages 11 - 12)

Background report on Pavement Licences.

9. LIVE MUSIC ACT (Pages 13 - 16)

To update Members on the exemptions introduced under The Live Music Act 2012 and the further deregulation introduced under The Legislative Reform (Entertainment Licensing) Order 2014, that came into force on 6th April 2015.

10. ROAD CLOSURES/STREET PARTIES (Pages 17 - 18)

Background to the proposal that was put to the Licensing Committee to streamline the existing road closure process.

11. TAXI TARIFF (Pages 19 - 28)

To consider future taxi tariffs.

12. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

To review the proceedings of the Licensing Sub-Committee held during the preceding period and consider any issues of procedure, policy or organisation that have adversely affected the operation or management of meetings.

13. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

To highlight any further training considered necessary for the members tasked with discharging the Council's Licensing function.

14. MATTERS ARISING

To consider any further matters arising in respect of the Council's Licensing function, not covered elsewhere on the agenda.

15. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for 22 March 2023 at 7.00pm in the Council Chamber.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Licensing Committee	Date:	Monday, 21 March 2022
Place:	Council Chamber - Civic Offices	Time:	7.00 - 7.55 pm
Members Present:	Councillors R Morgan (Chairman), J Jennings (Vice-Chairman), P Keska, A Lion, Caroline Pond, B Rolfe, M Sartin, D Stocker and K Williamson		
Members Present (Virtually):	Councillors I Hadley, S Heather, L Mead and P Stalker		
Other Councillors:	-		
Other Councillors (Virtual):	-		
Apologies:	S Neville and J M Whitehouse		
Officers Present:	D King (Licensing Manager), G Woodhall (Team Manager - Democratic & Electoral Services) and A Buckley (Higher Level Apprentice (Internal Communications))		
Officers Present (Virtually):	S Devine (Service Manager (Regulatory)) and V Messenger (Democratic Services Officer)		

15. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

16. DECLARATIONS OF INTEREST

There were no declarations of interest made by the Councillors present pursuant to the Council's Member Code of Conduct.

17. ANY OTHER BUSINESS

The Committee noted that there was no additional business for consideration at the meeting.

18. MINUTES OF THE LICENSING COMMITTEE

RESOLVED:

(1) That the minutes of the meeting held on 13 October 2021 be taken as read and signed by the Chairman as a correct record.

19. MINUTES OF THE LICENSING SUB-COMMITTEES**RESOLVED:**

(1) That the minutes of the following meetings of the Licensing Sub-Committee be taken as read and signed by their Chairmen as a correct record:

- (a) 2 November 2021 (pm);
- (b) 7 December 2021; and
- (c) 18 January 2022.

20. LICENSING STATISTICS

Figures were provided by the Team Manager for Licensing, D King, for the application for, renewal of and surrender of Taxi Driver Licences for the 2020/21 and 2021/22 financial years. There had been a significant increase in the number of licences surrendered and the number of renewals, and a slight increase in the number of new applications. There were currently 212 Taxi Drivers licensed by the Council, which was a 17% reduction since April 2020.

In response to questions from the Committee:

- D King felt that there was more that the Council could do to assist with the recruitment of more Taxi Drivers and referenced the report regarding the review of the taxi tariffs to be considered later in the meeting. It was highlighted that Taxi Drivers were important for the local night-time economy.
- D King did not have any data available at the meeting regarding vehicles being used that were coming to the end of their useful life but would report back to the Committee.
- D King did not have any data for the number of licensed vehicles with disabled access; Licensing Officers would check if this data could be obtained and would report back to the Committee.

The Committee felt that the figures supported the anecdotal evidence that some Taxi Drivers had gained different employment and would not return to taxi driving.

D King also presented a report which detailed the number of applications received and determinations of those applications for the period 1 October 2021 to 28 February 2022. This included Premises Licence applications and variations, Temporary Event Notice (TEN) applications, Personal Licence applications, reviews of Licences requested by Essex Police, as well as applications under the Gambling Act 2005. Included separately for information and comparison were the figures for the two previous 12-month periods running from 1 October to 30 September.

D King added that the number of TEN applications received in the previous five months were equal to the amount received in the preceding twelve-month period. It was expected that this number would increase in the period leading up to the Queen's Platinum Jubilee in June. However, there was nothing noticeable in the trends as the majority of these applications were for the extension of existing licensed hours at Public Houses.

Resolved:

- (1) That the reported Licensing statistics be noted.

21. ROAD CLOSURES / STREET PARTIES

The Team Manager for Licensing, D King, presented a report to the Committee highlighting the changes that had been made to the Road Closures and Street Parties application process, ahead of the expected celebrations for the Queen's Platinum Jubilee.

D King informed the Committee that the changes included:

- the waiving of the £194 application fee for community / charity events;
- a six-week application period with no legal deadlines, but a minimum four-week period would be required for the Licensing Sub-Committee to determine any applications if objections were received;
- the Licensing Team would liaise with Essex Highways, whilst the applicant would be responsible for notifying all other affected individuals or organisations;
- removal of the need for risk assessments to be submitted at the application stage; and
- removal of the requirement for public liability insurance.

D King reported that the streamlined process was now up and running, and the Council was receiving two or three enquiries per day in relation to events to celebrate the jubilee.

In response to questions from the Committee, D King stated that the Council did provide guidance for events to be held on village greens rather than the road, but it was very generalised and it would be better if the organisers contacted D King direct so that tailored advice could be provided. Planning was also taking place in relation to the Ride London cycle race which would pass through the District, where two entertainment zones would be set up and a number of local roads would be closed for the event.

Resolved:

(1) That the changes made to the Road Closure and Street Party application process for the Queen's forthcoming Platinum Jubilee be noted.

22. ELECTRIC VEHICLES AND CHARGING POINTS FOR TAXIS

The Service Manager for Regulatory Services, S Devine, presented an update to the Committee on the steps that the Council was taking to increase the provision of electric charging points within the District and encouraging taxi Drivers to switch to electric vehicles. This information note had been provided by the Council's Sustainable Transport Officer.

S Devine reported that a survey of the District's licensed Drivers had been undertaken to understand the barriers to switching to electric vehicles as this was still a rarity in Essex, unlike in London. The main obstacles to adoption were the high initial acquisition cost, the lack of public charging points and some anxiety about the range of electric vehicles. In addition, 56% of Drivers had no viable way of charging a vehicle at their home. Analysis by Officers had illustrated that certain areas of the District, such as Chigwell, Buckhurst Hill, Epping and Ongar, had no public chargers within 2 or 3 miles of the location but there were clusters of Drivers living in these areas.

S Devine believed that responses to the survey had been received from approximately 30% of the District's licensed Drivers, which was a better rate than

previous surveys. The Committee felt that there was a need to identify where public charging points should be, and to encourage Drivers to switch to electric vehicles. It was noted that the County Council was not keen to allow lamp posts to be used as charging points as they were often set back from the street.

Resolved:

- (1) That the information note provided by the Council's Sustainable Transport Officer on the potential for electric taxis to operate in the District be noted.

23. TAXI TARIFF

The Team Manager for Licensing, D King, reported that the Council's Licensing Team would be undertaking an urgent review of taxi fares applied to customers using a Hackney Carriage within the District.

D King informed the Committee that the current fee tariff had not been increased for eight years but was scheduled to be reviewed as part of the wider taxi policy review later this year. However, due to the recent unprecedented increases in fuel costs, it had been necessary to bring that review forward to support the local licensed taxi trade. A benchmarking exercise had indicated that the District had the lowest fares throughout Essex. Legal advice had been sought to ascertain if the Council could apply an emergency surcharge as an interim solution, but there was no such mechanism within the legislation. It was proposed that the Council would review its current tariff, undertake the statutory consultation before seeking formal adoption of the proposed fees.

The Committee was surprised to learn that the tariff had not been reviewed for eight years; D King explained that the tariff had been reviewed in 2017 but there had been no increases applied. The Committee felt that the tariff should be reviewed on a more frequent basis and that, given the current increases in fuel costs, an extra meeting of the Licensing Committee should be scheduled to agree the revised tariff if necessary.

Resolved:

- (1) That, given the current increase in fuel costs, the proposed review of the taxi fare tariff for the District be noted; and
- (2) That an extra meeting of the Licensing Committee be scheduled to agree the new taxi fare tariff if required.

24. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

The Committee reviewed the proceedings of the Licensing Sub-Committee meetings held during the preceding six months to determine whether there were any issues of procedure, policy or organisation that required consideration.

Cllr P Keska commented that at a recent Licensing Sub-Committee meeting where he was a participant, there were issues with being able to hear the comments of the participants who had joined the meeting via Zoom. The Councillor felt that all participants should be in physical attendance at the meeting.

Some Members highlighted that parking at the Civic Offices was an issue as well for daytime meetings. The Committee was reminded that participants could park in the

nearby Cottis Lane and Bakers Lane car parks, whilst the members of the Sub-Committee would have four spaces reserved for them at the Civic Offices.

25. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

The Team Manager for Licensing, D King, informed the Committee that there had been no recent changes in legislation to require all members of the Licensing Committee to undertake further training. Cllr K Williamson commented that he had undertaken an online training course for Licensing, but had actually learnt more from watching the webcasts of some recent meetings.

26. MATTERS ARISING

Cllr P Keska proposed a motion that all participants should be in physical attendance at future meetings of the Licensing Sub-Committee; this motion was seconded by Cllr B Rolfe.

The Team Manager for Democratic & Electoral Services, G Woodhall, advised that meetings of the Licensing Sub-Committee were governed by the Licensing Act 2003 rather than the Local Government Act 1972, and therefore virtual participation by applicants and objectors was permissible.

The Committee accepted the advice, but Cllr M Sartin commented that Members got a better sense of the mood for an application when the participants were in physical attendance rather than in attendance via Zoom. It was also pointed out that the Government was encouraging a return to normality after the Covid lockdowns of the previous two years.

Cllr P Stalker felt that the Council also needed to be more customer focused and be mindful that applicants might have to shut their business for half a day to attend a hearing. The Service Manager for Regulatory Services, S Devine, suggested that the Council could organise the meetings more effectively so that participants were not wanting for an hour or more before their particular case was heard.

Cllr M Sartin commented that interested parties made representations in writing before the meeting stating their point of view and why. Whereas, the applicants generally only filled in the required application form and did not add a letter outlining the reasons for their application.

Resolved:

- (1) That, from the start of the 2022/23 municipal year, all participants be required to be in physical attendance at meetings of the Licensing Sub-Committee.

27. DATE OF NEXT MEETING

The Committee noted that the date of its next meeting was currently 19 October 2022.

The Chairman informed the Committee that the Service Manager for Regulatory Services, S Devine, would be retiring after 32 years' service with the Council and, on behalf of the Committee, the Chairman thanked S Devine for her contribution to the Council.

CHAIRMAN

Report to Licensing Committee

Date of meeting: 1st November 2022



**Epping Forest
District Council**

Subject: Pavement Licensing

Officer contact for further information:

David King Licensing Manager, 01992 564888

Committee Secretary: A Hendry

Recommendations: For Information

Background

The Levelling-up and Regeneration Bill proposes to make the regime for pavement licences issued under the Business and Planning Act permanent.

Pavement licensing was introduced in 2020 through emergency legislation in response to the COVID pandemic. It's intent was a simplified and fast track route for pubs, restaurants, and cafes to obtain a temporary permission to place furniture including outdoor tables and seating on the highway, allowing them to increase their outdoor capacity safely, quickly and at a low cost.

The regime was first extended in 2021 and it was extended again on 20th July until 30th September 2023.

In summary the Bill proposes to make pavement licensing a permanent fixture subject to the following amendments:

- Amend the fee councils can charge applicants, increasing it from £100 to £350 for premises which already hold a pavement licence, and £500 for new applicants.
- Extend the public consultation period and council determination period from 7 days to 14 days.
- Extend the maximum duration of pavement licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority.
- Provide that pavement Licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
- Prohibit a local authority from granting a tables and chairs licence under the old regime (Highways Act 1980) if a pavement permit is capable of being granted under this legislation.
- Insert a new Enforcement schedule providing powers to the local authority to remove furniture if a premise is not abiding by its pavement licence conditions and hours.

One of the current benefits of the existing procedure is that once a pavement licence is issued, the premises automatically benefits from planning permission for the furniture for the duration of the licence. There is currently no proposal to change this.

Due to the temporary extension until 2023, we adopted the same approach taken in 2021. Namely:

- Licence holders wishing to keep the same timings, quantity of furniture, layout and making no changes; no fee was charged.

- A public notice be displayed in the window of the premises and in the absence of any objection the licence was automatically extended until 30th September 2023.
- If the licence holder wished to make any changes, they would have to submit a new application, pay the relevant fee (£100) and the application would have been subject to the full consultation and approval process i.e. automatic grant if no objections or where objections received, officer recommendation and determination by Head of Technical Services, Councillor Williamson (Technical Services Portfolio Lead) and Councillor Morgan as Chair of the Licensing Committee.

All premises were written to in August and advised accordingly. They have all renewed their licence for a further period without any variation being sought.

The Levelling-up and Regeneration Bill is currently at Committee stage in the House of Commons having had its 1st and 2nd reading and will hopefully receive Royal Assent in due course.

Report to Licensing Committee

Date of meeting: 1st November 2022

Subject: Live Music Act

Officer contact for further information:
David King Licensing Manager, 01992 564888

Committee Secretary: A Hendry



Recommendations: For Information

Background

The purpose of this report is to update Members on the exemptions introduced under The Live Music Act 2012 and the further deregulation introduced under The Legislative Reform (Entertainment Licensing) Order 2014, that came into force on 6th April 2015.

When the licensing Act 2003 was first introduced it contained a number of exemptions where a premises licence would not be required for the provision of regulated entertainment. These included:

- activities which involve participation as acts of worship in a religious context
- activities in places of public religious worship
- education – teaching students to perform music or to dance
- demonstration of a product – for example, a guitar – in a music shop
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity that is not licensable
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity
- A spontaneous performance of music, singing or dancing
- Garden fetes – or similar if not being promoted or held for purposes of private gain
- Films for advertisement, information, education or in museums or art galleries; • Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis)
- Stand-up comedy

However, it was believed by many in the music industry that the imposition of a licence and the onerous conditions sometimes placed on them, deterred many venues from hosting live music entertainment.

It was suggested that nearly every critically acclaimed band from the last half century owed their success to performing pubs, bars and clubs throughout the country and the introduction of the Licensing Act 2003 had unwittingly had the effect of shutting down hundreds of live music venues and in doing so had hampered grass roots music and was seen as barrier to emerging talent.

Lobbying by the music industry and its supporters led to a review by the Department of Culture Media and Sport and the subsequent deregulation under the Live Music Act 2012 The Legislative Reform (Entertainment Licensing) Order 2014.

Key Changes

As a result of deregulatory changes under the Act and subsequent reform order, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000
- Unamplified live music between 08.00 and 23.00 on any day, on any premises.
- Amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises
- Amplified live music between 08.00 and 23.00 on any day, in a workplace provided that the audience does not exceed 500.
- Amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- Amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
- Recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- Playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for: – any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority; – any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider
- Entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor

Effect of Deregulation - Licensed Premises

Deregulation removes the licensing requirements for live music and recorded music where:-

- There is a premises licence or club premises certificate in place permitting 'on sales'
- The premises are open for the sale or supply of alcohol for consumption on the premises
- Live or recorded music is taking place between 8am and 11pm
- If the music is amplified live music or recorded music (e.g. DJs or a disco for example), the audience consists of no more than 500 people

Existing Conditions Attached to a Premises Licence or Club Premises Certificate

The Act disapplies any live music- and recorded music-related conditions which appear on a premises licence, providing the above criteria are satisfied.

However, if the live music- and recorded music-related conditions have been re-imposed as part of a licence Review then they will apply and need to be complied with.

The Act also disapplies any live music- and recorded music-related conditions which appear on your premises licence, providing the above criteria are satisfied. However, if the live music- and recorded music-related conditions have been re-imposed as part of a licence Review then they will apply and need to be complied with.

Workplaces and Unamplified Live Music (Beer Gardens)

If live amplified music is taking place in an area not shown on the plans attached to a premises licence, for example in a beer garden, it is still not licensable due to the 'workplace' exemption under the Act (between 8am-11pm). The workplace exemption does not apply to recorded music.

If the music is unamplified live music, providing it takes place between the hours of 8am and 11pm, it is not licensable anywhere regardless of the number of people in the audience.

Protection for Residents

There are a number of mechanisms for the protection of residents including:

- Upon a Review of the premises licence the Licensing Authority can determine that existing conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm.
- If the Premises Licence doesn't presently authorise live or recorded music the Licensing Authority can determine that live or recorded music at the premises can no longer be provided without permission on the Premises Licence (thus requiring a Variation) or a Temporary Event Notice, and can add new conditions to the Premises Licence.

Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance.

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Report to Licensing Committee

Date of meeting: 1st November 2022



**Epping Forest
District Council**

Subject: Road Closures/Street Parties

Officer contact for further information:

David King Licensing Manager, 01992 564888

Committee Secretary: A Hendry

Recommendations: For Information

Background

In June 2022, Her Majesty The Queen became the first British Monarch to celebrate a Platinum Jubilee after 70 years of service.

The UK has a long history of organised street parties to celebrate national events and this year residents were encouraged to come together as part of the official Platinum Jubilee celebrations and to organise and host street parties across the bank holiday weekend.

To facilitate this, local authorities were asked to encourage these events by promoting them through their communication channels and by facilitating any necessary road closures etc.

In a letter to Local Authorities from Rt Hon Michael Gove MP on the 6th January 2022, he states;

“Street parties should be encouraged, and you can play an important role in supporting residents who want to organise parties for their neighbours. For example, relaxing road closure rules to enable street parties to take place as easily as possible will be important.”

In March this year a proposal was put to the Licensing Committee to streamline the existing road closure process and make it more accessible for residents. This was agreed and the following changes were implemented;

- Waive the £194 fee for community/charitable events. This is in line with the previous decision on 29th July 2014 and in respect of VE Day celebrations.
- 6-week application period - there are no legal deadlines, and whilst applicants should be encouraged to submit applications at the earliest stage, we can adopt a minimum 4 week notice cut off period. However, where objections are received this may not allow sufficient time for the Licensing Sub-Committee to determine the application and therefore, they may have to be refused outright.
- The Councils Licensing Team to undertake consultation with Essex Highways. The applicant is responsible for notifying neighbours, businesses, Town Parish Council and anyone who will be affected by the road closure.
- Risk Assessments – remove the need for risk assessments to be submitted at application stage and substitute with the following advice; *If your event is for 500 people or less, we won't normally ask for a risk assessment to be submitted as part of the application. However, you should ensure that you consider all the risks involved and document these. This will help you to identify any particular areas where problems may occur and that you have addressed them. Documenting this process and demonstrating that you've prepared to mitigate risks offers you protection if*

something happens at your event. Please refer to the 'Guide to Street Party and Planning' for further guidance. You can get further advice from the Health and Safety Executive at www.hse.gov.uk

- Removal of the requirement for public liability insurance. There is no requirement from central government to have public liability insurance and many councils don't insist on this. However, applicants are advised that if they wish to obtain insurance for their own peace of mind, information about public liability insurance is available on third party websites including; the Streets Alive, streetparty.org.uk and the Big Lunch etc.

This recommendation is in line with Governments guidance to organising a street party [Your guide to organising a street party - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Guidance notes specific to Her Majesty The Queen's Platinum Jubilee celebrations were drafted and sent out to residents along with the relevant application form. Guidance was also published on the Councils website and wider engagement is being undertaken via Corporate Communications.

Outcome/Feedback

In total the Councils Licensing Team processed 47 applications and issued 45 road closure notices (some were withdrawn as no longer required) which I believe is the highest number of closures that we have ever processed.

The Licensing team also worked with and provided guidance to many event organisers including schools, resident's associations, and Town/Parish Councils etc. where road closures were not required. For example, the use of Ongar Sports Centre car park, School premises and green space for a Jubilee Big Lunch etc.

Feedback has been positive:

"Thank you very much for your advice. This is all very helpful and informative. I am sure many people in Epping Forest will have great parties!"

"Once again thank you for all you did during the Jubilee period. Our street part was amazing!"

His Majesty The Kings Coronation

Following the sad passing of Her Majesty The Queen, it has now been confirmed that His Majesty King Charles The III's coronation will take place on Saturday 6th May 2023.

At this time, it is not known if the proceeding Friday or following Monday will be made a bank holiday. Irrespective of a bank holiday or not it is anticipated that residents will again be encouraged to celebrate this momentous occasion and accordingly local authorities will be expected to make the process as easy as possible.

Given the success of the process adopted for Her Majesty The Queens Jubilee, it is proposed that we adopt the same application process for His Majesty King Charles The III's coronation.

Report to Licensing Committee

Date of meeting: 1st November 2022

Subject: Taxi Tariff



**Epping Forest
District Council**

Report Author: David King Licensing Team Manager, 01992 564888

Email d.king@eppingforestdc.gov.uk

Committee Secretary: A Hendry, 01992 564246

There has not been a fare tariff increase since 2014 and taking into consideration current fuel prices, cost of living, inflation and EFDC's low ranking both nationally and locally compared with other local authority's taxi tariffs, it is recommended that options 1, 2, 3 or 4 be considered.

Decision Required:

For the Committee to consider the report and agree the recommendations at detailed within the report.

1. Background

- 1.1. At Licensing Committee in March, Members were advised that following concerns expressed by the licensed taxi trade, the Councils Licensing Team would undertake a review of taxi fares applied to customers using a Hackney carriage within the district.
- 1.2. Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, any charge made by a Hackney carriage, must not exceed the table of fares published by the licensing authority, irrespective of how that journey was arranged (from a rank or street, being hailed or pre-booking the journey).
- 1.3. Before any published fares can be increased the Council must undertake consultation with the trade and public consultation by way of placing a public notice in a local newspaper. The consultation period must last no less than 14 days.
- 1.4. The current fee tariff has not been reviewed for the last 8 years and was scheduled to be reviewed as part of the wider taxi policy review. However, due to the ongoing unprecedented fuel and cost of living increases, it has been necessary to bring that review forward to support our licensed taxi trade.

2. Fuel Prices & Inflation

2.1. Fuel prices, cost of living and inflation have increased significantly since 2014. Inflation reached 10.1% in July 2022 (source Office for National Statistics) which is the highest since 1982 and the Bank of England forecast is that it will increase to 11% in the Autumn.

2.2. This in part is due to increased fuel prices, where we have seen an approximate 44% increase in diesel and a 42% increase in petrol since 2014, (Source RAC <https://www.racfoundation.org/data/uk-pump-prices-over-time>)

Year	Fuel	Price per litre	Date	Percentage Increase
2014	Petrol	£130.05	28/07/2014	N/A
2014	Diesel	£134.87	28/07/2014	N/A
2022	Petrol	£184.05	01/08/2018	41.8%
2022	Diesel	£193.09	01/08/2018	43.7%

3. Benchmarking

3.1. Benchmarking in March 22 showed that based on an average 2-mile fare, Epping Forest District Councils tariff is the lowest in Essex and we were ranked 279TH lowest nationwide out of 355 Councils.

Council	2 Mile Fare	Essex Ranking	National Ranking
Uttlesford	£8.30	1	6
Chelmsford	£7.10	2	24
Colchester	£6.90	3	40
Brentwood	£6.60	4	71
Harlow	£6.60	4	76
Basildon	£6.40	5	96
Tendering	£6.40	5	119
Southend on Sea	£6.40	5	116
Braintree	£6.20	6	140
Rochford	£6.20	6	151
Thurrock	£6.00	7	199
Castle Point	£6.00	7	178
Epping Forest	£5.50	8	310
Maldon	negotiate individual fares	Unknown	Unknown

3.2. Further benchmarking in August 2022 shows that we have now fallen further behind and remain the lowest in Essex.

Council	2 Mile Fare	Essex Ranking	National Ranking	% Increase since March
Uttlesford	£8.30	1	9	0%
Brentwood	£8.10	2	71	23%
Chelmsford	£7.70	3	28	8%
Colchester	£6.90	4	93	0%
Southend on Sea*	£6.80 (includes £0.40 surcharge)	5	118	6%
Tendering	£6.80	5	118	6%
Braintree	£6.70	6	124	8%
Harlow	£6.60	7	143	0%
Basildon	£6.40	8	165	0%
Castle Point	£6.40	8	167	7%
Rochford	£6.20	9	215	0%
Thurrock	£6.00	10	262	0%
Epping Forest	£5.50	11	310	0%
Maldon	negotiate individual fares	Unknown	Unknown	

*Southend on Sea have recently agreed an additional fuel surcharge fee of £0.40 for a period of 12 months.

This information is based on the Hackney Carriage 'league table' of all 355 Councils published on the Private Hire & Taxi Monthly trade magazine. This is the official publication of the National Private Hire & Taxi Association and is updated monthly.

4. Sustainable Transport Agenda

- 4.1. As part of the Councils Sustainable Transport Agenda and meeting the Councils climate change objectives, one of the aims is increase the provision of electric charging points and to encourage taxi drivers towards use of electric vehicles (EV) in the district.
- 4.2. Switching to EV is in many ways ideal for the taxi and minicab trade – high local mileage, lower running, and maintenance costs, improved reliability, proven in the London market (black cab and minicab/Uber).
- 4.3. However, whilst there are undoubtedly a number of incentives to make this switch, a recent survey with Epping Forest local taxi trade shows that there are very few EV minicabs operating in our district and there are a number of barriers to switching to greener vehicles. Key findings of the survey highlighted:
 - Average age of taxi fleet is 8.6 years, with 38% of vehicles being over 10 years old
 - 18% of vehicles would incur current A406 ULEZ charge* (or any possible CAZ equivalent based on same)
 - Whilst non-plug-in hybrid vehicles are common (36%), diesel is the fuel of choice for 51% and plug-in hybrid and EV are almost non-existent.

- Almost all vehicles are kept at home overnight, but 56% have no viable way to charge at home (this appears higher than the general population where 36% of local homes are estimated to have no off-street parking).
- Even pre-Covid, 80% of drivers were doing average daily mileages well within the range of a modern EV in a fully charged state although the typical “very busy” day pre-Covid would have likely meant a top-up charge during the day for around 45%
- A quarter had considered or are considering switching to EV
- Across all respondents, the main benefits of EV were seen as: low running and maintenance costs, high reliability, and avoidance of ULEZ type charges
- The main barriers to adoption were unaffordable initial acquisition costs, lack of public charging points and range anxiety
- If a way were found to soften the blow of upfront cost, the % prepared to switch to EV increased to 30% with a further 30% unsure (*source EFDC licensed minicab & taxi Survey/Taxi and EV update SLJ*)

4.4. It is clear from the survey that we are operating with a high emission fleet and the high perceived upfront costs of switching to EV along with lack of charging points is a barrier.

4.5. However, if the taxi tariff were to increase along with the other financial incentives, the transfer to EV would be more affordable and it is likely that we will see an increase within the local taxi trade.

5. Consultation with the Licensed Taxi Trade

5.1. Informal consultation has been undertaken with the trade earlier this year however, consultation was limited to those who had previously contacted us to request an increase.

5.2. The purpose of the consultation was to make the process as inclusive as possible and to invite Epping Forest taxi trade’s view on what would be considered an acceptable tariff going forward.

5.3. Whilst there is undoubtedly unanimous agreement within the trade that the current fee is far too low, we have received little constructive feedback in terms of what that increase should be. However, one response received suggested that the rate should be increased as follows:

- Day rate - from £3.50 to £5 for the first mile or part thereof and an increase from £0.20 to £0.30 for each additional unit of 176 yards or part thereof.
- Night rate – from £3.70 to £5.50 for the first mile or part thereof and £0.30 for each additional unit of 176 yards or part thereof to remain unchanged.
- This would increase the average 2-mile journey fare to £8.00 from the current £5.50 (daytime) and to £8.50 from £6.70 between 10pm & 6am.

This would make Epping Forest District Councils tariff the third highest in Essex.

Current Tariff

	Minimum daytime fare for up to 1 mile	Each additional unit of 176 yards (160.9m) or part thereof	Average 2-mile journey
Rate 1 - hiring between 6am & 10pm Monday to Saturday	3.50	£0.20 (£2.00 per mile)	£5.50
Rate 2 - hiring between 10pm and 6am Monday to Friday	£3.70	£0.30 (£3.00 per mile)	£6.70
Rate 3 - hiring on Christmas Day, Boxing Day, New Year's Day and after 18.00 on Christmas Eve and NYE	£4.10	£0.40 (£4.00 per mile)	£8.10
Rate 4 – hiring on Christmas Day, Boxing Day, New Year's Day and after 18.00 on Christmas Eve and NYE	£5.50	£0.50 (£5.00 per mile)	£10.50

Summary of above charges

- Rate 1 - up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter, charged at a rate of £2.00 per mile in 20p increments.
- Rate 2 - can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime.
- Rate 3 - double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night-time/Sunday hour.
- Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays
- Additional Charges
- Waiting time is £18.00 per hour, in 20p increments (90 x 20 second periods = 1 hr i.e., 3600 seconds)
- Assistance Dogs – No additional Charge
- All other dogs, carried at drivers' discretion – No charge
- Fouling of vehicle at the discretion of driver, up to £70.00

6. Options available to the Council

Option 1

Increase tariff for the first 1760 yards (1 mile) across tariffs rates 1,2,3 and 4 by £0.75 and by £0.05 for each additional unit of 176 yards or part thereof or period of 40 seconds.

	Minimum daytime fare for up to 1 mile	Each additional unit of 176 yards (160.9m) or part thereof	Average 2-mile journey
Rate 1 - hiring between 6am & 10pm Mon to Sat	£4.25	£0.25 (£2.50 per mile)	£6.75
Rate 2 - hiring between 10pm & 6am Mon to Fri	£4.45	£0.35 (£3.50 per mile)	£7.95

Rate 3 - hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas & NYE	£4.85	£0.45 (£4.50 per mile)	£9.35
Rate 4 – hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas and NYE	£6.25	£0.55 (£5.50 per mile)	£11.75

Summary of above charges

- Rate 1 - up to 4 passengers, minimum daytime fare is £4.25 for up to 1 mile, thereafter, charged at a rate of £2.50 per mile in 25p increments.
- Rate 2 - can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime.
- Rate 3 - double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night-time/Sunday hour.
- Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays
- Additional Charges
- Waiting time is £22.50 per hour, in 25p increments (90 x 40 second periods = 1 hr i.e., 3600 seconds)
- Assistance Dogs – No additional Charge
- All other dogs, carried at drivers' discretion – No charge
- Fouling of vehicle at the discretion of driver, up to £80.00

This option would make EFDC tariff 6th highest in Essex per 2-mile trip

Option 2

Increase tariff for the first 1760 yards (1 mile) across tariffs rates 1,2,3 and 4 by £0.75 and by £0.10 for each additional unit of 176 yards or part thereof or period of 40 seconds

	Minimum daytime fare for up to 1 mile	Each additional unit of 176 yards (160.9m) or part thereof	Average 2-mile journey
Rate 1 - hiring between 6am & 10pm Mon to Sat	£4.25	£0.30 (£3.00 per mile)	£7.25
Rate 2 - hiring between 10pm & 6am Mon to Fri	£4.45	£0.40 (£4.00 per mile)	£8.45
Rate 3 - hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas & NYE	£4.85	£0.50 (£5.00 per mile)	£9.85
Rate 4 – hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas and NYE	£6.25	£0.60 (£6.00 per mile)	£12.25

Summary of above charges

- Rate 1 Up to 4 passengers, minimum daytime fare is £4.25 for up to 1 mile, thereafter, charged at a rate of £3.00 per mile in 30p increments.
- Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime.

- Rate 3 double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night-time/Sunday hour.
- Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays
- Additional Charges
- Waiting time is £27.00 per hour, in 30p increments (90 x 40 second periods = 1 hr i.e., 3600 seconds)
- Assistance Dogs – No additional Charge
- All other dogs, carried at drivers' discretion – No charge
- Fouling of vehicle at the discretion of driver, up to £80.00

This option would make EFDC tariff 4th highest in Essex per 2-mile trip

Option 3

Increase tariff for the first 1760 yards (1 mile) across tariffs rates 1,2,3 and 4 by £1.00 and by £0.30 for each additional unit of 176 yards or part thereof or period of 40 seconds.

	Minimum daytime fare for up to 1 mile	Each additional unit of 176 yards (160.9m) or part thereof	Average 2-mile journey
Rate 1 - hiring between 6am & 10pm Mon to Sat	£4.50	£0.30 (£3.00 per mile)	£7.50
Rate 2 - hiring between 10pm & 6am Mon to Fri	£4.70	£0.40 (£4.00 per mile)	£8.70
Rate 3 - hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas & NYE	£5.10	£0.50 (£5.00 per mile)	£10.10
Rate 4 – hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas and NYE	£6.50	£0.60 (£6.00 per mile)	£12.50

Summary of above charges

- Rate 1 Up to 4 passengers, minimum daytime fare is £4.50 for up to 1 mile, thereafter, charged at a rate of £3.00 per mile in 30p increments.
- Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime.
- Rate 3 double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night-time/Sunday hour.
- Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays
- Additional Charges
- Waiting time is £27.00 per hour, in 30p increments (90 x 40 second periods = 1 hr i.e., 3600 seconds)
- Assistance Dogs – No additional Charge
- All other dogs, carried at drivers' discretion – No charge
- Fouling of vehicle at the discretion of driver, up to £80.00

This option would make EFDC tariff 4th highest in Essex per 2-mile trip

Option 4 (suggested by taxi trade)

Increase tariff for the first 1760 yards (1 mile) across tariffs rates 1,2,3 and 4 by £1.50 and £0.30 for each additional unit of 176 yards or part thereof or period of 40 seconds.

	Minimum daytime fare for up to 1 mile	Each additional unit of 176 yards (160.9m) or part thereof	Average 2-mile journey
Rate 1 - hiring between 6am & 10pm Mon to Sat	£5.00	£0.30 (£3.00 per mile)	£8.00
Rate 2 - hiring between 10pm & 6am Mon to Fri	£5.20	£0.30 (£3.00 per mile)	£8.20
Rate 3 - hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas & NYE	£5.60	£0.40 (£4.00 per mile)	£9.60
Rate 4 – hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas and NYE	£7.00	£0.50 (£5.00 per mile)	£12.00

Summary of above charges

- Rate 1 Up to 4 passengers, minimum daytime fare is £5.00 for up to 1 mile, thereafter, charged at a rate of £3.00 per mile in 30p increments.
- Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime.
- Rate 3 double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night-time/Sunday hour.
- Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays
- Additional Charges
- Waiting time is £27.00 per hour, in 30p increments (90 x 40 second periods = 1 hr i.e., 3600 seconds)
- Assistance Dogs – No additional Charge
- All other dogs, carried at drivers' discretion – No charge
- Fouling of vehicle at the discretion of driver, up to £80.00

This option would make EFDC tariff 3rd highest in Essex per 2-mile trip

All fare options are inclusive of VAT and do not include 'toll or congestion charges. Airport bookings, West End and out of area bookings to be agreed by the operator and passenger before the journey commences.

Drivers of Hackney Carriages are permitted to agree a fare less than the amount shown on the meter. However, the meter must be activated on every journey and the fare charged must never exceed the amount shown on arrival

7. Recommendation

- i. There has been no fare tariff increase since 2014 and taking into consideration current fuel prices, cost of living, inflation and EFDC's low ranking both nationally and locally compared with other local authority's taxi tariffs, it is recommended that options 1, 2, 3 or 4 be considered.
- ii. It is also recommended that the fee agreed be reviewed every 12 months – 24 months or sooner upon request or where circumstances warrant.
- iii. The legal process for changing the tariff requires the Council to advertise it in a local newspaper circulating in the area. The advert is to state when the proposal will come into effect if there is no objection.
- iv. Where objections are received, these must be referred to the Council for consideration prior to implementation. If after consideration of any objections the Council decides to proceed, the tariff will come into effect on the date stated in the advertisement.
- v. Previously EFDC has opted to consult directly with the trade before a firm proposal is made, this is a sensible option and promotes inclusivity with the trade.
- vi. Whilst we have liaised with our taxi trade earlier this year, this has been limited in number and only to canvass what their view on the recommended increase should be. Constructive feedback from the trade was limited however, I anticipate that by outlining our proposed increase, it is more likely that the trade will be engage and offer constructive opinion on what they would consider a reasonable and acceptable tariff going forward.

Once the informal consultation has been undertaken the Council can then consider responses and determine how it wishes to proceed.

It should be noted that setting Hackney carriage fares is a function of the Executive and therefore cannot be undertaken by a regulatory committee or full Council.

Appendix A – EFDC Current Taxi Tariff

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