

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Committee **Date:** Tuesday, 3 December 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 2.30 - 3.50 pm

Members Present: K Angold-Stephens (Chairman), P Spencer (Vice-Chairman), A Boyce, Mrs R Gadsby, P Keska, A Lion, A Mitchell MBE, B Rolfe, Mrs M Sartin, Mrs P Smith and Mrs T Thomas

Other Councillors:

Apologies: L Leonard, H Mann and R Morgan

Officers Present: A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer) and A Hendry (Democratic Services Officer)

Also in attendance: Insp A Fusher

17. DECLARATIONS OF INTEREST

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

18. MINUTES OF THE LICENSING COMMITTEE

That the minutes of the meeting held on 9 October 2013 be taken as read and signed by the Chairman as a correct record.

19. JOINT WORKING PARTNERSHIP - EFDC AND ESSEX POLICE

The meeting was addressed by Inspector Andy Fusher, from Essex Police. He had approached the Council and asked to address the Licensing Committee to discuss issues around the night time economy. The committee noted that Inspector Fusher covered the Epping Forest District and he had come to speak about licenced premises. He had attended a conference a few weeks back on the subject of licenced premise. He was not saying that any of the current licensing premises were causing any major problems, but that the night time economy always had its own particular problems. Addressing the few taxi drivers present he noted that that they had first hand experience about this, as they had the job to get people off home as soon as possible after the clubs or pubs closed.

The Police, in partnership with the other relevant authorities needed to ensure that everyone had a safe and secure life in the district. They were looking at identifying any relevant areas that needed to be focused on and they had three particular areas that they had in mind. They were looking to deal with this in a positive way by working in partnership with sister organisations and hoped to see a lot of proactive activity from the district authority as well as the local Town or Parish Councils to enable people to live in a safe area. They were looking at their partnership with

EFDC as well as the County Council and were asking for the support of the council. They would also like to ask the taxi drivers help in this endeavour as they were key in helping to clear the town centres late at night. Could they identify places where they could park outside the clubs ready for closing time? If there were no designated parking places could the police and/or local authority effectively waive parking restrictions and allow taxis to temporarily park in convenient places other than designated parking places?

Councillor Smith was pleased to hear of this proactive approach that the police would be taking. She asked who had represented EFDC at this joint meeting that he had attended. And to what lengths were you going to, to interact with local businesses? Inspector Fusher said that Jim Nolan and Kim Tuckey had attended on behalf of EFDC. This would be the focus for our partnerships. We would meet with the licensed premises management by visiting them, hopefully going when we were not expected. Initially we shall let people know what we were doing, before visiting for the first time. We would need local information to help us in carrying this out.

Councillor Lion said this was alright for existing premises but he was worried about new applications. We needed information from the Police to help us in our decisions. Inspector Fusher said he was aware of this and was looking to tackle it with the help of local officers. Sometimes it was an information problem. Councillor Sartin noted that a lot of problems could have been averted if they had better information at the start. Inspector Fusher replied that she could hold him to account at their next meeting if this situation had not improved.

Councillor Angold-Stephens asked the Inspector what his views were on having meters in taxis. Inspector Fusher replied that he was aware of the problems in other areas prior to the placing of meters. Some of the problems were caused by outsiders coming into an area and plying for trade. He supported the use of meters as it gave the public confidence that they could trust the charges made.

Councillor Spencer asked when the Inspector would start working on the three areas he wanted to concentrate on. Inspector Fusher said they had started already and any joint action/inspections would probably commence in the new year. He aimed to make clubs act responsibly towards their clients.

The Chairman thanked Inspector Fusher for his presentation and his thoughts on the night time economy and agreed that effective partnership working was something to aim at.

20. REVIEW OF NEW LICENSING SUB-COMMITTEE ARRANGEMENTS

The Licensing Committee considered the report on the review of the new Licensing Sub-committee arrangements for evening meetings. It was noted that this was not quite a nine month review as this had to fit in with the budget timetable for next year. They noted that the Constitution and Member Services Standing Panel has already considered this report and agreed that the evening meetings be discontinued and the consultation of local residents continued. This had a proviso that the Chairman of the Licensing Committee was authorised to determine whether any hearing would be better held in the evening in view of significant public interest. This could be done in consultation with ward members and/or other representations received. The main Overview and Scrutiny Committee received this report on 26th November 2013 and endorsed the recommendations of the Constitution and Members Services Standing Panel.

Councillor Smith commented that she was happy with the recommendations. The other members of the Committee were also in agreement of the recommendations made.

RESOLVED:

- (1) That the recommendations of the Constitution and Member Services Standing Panel and the Overview and Scrutiny Committee on the reversion of the evening licensing Sub-committee meeting back to daytime meetings be agreed, subject to 2 below;
- (2) That the Chairman of the Licensing Committee be authorised to determine whether any hearing would be better held in the evening in view of significant public interest and that Chairman could determine this by liaising with the relevant ward members and/or representations made;
- (3) That the wider consultation procedures be continued;
- (4) That any applications regarding Scrap Metal Dealers Licences and any other licence to which members of the public do not have the right to make a representation are heard at a day time meeting;
- (5) That the Cabinet be informed of the views of this Committee and if appropriate recommend that the necessary funding required to continue with the consultations and resulting increase in sub-committee meetings be included in the budget.

21. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The meeting noted that final agreement to the recommendations on the provision of meters in taxi was postponed from their last meeting. They noted that a large number of those consulted were in favour of having meters installed in taxis (131 were in agreement and 51 were against). Further work had also been done on the tariffs to be applied and these were attached to the report as an appendix. However, with the increasing cost of petrol, road tax and costs in general the tariff may need to be reviewed in the near future.

Councillor Lion asked about the element of waiting time, was this included in the tariff. He was told that it was.

Councillor Sartin queried if, according to recommendation 2, we had to go to consultation again. Alison Mitchell said that the original consultation was for the taxi trade and drivers. This new consultation was a statutory consultation that has to be advertised in the local press so that people could comment on the proposed tariffs. If no comments were made then we can go ahead, but if any comments were submitted then they will have to be brought back to this committee for consideration. It will then have to go to full Council for agreement.

Councillor Angold-Stephens noted that the timescale was very tight especially to have meters installed to the deadline of 1 April. He asked what the consultation period was and was told it was 28 days. He then noted that if any comments were received they could squeeze in an extra meeting to consider them before the Council meeting in February. Alison Mitchell added that the installation deadline could be pushed back to 1 June to give them extra time to install the meters. Councillor Sartin agreed that would be a more realistic date. It was noted that the 1st of June was a Sunday and it was agreed that it be amended to 2nd June.

AGREED: that the deadline for the installation of metres be changed to 2nd June 2014.

The committee then discussed the viability of having a vehicle with three doors instead of the usual four asked for in our policy. This had happened recently and the sub-committee inspected the vehicle and found it to be a people carrier, with better access than a normal saloon car. Was this something that the council should be taking into consideration and perhaps thinking of altering our policy?

Alison Mitchell thought that officers should take advice on this and bring a report back to the next committee meeting. She noted that there were concerns about wheelchair access and transport in these vehicles and that would be addressed in the report.

Councillor Smith was happy that advice should be sought. She noted that this was an infrequent occurrence and that it was at the discretion of the sub-committee to agree.

AGREED: that a report on the use of vehicles with three doors to be brought to the next meeting of the Licensing Committee.

RESOLVED:

- (1) That the Hackney Carriage and Private Hire Licensing Policy be amended to include provisions in relation to the installation of taxi meters by 2nd June 2014; and
- (2) That the fares shown in the report be put out to public consultation and if no replies were received that they are adopted and were to come into effect on 2nd June 2014.

22. TEMPORARY ROAD CLOSURE

The Committee noted that in the past the temporary closure of roads were under the purview of the County. They have now decided that they would no longer do this and would like to hand it over to district level, if they wished to take this on. In July of this year the Local Councils Liaison Committee asked that EFDC consider the possibility of taking on these powers under the Town Police Clauses Act 1847 to local means of road closures for temporary events. These powers have been interpreted to include making a temporary road closure although not all orders under this power need take the form of a closure.

The provisions of the Town Police Clauses Act 1847 give powers to District Councils to make temporary road closures for markets, street parties, sporting events, fetes, processions etc.

Officers have estimated that there would be 20+ such applications each year and this would entail a not inconsiderable amount of work for the licensing section.

Officers were currently looking at other authorities and how they operate this type of scheme. It may be that as in the past if the street closure was for a charitable event then the council would waive any fees. The Chairman noted that we may be looking at a fee of around £170 per application and that we did have a tradition of not charging for charitable events. Alison Mitchell noted that officers had still to work out how much it would cost us and then charge that. We were not allowed to make a profit, just cover our costs. If we were minded not to take this on we should have a conversation with the county at a high level as someone would have to make a decision and take responsibility.

The Committee noted that the Tour de France would be going through the district and that this would involve multiple road closures, but it was assumed that the County would want to organise this as it was a major (county wide) event.

Councillor Smith appreciated the officer's advice and noted we needed some confirmation from Essex County Council (ECC) that they would transfer their powers to us so that no confusion arose in the future. Also needed were notice of the times and the scale of road closures wanted and how far in advance would officers need notification in order to do the administration work.

Alison Mitchell said that if the Committee were happy in principle with this they would carry out work on the background to this and the policy needed.

Councillor Spencer asked if we could just use the ECC process. Ms Mitchell replied that it was under a different legislation. Officers have gone out to other district councils to look at their procedures. She also noted that officers would need training in these new powers.

Councillor Angold-Stephens asked if there would need to be a transitional period. Officers had agreed with ECC a transitional period of August/September.

Councillor Lion remembered the problems with the ECC for the street parties for the Royal Wedding, commenting that we need to be very clear on the scope of the actions needed.

RESOLVED:

- (1) That Epping Forest District Council agree to take on the powers to exercise its right to make temporary road closures; and
- (2) That work to establish the fees and the necessary additional post be established to undertake this work.

23. MATTERS ARISING

(1) The Chairman brought to the attention of the Committee a concern of a Children's Club in Loughton who wished to have larger photos of the taxi drivers displayed inside the taxis as they used them to transport children back home. The Committee noted that the proprietor of the club was responsible for the children being taken home by taxi. They should use a reputable firm, checking their licence and that of the taxi drivers who attended the pick up. Officers could only do so much and it was up to the organisation that used them to also do some checks. Having larger photos would not make a difference to this.

On consideration the Committee did not agree with having larger photo's for taxi drivers.

(2) Councillor Sartin asked what was happening with the Scrap Metal Dealers. She noted that officers now have a consultee list and that they were issuing four licences as they had not received any objections. The applicants have been CRB checked; Companies House has been checked; as well as their permits to dispose of scrap.

In total there were about 14 dealers in our district. Officers were not restricted by time limits so they could wait until they have gathered enough information to assure themselves of the suitability of a licence holder.

Councillor Sartin asked that if an applicant was going through the process, could they still legally trade. She was told that if they had registered with the Council before 15 October then they could still trade while they were being checked. If they had not registered with the council by then then, they could not.

24. DATE OF NEXT MEETING

The meeting noted that there might be a need for an extra meeting early in the new year to consider any replies on the consultation for the proposed Hackney Carriage charges.

CHAIRMAN