

Committee:	Licensing Committee	Date:	9 October 2013
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	2.55 - 4.05 pm
Members Present:	P Keska, A Mitchell MBE, R Morgan, Mrs M Sartin, Mrs P Smith and Mrs T Thomas		
Other Councillors:	-		
Apologies:	K Angold-Stephens, P Spencer, A Boyce, L Leonard, H Mann and Ms S Watson		
Officers Present:	A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer) and G J Woodhall (Democratic Services Officer)		

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

It was noted that there was no other urgent business for consideration by the Committee.

Resolved:

- (1) That the minutes of the following meetings be taken as read and signed by the Chairman as a correct record:

- (a) 10 April 2013; and
- (b) 10 September 2013.

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) 14 March 2013;
(b) 9 April 2013;

- (c) 22 April 2013;
- (d) 6 June 2013;
- (e) 11 June 2013;
- (f) 20 June 2013;
- (g) 9 July 2013;
- (h) 18 July 2013;
- (i) 24 July 2013;
- (j) 6 August 2013;
- (k) 5 September 2013;
- (l) 10 September 2013;
- (m) 11 September 2013; and
- (n) 12 September 2013.

9. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005

The Senior Licensing Officer reported that in respect of Premises License Applications or Variations, there had been 15 new applications, 359 renewals, 21 Change of Designated Premises Supervisor or variation applications received. Of these, 13 applications had been considered by the Sub-Committee and granted subject to conditions. Five (EU) Temporary Event Notices, 151 Temporary Event Notices and five late Temporary Event Notices had also been granted. 94 Personal Licence applications had been received and granted under delegated authority. There had been no appeals to the Magistrates Court during the period.

In respect of the Gambling Act 2005, the Senior Licensing Officer stated that two club gaming permits had been granted, whilst four notifications had been received for two gaming machines.

The Senior Licensing Officer reported on the new procedures that had been instigated for the determination of Premises Licence applications or variations, under the Licensing Act 2003. A total of ten extra evening meetings had been held in the period between 6 June and 24 September 2013, which had been attended by a total of 37 people, including applicants and their representatives. The length of the meetings had ranged from 33 minutes to three hours. Additional direct costs for the ten meetings had been calculated at £5,885.87. A review of the new procedures would be considered by the Overview & Scrutiny committee at its meeting on 26 November 2013.

The Committee acknowledged the additional burden that had been placed upon both the Officers that supported the Licensing Sub-Committee and the Members that had heard the applications, especially with the additional work forthcoming from the Scrap Metal Act 2013. It was also noted that there would be further indirect costs for the extra meetings, such as the printing of agenda, heating and lighting that had not been detailed in the report. The Licensing section had only received feedback forms

from three of the ten applications considered so far. The Chairman congratulated all the Officers involved for their support to the additional evening meetings.

Resolved:

(1) That the report to the Licensing Committee regarding the applications received under both the Licensing Act 2003 and the Gambling Act 2005, and the effect of the new procedures for hearing Premises Licence applications and variations under the Licensing Act 2003 adopted by the Council, be noted.

10. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Assistant Director of Corporate Support Services (Legal) introduced a report on Hackney Carriage and Private Hire Licensing Policy.

The Assistant Director reminded the Committee that it had agreed in April 2012 to set a fare tariff for journeys undertaken within the District and that meters should be installed in Hackney Carriage and Private Hire vehicles. The Department of Transport had issued guidance that recommended the Council should adopt a policy in respect of taxi meters which would inform its decision making. In April 2013, the Committee had agreed a draft policy for public consultation.

The Assistant Director reported on the results of the public consultation. A number of typographical errors had been highlighted, which had subsequently been corrected. The draft Policy had outlined Licensing Objectives for taxi licensing and a procedure for considering applicants with criminal records, but no comments were received about either of these. The Licence conditions for Hackney Carriage Driver's and Proprietor's Licences had been updated, mainly to reflect the proposed introduction of meters. Representations had been received both in favour of and against the proposals. The conditions for Private Hire Vehicle and Driver Licences had also been updated to reflect current practice. One suggestion was for Drivers to display a large photograph and their badge number in the taxi; currently, Driver's badges had a small photograph similar in size to the Council identity badges.

The Assistant Director stated that if the Committee was minded to agree to meters being installed, then the proposed tariff (as attached at Annex 1 of the report) would be advertised in January 2014, with implementation planned for April 2014.

It was suggested that this item should be deferred, as less than 50% of the Members of the Committee were present at the meeting. The Assistant Director highlighted that this course of action would affect the timetable for the implementation of taxi meters, but as this was a new venture for the District then the issue could be deferred. The Assistant Director suggested that the Committee could agree the Hackney Carriage and Private Hire Licensing Policy, without reference to taxi meters. The Committee noted that this process had been on-going for two years, with support from the District Taxi Drivers Association, and that as the proposed tariff was slightly higher than the current charges levied by local taxi companies then the tariff would not be out-dated if implementation was delayed for a short while.

The Committee suggested that the Chairman of the Committee should be consulted with as to whether the issue of taxi meters be deferred to the next scheduled meeting in April 2014 or an extra-ordinary meeting of the Committee arranged in the meantime.

Resolved:

- (1) That the Hackney Carriage and Private Hire Licensing Policy, without reference to the implementation of taxi meters, be recommended to the Council for adoption; and
- (2) That consultation be undertaken with the Chairman of the Licensing Committee regarding whether the issue of taxi meters be deferred until the next scheduled meeting of the Committee in April 2014 or an extra-ordinary meeting be arranged in the meantime.

11. STREET TRADING - ESTABLISHED MARKETS FEES

The Senior Licensing Officer presented a report concerning street trading consents for the established markets within the District.

The Senior Licensing Officer reported that there were six markets currently operating within the District. The markets at Epping and Waltham Abbey operated under a Charter, and North Weald Market was not on the public highway, therefore these three markets did not require a street trading consent. The three remaining markets in Ongar High Street, The Broadway and the Sunday market in Loughton had been treated as operating under a Charter in the past. However, it had been established that this was not the case, and technically these three markets required a street trading consent at a cost of £355 per market. There was anecdotal evidence of informal permissions having been granted in the past, before the Street Trading legislation had been adopted, but no tangible evidence could be produced to support this argument.

The Committee noted that Licensing Officers had written to the Market Operators to inform them that they had to pay the requisite fee of £355 and place an advertisement in a local paper to gain the necessary consent. The Market Operators and their local Councillors had expressed concerns that the consent and advertising fees would impact upon the viability of the Markets, and that these fees had never been levied in the past. The Council's current Street Trading Policy stated that each application would be considered on its merits, and it was proposed that the three historic markets in Ongar, Loughton and The Broadway should be required to obtain consents but the application fee, and subsequent renewal fees, would be waived. The requirement to place an advertisement in a local paper would still remain though.

The Committee felt that the three Markets were each an important part of the local community and should be supported; the proposed solution was considered to be appropriate in the circumstances. It was highlighted that these markets did charge for their pitches and that the pitch money at the Ongar Market paid for its public liability insurance. The Senior Licensing Officer reassured the Committee that Officers would check for public liability insurance as part of the application/renewal process, and informed the Committee that any Burger Vans at a market would not require a separate Street Trading Consent.

Resolved:

- (1) That the following proposals in respect of established markets within the District be recommended to the Council for approval:
 - (a) That the established markets currently operating in Loughton (Sunday Market), The Broadway, Debden and the High Street, Ongar be required to

apply for a consent in accordance with the Street Trading Policy, but that the requisite fee of £355 and subsequent renewals be waived;

(b) That each applicant be required to advertise their application in a local paper, in accordance with Street Trading practice; and

(c) That the Council's requirements for issuing a licence be complied with for any new applications received to operate a market in the District; and

(2) That the Council's practice in granting street trading licences be formalised as a Policy and that consultation be undertaken in respect of the proposed Policy.

12. TEMPORARY ROAD CLOSURE ORDERS

The Assistant Director of Corporate Support Services (Legal) presented a report on Temporary Road Closure Orders.

The Assistant Director reported that the Local Councils Liaison Committee had requested the District Council to consider the possibility of taking on the powers to make Temporary Road Closure Orders within the District, under the Town Police Clauses Act 1847. At present, this function was undertaken by Essex County Council, who did not charge for this service.

The Assistant Director stated that the Licensing Team had not undertaken road closures in the past and consultation had been undertaken with other councils to understand the nature of the work. Consequently, it had been estimated that the cost to the Council would be £150 for a small street party or fete, and £400 for a larger event. The Council was not legally permitted to make a profit from such fees, and it would be necessary to employ an additional part-time member of staff to undertake this work. A small change to the Council's Constitution would also be required to delegate authority to determine Temporary Road Closure Orders to either Officers or a Sub-Committee, depending upon whether an objection to the order was made.

The Committee noted that, following an application by Waltham Abbey Town Council for a temporary road closure in December for the switching on of their Christmas Lights, Essex County Council had responded that they were no longer considering such requests, which should be directed to the District Council. The District Council currently did not have the ability to make such orders, and Officers were negotiating with the County Council to continue this service for a few more months until the District Council was able to commence the provision of the service.

In response to questions from members of the Committee, the Senior Licensing Officer stated that the Highways department within Essex County Council had previously dealt with road closure orders, and if the District Council assimilated this function then there would still be a requirement to consult with the County Council over any prospective orders. The Assistant Director added that those District Councils that did perform Temporary Road Closure Orders did so within their Licensing departments. It was re-iterated that Licensing Officers would need to undertake training before the District Council could begin to deal with these orders.

The Committee felt that the Council's Chief Executive should have urgent discussions with his counterpart at Essex County Council regarding the Christmas Lights event at Waltham Abbey, as this was a long-standing and prestigious event within the District. There should also be discussions with the manager of the North Essex Parking Partnership and the Safer, Greener and Transport Portfolio Holder on this matter. It was felt that the Committee was not in a position to agree the

recommendations, or the additional member of staff. It was resolved that the Assistant Director should report back to the Local Councils Liaison Committee stating the Committee had considered and noted the resolution but that the Temporary Road Closure powers could not be assimilated until further investigations and discussions had taken place.

Resolved:

(1) That the resolution of the Local Councils Liaison Committee requesting the District Council to exercise its powers to make temporary road closure orders be noted;

(2) That the Assistant Director of Corporate Support Services (Legal) be requested to report back to the Local Councils Liaison Committee and inform them that their resolution had been considered and noted but that the necessary powers could not be assimilated until further investigations and discussions had taken place.

13. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

The Committee reviewed the proceedings of the Licensing Sub-Committee meetings held during the preceding six-month period and considered whether the procedure, policy and organisation of the Sub-Committees required review.

The only issue noted by the Committee was that the evening meetings which considered applications under the Licensing Act 2003 were public meetings, and therefore the participants could enter the Chamber before the start of the meeting.

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

The Committee considered the current and future training needs for the members tasked with discharging the Council's Licensing function.

The Committee acknowledged that the training provided before the meeting on the Scrap Metal Act 2103 had been informative, and that training might have to be provided to Members on Temporary Road Closure Orders in the future.

15. MATTERS ARISING

There were no matters arising for the Committee to consider.

16. DATE OF NEXT MEETING

The Committee noted that the next meeting had been scheduled for 9 April 2014, at 2.00pm.

CHAIRMAN