



Licensing Committee Tuesday, 3rd December, 2013

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

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 3rd December, 2013
at 2.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Adrian Hendry (The Office of the Chief Executive)
Tel: 01992 564246 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors K Angold-Stephens (Chairman), P Spencer (Vice-Chairman), A Boyce, K Chana, Mrs R Gadsby, P Keska, L Leonard, H Mann, A Mitchell MBE, R Morgan, B Rolfe, Mrs M Sartin, Mrs P Smith, Mrs T Thomas and Ms S Watson

<p>PLEASE NOTE THE START TIME OF THE MEETING</p>

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

3. MINUTES OF THE LICENSING COMMITTEE (Pages 3 - 8)

To confirm the minutes of the Licensing Committee meeting held on 9 October 2013.

4. REVIEW OF NEW LICENSING SUB-COMMITTEE ARRANGEMENTS (Pages 9 - 28)

(Director of Corporate Support Services) To consider the attached report. This report has also been to the Constitution and Member Services Standing Panel on 19 November and the Overview and Scrutiny Committee on 26 November 2013.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 29 - 78)

(Director of Corporate Support Services) To consider the attached report.

6. TEMPORARY ROAD CLOSURE (Pages 79 - 82)

(Director of Corporate Support Services) To consider the attached report.

7. MATTERS ARISING

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

8. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for 9th April 2014 at 2.00pm in the Council Chamber.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

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)

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

7. MINUTES OF THE LICENSING 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.

8. 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) 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 Licencing 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 Licencing departments. It was re-iterated that Licencing 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 2003 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

Report to Licensing Committee

Date of meeting: 3rd December 2013



**Epping Forest
District Council**

Subject: Licensing Update Report

Officer contact for further information: Alison Mitchell

Committee Secretary: Adrian Hendry

Recommendations/Decisions Required:

Recommendations:

- (1) That the Committee reviews the recommendations numbered 7 – 10 of the Licensing Services Task and Finish Panel as amended by the Council.**
- (2) That the Committee recommends to the Council 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.**
- (3) That the Cabinet be informed of the views of this Committee and if appropriate recommends that the necessary funding required to continue with the consultations and resulting increase in sub-committee meetings be included in the budget.**

Report:

BACKGROUND

1. Until the decision of the Council on 23rd April 2013, the Licensing Sub-Committees met during the day and heard all types of licensing applications. There was usually one meeting a month but, because of statutory time limits, there were occasions when two meetings were held. For the period April 2012 until March 2013 there were fourteen meetings.
2. The Authority followed the statutory procedure for undertaking consultations which prescribes that a notice is placed in a local paper and displayed on the premises.
3. Concerns had been raised that the public and Councillors who are employed during the daytime were not able to attend the sub-committee meetings and that there was not sufficient advertising of the premises applications to bring the application to the attention of members of the public.
4. The Licensing Services Task and Finish Panel was established in September 2012 under the Chairmanship of Cllr. Mrs. P Smith:
 - a. To review the operation and effectiveness of the Licensing Sub-Committees structure.
 - b. To have regard of the Licensing Act 2003 on consultations.
 - c. To review the feasibility of moving some meetings to the evening.
 - d. To review the feasibility of creating a new Licensing Sub-Committee structure to

enable local councillors and interested persons to have more input.

e. To review the most appropriate methods of informing people of their rights to make representations in respect of Licensing Applications and review hearings.

2. The Panel's final recommendations were reported to the Overview and Scrutiny Committee as follows:

“Composition of Licensing Committees and sub-committees

- 1) That a Licensing Committee of 15 members continues as it is currently set up at present.
- 2) That one calendared meeting be included in a time table to be held during the day per month to consider applications relating to taxi licences.
- 3) That one calendared meeting be included in a time table to be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings) to consider all other applications regarding licences;
- 4) If there were more than one application relating to a premises licence a month additional meetings be organised for each application;
- 5) That these new procedures be reviewed after 12 months of operation;
- 6) That the Licensing Committee be asked to carry out the review;

Notification of Premises Applications

- 7) That notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of the application premises;
- 8) The envelopes should state that “Important – Notice of Licensing Consultation”
- 9) That the draft sample letter informing the occupiers of the application which was considered by the Panel and as annexed be used when notifying residents provided that it is updated when required (similar letters will be prepared for other types of licences); and
- 10) An interim 6 month report be submitted to the full Licensing Committee.

Financial Implications

- 11) That Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000 as detailed in the Resource Requirements on page 13 “

3. The report was the considered by full Council on 23rd April 2013. It was decided as follows:

Report as first moved ADOPTED

RESOLVED:

(1) That, having considered the comments of the Overview and Scrutiny Committee, the Licensing Committee and the Cabinet, the recommendations set out in the report of the Licensing Services Task and Finish Panel be adopted subject to (2) below;

(2) That recommendation (5) in the report of the Panel be amended to reflect the view of the Overview and Scrutiny Committee that a review of operation of the new scheme be commenced at nine months rather than one year; and

(3) That a District Development Fund supplementary estimate in the sum of £63,770.72 for 2013/14 be approved.

REVIEW

4. This Committee is asked to carry out the review of the licensing committee and sub-committee meeting arrangements set out in numbers 7-10 of the Licensing Services Task and Finish Panel. The new procedure for consultations started after 23rd April 2013 and the first application to come before the evening meeting of the Licensing Sub-committee after the implementation of the new procedure was on 6th June 2013.

5. The new procedures have led to an increase in the number of sub-committee meetings. For a comparable period from 1st June to 31st October in 2012 and in 2013 members are referred to the table attached. :

5 meetings were held in 2012, and

20 meetings were held in 2013.

2 meetings of the Full Licensing Committee were held in each period.

The reasons for the increase in meetings arose because:

- The taxi licensing meetings are now held separately during the daytime from other licensing applications held at night.
- Only one premises licence application is held in an evening whereas in the daytime meetings two could be heard as well as taxi applications.
- In 2012 there were 7 premises applications which went to the sub-committee whilst in 2013 there were 15.

6. The Council's decision required that the review of the consultation procedure should take after six months of their introduction. The budget for the continuation of the consultation requirements and the increased number of meetings resulting wider consultation and evening meetings ends in March 2014 and it will be necessary to put money into the next year's budget if members decide to continue with the consultation requirements and evening sub-committee meetings. A report will be made to Cabinet requesting finance which will be dependent upon the decision of Overview and Scrutiny Committee and the Licensing Committee.

7. The applications are not received in a regular manner and the numbers of meetings held in each month was as follows:

Month	Day time	Evening	Licensing Committee (day)
June	1	2	
July	1	2	
August	1	0	
September	1	5	1
October	1	6	1

8. If the same level of meetings is held over the latter part of the year it is estimated that approximately 48 sub-committee meetings would be held before April 2014. There are likely to be at least 4 committee meetings is financial year. Into this mix the licensing of Scrap Metal dealers and sites has now been added by government, the likelihood of temporary road closures and these are likely necessitate additional meetings.

9. As a consequence of the review last year, members approved a temporary post of Democratic Services Assistant to help deal with the increase in meetings and administration and a temporary post in Licensing to undertake work arising because of the additional work arising because of the 150 metre radius consultation and the increased numbers of meetings. This provision ceases in May 2014.

10. If members are to continue the current processes, the permanent retention of these posts is necessary. This is against the background of steadily increasing levels of meetings supported by Democratic Services which, with internal meetings and webcasting of meetings, has risen to 390 supported meetings and events in the last year. New licensing requirements of scrap metal dealer's means that the Licensing service has had increasing levels of work.

COSTS

11. For the period 1st May 2013 until 31st October 2013 the costs are as follows

CONSULTATION

GIS. time in identifying properties within 150 metres	£ 300.00
Printing/envelopes	£ 645.00
Temporary officer appointed to support the new consultation procedure (assuming that a temp had been employed from 1 st May to 31 st Oct)	£10,958.00

EVENING COMMITTEES

Legal officer	£ 769,86
Committee Officer salary (£21,000 pa pro rata)	£10,500.00
Committee officer (evening meeting allowance)	£ 769.86
1 or 2 licensing officers	£ 1,184.52
Total to date	£ 25,127.24

If these figures are projected forward pro rata for the whole year the costs will be £50,254.48

CONSULTATION

12. Forms were handed out to those who attended the meetings and those returned are attached. The comments are mostly positive and adverse comments relate to the facilities not the timing. These forms are attached.

13. Members were asked to comment and emails received are attached.

SCRAP METAL

14. The licensing authority has recently taken on the responsibility for licensing Scrap Metal Dealers. Prior to the change in regulations dealers were required to register. Limited information was obtained and entered onto a public register. The Council had 10 applications on the register and officers were uncertain as to numbers of applications for licences that would be received. There are currently 10 applications but more are expected as dealers become aware of the legislation. In addition, the Licensing Committee has required officers to carry out compliance visits for each of the premises twice yearly. This is a continuing addition to the Licensing services workload

15. No applications have yet lead to a reference to the Licensing sub-committee. However, more applications are expected and this will increase the sub-committee workload. The

decision of the Council required that only taxi licence hearings should take place during the day. However, only the police and other regulatory bodies may object to an application for a scrap metal dealer's licence. Members may consider that any hearings for Scrap Metal Licences and any other licence where members of the public cannot object should take place during a daytime meeting.

ROAD CLOSURES

16. Essex County Council has until recently undertaken temporary road closures to allow street parties etc. to take place. The County Council has decided that it will no longer make these road closures and are referring applicants to the District Council's Licensing Service. This was reported to the last meeting of the Licensing Committee who decided that: they could not make a decision as to whether to recommend that the District exercise those powers until it had more information. However not to do so could put other authorities and individuals at a disadvantage e.g. Waltham Abbey Festival of Lights and could lead to a judicial review if both council's refuse to undertake this work.

17. This Authority has the power to make road closures and courts are likely to require the Council to have considered an individual application prior to refusal. Whilst the County Council was making road closures orders for these purposes it would have been an adequate defence that this work was being undertaken by the Highways Authority. However, if challenged now there would be no such defence.

18. Consultations with other Districts, who undertake this work, indicated the numbers of road closures are likely to be about 22 annually but also more applications will be received when events such as Golden Jubilees occur. The Authority needs adequate staffing level and supporting resources to be able to cover the usual expected annual workload.

19. Having reviewed the procedure from a neighbouring authority, if this work is to be undertaken, and there seems little option but to do so at present, then it is estimated that additional staff time equal approximately 9 hours per month would be required. Although there is no formal appeal permitted under the Act, if a party disputed a decision the matter would be referred to the sub-committee. Under the current rules this hearing would take place in an evening.

CONCLUSION

20. The consultation process means that there is an increased workload in the licensing service arising from increasing contact with members of the public and greater requirements to mediate. The increase in the numbers of meetings adds to workload for Democratic Services and Licensing and adds to the numbers of sub-committee meetings that members will be required to attend. Changes in legislation mentioned above may increase the numbers of meetings but it is expected that this will be to a small extent.

21. The evening meetings and the additional time spent in discussions with those making representations and applicants' means that Licensing officers are delaying other areas of work such as compliance visits.

22. The workload in the Democratic Services has increased in arranging additional sub-committee meetings from the 24 set at the beginning of the year. This is against the background of steadily increasing levels of meetings supported by Democratic Services which, with internal meetings and webcasting of meetings, has risen to 390 supported meetings and events in the last year.

23. The introduction of evening meetings and the increase in representations because of the consultation with the occupiers of properties within 150 meters has doubled the number of meetings of the sub-committee. Members are asked to review the recommendations regarding the consultation procedure and consider:

- whether the requirement for the consultation with occupiers of properties within 150

meters of the application premises should continue.

- whether those applications for which the members of the public have no right to object should be heard during the daytime meeting and, if so, recommend to the Council that the policy should be altered.,
- That they inform the cabinet that it is their view that the recommendations should be fully funded as set out in this report.

Resource implications:

Budget provision: There is none in the budget. Depending upon the decision of this Committee a report will be made to the Cabinet asking for resources to be renewed for the future funding of this initiative.

Personnel: 2 additional members of staff required.

Land: None

Community Plan/BVPP reference:

Relevant statutory powers:

Dangerous Wild Animals Act 1976

Gambling Act 2005

Guard Dogs Act 1975

House to House Collections Act 1939

Licensing Act 2003

Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982

Pet Animals Acts 1951 & Pet Animals Act 1951 (Amendment Act) 1983

Riding Establishments Acts 1964 & 1970

Scrap Metal Dealers Act 1964

The Game Act 1831

Town Police Clauses Act 1847

Town Police Clauses Act 1889

Zoo Licensing Act 1981

Scrap Metal Dealers Act 2013

Any Regulations, Orders, Byelaws or other subsidiary legislation made under the above Acts.

Background papers:

Reports and decisions of the Licensing Services Task and Finish Panel, Overview and Scrutiny, Licensing Committee, Council

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Key Decision reference: (if required)

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

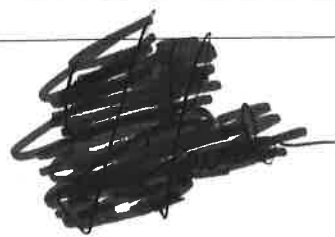
Your Details

- Q1 Name: FRANK FENDER
- Q2 Address: HIGHFIELD CLOSE, NEWPORT PAGNELL, BUCKS [REDACTED]
- Q3 Telephone: [REDACTED] Q4 Email: fonke@fflicensingolutions.co.uk
- Q5 Are you the applicant or are you making a representation?
 Applicant Representation
- Q6 Reason for attending: Representing the applicant to obtain a new premises licence

- Q7 At what time of the day would you prefer the meetings to be held?
 Daytime Evening

- Q8 Facilities
- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| Were the facilities satisfactory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Did you find the officers helpful/informative? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Did you have any difficulties in your travel arrangements to the offices? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- Q9 Please add any comments below.
Premises were locked on our arrival. Had to wait outside until doors were opened to allow access. Weather was not conducive to waiting outside - applicants / agents need to prepare properly and waiting like that is not good preparation.



Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

AYSEGUL OZKAN

Q2 Address:

WOODWARDS, HARLOW, ESSEX, [REDACTED]

Q3 Telephone:

[REDACTED]

Q4 Email:

ayshe@ygtlogistics.com

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

PREMISES LICENCE

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

EVERYBODY WAS VERY HELPFUL AND FRIENDLY.

Nuala Clark

From: frank@fflicensingolutions.co.uk
Sent: 15 October 2013 19:18
To: Nuala Clark
Subject: Re: Mezesphere Epping

Thanks Nuala

It was nice to meet you also - it has been a pleasure to work with your authority, both in respect of the licensing officers and the officers and councillors at the 2 hearings. Very helpful, very friendly, and very efficient. Thank you, and I look forward to having more clients in your area - fingers crossed!!

Kind regards

Frank

Frank Fender
FF Licensing Consultants
10 Highfield Close
Newport Pagnell
Bucks
MK16 9AZ
Tel: 07846 747833

on Oct 15, 2013, **Nuala Clark** <nclark@eppingforestdc.gov.uk> wrote:

Good morning Frank,

I have attached the formal decision letter for your records, I confirm that the licence will be sent to you shortly.

I was very pleased to meet you and Ayesha yesterday and look forward to working with you again in the future.

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

Paulino Tait

Q2 Address:

110 HIGH STREET RAHEIGH, ESSEX, [REDACTED]

Q3 Telephone:

[REDACTED]

Q4 Email:

ptait@mcolls.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

On Behalf of martin mcolls

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

Having attended a few license sub committee meetings over the years, I have to say that this was the most organised & professional one that I have attended, and the officers that were on duty that day are a credit to Epping Forest Council



Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

MATHIALA RAN MYI LUAHANAM.

Q2 Address:

FIR TREES ABRIDGE

Q3 Telephone:

[Redacted]

Q4 Email:

mali001@hotmail.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

Relating off licenses - premises

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name: UNADKAT

Q2 Address: 4 Wilhouse Waltham Abbey Essex

Q3 Telephone: [REDACTED]

Q4 Email: abbeynews9@btinternet.com

Q5 Are you the applicant or are you making a representation?
 Applicant Representation

Q6 Reason for attending:
license application (Premises)

Q7 At what time of the day would you prefer the meetings to be held?
 Daytime Evening

Q8 Facilities

	Yes	No
Were the facilities satisfactory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you find the officers helpful/informative?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you have any difficulties in your travel arrangements to the offices?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q9 Please add any comments below.

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

FRANK FENDER

Q2 Address:

HIGHFIELD CLOSE, NEWPORT PANELL, Bucks ~~AL11 1R~~

Q3 Telephone:

~~01296 411111~~

Q4 Email:

frank@fjlicensingolutions.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

Representing the applicant

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

No preference

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

I deal with many licensing authorities daily, and I would like to say that the licensing officers have been very helpful in all aspects of the process. Thank you.

Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

AYSEGUN OZKAN

Q2 Address:

WOODWARDS, HAZELTON, ESSEX

Q3 Telephone:

[REDACTED]

Q4 Email:

aishao@hotmail.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

PREMISES LICENCE

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.



Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

MR. HELEN KANE

Q2 Address:

FARM HILL ROAD

Q3 Telephone:

~~XXXXXXXXXX~~

Q4 Email:

helen@samkane.co.uk

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

OBJECTOR AS I LIVE NEARBY AND LOCAL COUNCILLOR ADDRESSING LOCAL CONCERNS

Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

THE LEGAL ADVISOR WAS VERY HELPFUL / THE WHOLE PROCEN IS LONG-WINDED BUT IS PERFORMED IN A PROFENIONAL WAY



Licensing Sub-Committee Meetings Customer Satisfaction 2013

We are reviewing the 'Licensing Sub-Committee Meeting' arrangements and would like to know your views. Please assist us by filling in this questionnaire which will help us to improve our service.

Your Details

Q1 Name:

MR PETER JONES

Q2 Address:

% ESSEX POLICE, EPPING POLICE STN. CM16 4AP

Q3 Telephone:

~~XXXXXXXXXX~~

Q4 Email:

peter.jones@essex.pnn.police.uk.

Q5 Are you the applicant or are you making a representation?

Applicant

Representation

Q6 Reason for attending:

On and for Essex Police to detail representation.



Q7 At what time of the day would you prefer the meetings to be held?

Daytime

Evening

Q8 Facilities

Were the facilities satisfactory?

Yes

No

Did you find the officers helpful/informative?

Did you have any difficulties in your travel arrangements to the offices?

Q9 Please add any comments below.

During adjournments access to a hot drinks machine & snack machine would be useful, especially after a lengthy meeting.

From: Kim Tuckey
Sent: 29 October 2013 08:45
To: Alison Mitchell
Subject: FW: Licensing meetings

For info

From: Peter Spencer [mailto:peterjspencer@hotmail.com]
Sent: 28 October 2013 15:09
To: Kim Tuckey
Subject: Licensing meetings

I understood that some working members wanted evening meetings so that they could attend. I believe that not all of them volunteered to join the committee and not all of the rest have been able to attend anyway.

Many more meetings have been needed as only one application is now being heard at each meeting so the members of the committee usually comprise those who are free during the day.

Also not all members of the public and members are aware that Highways and Law and Order matters cannot always be taken into account.

Evening meetings do not always attract members of the public anyway.

So the extra work needed by members and officers appears to be unnecessary.

Yours sincerely

Cllr Peter Spencer
Buckhurst Hill East

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From: Kim Tuckey
Sent: 29 October 2013 08:48
To: Alison Mitchell
Subject:FW: Requested trial evening feedback

From: james hart [mailto:hart9475@gmail.com]
Sent: 26 October 2013 19:46
To: Kim Tuckey
Subject: Requested trial evening feedback

Kim

Regarding your request for feedback I don't think I can contribute much other than the fact that I think six months is far too short a period to assess the success of the new arrangements.

During this trial period only one application that I was interested in came up. This application regarded the Nu-Bar and the new consultation arrangements were not properly followed so it is difficult to assess the success of the new arrangements.

James

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Report to Licensing Committee

Date of meeting: 3rd December 2013



**Epping Forest
District Council**

Subject: Hackney Carriage and Private Hire Licensing Policy

Officer contact for further information: Alison Mitchell ext 4017

Committee Secretary: Adrian Hendry

Decisions Required:

Subject to any amendments agreed that the Committee recommends to the Council that:

- 1. The Hackney Carriage and Private Hire Licensing Policy be amended to include provisions in relation to the installation of taxi meters,**
- 2. That if it is agreed to install meters in Hackney Carriages, the Fares shown in the table attached to this report be put out to public consultation and if no replies are received that they are adopted and come into effect on 1st April 2014.**

Report:

BACKGROUND

1. At its meeting held on the 11 April 2012, it was reported that the Epping Forest Taxi Association which represents some of the independent taxi drivers in the district had asked the Authority to consider fixing a fare tariff and require all hackney carriages to have a meter installed. A consultation had been carried out and 131 respondents agreed that the Authority should set fares and 51 were against the proposition.
2. The Committee resolved
 - (1) That the Senior Licensing Officer carries out a consultation with a view to recommending a fare tariff for journeys within the district for EFDC licensed Hackney Carriages;
 - (2) [That meters are fixed to Hackney Carriages licensed in this area and that they are inspected on a regular basis;
 - (3) That a company is appointed through the Council's tendering process to carry out this work; and
 - (4) That a further report be brought back to the next Licensing Committee reporting on progress made.
3. Following a number of meetings with members and also with the taxi trade and others a report was made to the Licensing Committee on 10th April 2013 when members resolved that:
 - 1) It was agreed that this Authority should set the fares charged for Hackney Carriages;

2) That the charges as set out in Appendix 1 of the report (on page 27 of the agenda) be agreed and this tariff was to be advertised and if no objections received be agreed and recommended to full council; and

3) That the conditions of the vehicle licence be amended to include that meters must be installed in Hackney Carriages.

4. The draft policy document was sent to the people and bodies listed in Appendix I of the policy and a copy placed on the Council's website. The policy included provisions amending the taxi licensing conditions to require meters to be installed in hackney carriages and other conditions necessary for enforcing a fare tariff.

5. A copy of the proposed Fare Tariff is set out below

6. The Council received a number of representations which mainly concerned the installation of meters. A table setting out the main concerns of those replying to the consultation is included in this report and the representations are attached.

7. The result of the consultation was reported to the Licensing Committee on 9th October 2013. The Licensing Committee 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.

The Council has adopted the policy as amended.

8. If the Committee agrees to the installation of meters in Hackney Carriages the policy will be amended as shown on the attached draft policy in bold and a recommendation made to full Council that the amendments be adopted. The tariff will be advertised in January 2014 with a view to introducing the tariff in April 2014. If representations are received then the tariff will be referred back to members. When the tariff is agreed the owners of the Hackney Carriages will be required to arrange for the meters to be fitted.

**TABLE OF FARES FOR HACKNEY CARRIAGES
FROM**

Annex 1

Rates 1, 2 and 3 apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for Rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) part thereof 400 seconds	Each additional unit of 176 yds (160.9m) or part thereof or period of 40 seconds
<p style="text-align: center;">Rate 1</p> <p>For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive</p>	£3.50	£0.20
<p style="text-align: center;">Rate 2</p> <p>For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays</p>	£3.70	£0.30
<p style="text-align: center;">Rate 3</p> <p>For hiring on Christmas Day, Boxing Day, New Year's Day and after 6.00pm on Christmas Eve and New Year's Eve</p>	£4.10	£0.40
<p style="text-align: center;">Rate 4</p> <p>For Hiring on Christmas day, Boxing Day, New Years Day and after 6.00pm on Christmas Eve and New years Eve</p>	£5.50	£0.50

Assistance Dogs – No Charge

All other dogs, carried at driver's discretion – No Charge

Fouling of the vehicle at the discretion of the driver, up to £70.00

These fares do not include any 'toll or congestion' charge.

All fares are inclusive of VAT

Airport bookings, West End & out of area bookings to be agreed by the operator and passenger before the journey commences.

**Complaints should be made to the Taxi Licensing Officer (01992 564034)
Quoting the vehicle registration mark/licence number or the driver's badge number.**

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. Waiting time is £18 per hour, in 20p increments
- Rate 2 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.

Replies to the Consultation

Name of Consultee	Comment	Reply
Inspector Mark Jordan - Police	Expressed concern that the Private Hire Vehicles were not required to use a taximeter	The legislation only permits the Council to regulate Hackney Carriage Vehicles in this way.
Neil Sjoberg – The Epping Sports Club	The club often send minors home in taxis. Cabs should contain a large sized photo of the driver with reference number	At present taxi drivers wear badges of a similar size as the EFDC staff identification badges. .
Ian Shaw	<p>1. Concerned that the Council does not limit the numbers of taxis and this results in higher fares being charged</p> <p>2. If a fare tariff is introduced for hackney carriages this will bring about a two tier system and hackney carriage drivers will lose trade.</p> <p>3. The result will be that drivers will transfer over to private hire. Requests that the council introduce a dual licence</p>	<p>1. Government Guidance is against introducing a limit on numbers. There are requirements to carry out wide consultations and the policy can be challenged at any time.</p> <p>2. The legislation does not permit a Council to set tariffs for private hire. It is open to the hackney carriage drivers to agree a lesser fare than that shown on the meter.</p> <p>3. Most hackney carriage drivers operate by being hailed or by pre-booking. As it is possible to agree a lower fare than the tariff there seems little advantage.</p>
Nina M Coulthard St Michaels and All Angels Church	Revd Coultard has asked that the amendment to policies are marked in bold.	This will be done in future.
Cllr Chris Pond	Objected to the fitting of meters in cabs	The Council previously consulted on Fare Tariffs and a report was made to members in April 2013
Vivienne Messenger Planning Committee Clerk for Loughton Town Council	<p>1. Objected to require cans to be fitted with meters.</p> <p>2. The Committee considered that the objectives of fitting meters could be met by requiring drivers to exhibit a table of maximum fares and publish them on the District's website.</p>	The Council previously consulted on Fare Tariffs and a report was made to members in April 2013

Resource Implications:

The fare tariff will have to be advertised in the local paper

Legal and Governance Implications:

Town and Police Clauses Act 1847 and 1889

Local Government (Miscellaneous Provisions) Act 1976

Human Rights Act – Article 6 - right to a fair hearing

Safer, Cleaner and Greener Implications:

The aim of the local authority licensing of the taxi and PHV trades is to protect the public.

Consultation Undertaken:

It is proposed that the draft policy be put out to consultation

Background Papers:

The existing licence conditions

Impact Assessments:**Risk Management**

That Hackney Carriage drivers and owners will be disadvantaged by the fact that the tariff may be higher than the fare charged by Private Hire Vehicle drivers but it is open to charge a lower fare. The meters will be inspected and to ensure that they are correctly calibrated.

Equality and Diversity

The policy will have equal impact on the applicants and will assist in applications by setting out the Council's requirements.

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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

(Including Licence Conditions)

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1. INTRODUCTION

- 1.1 The purpose of licensing of the Hackney Carriage and Private Hire Vehicle ('PVH') trades is to protect the public. Epping Forest District Council ('the Council') is also aware that the public should have access to Hackney Carriages and PVH because of the part they play in local transport provision and the economy of the District.
- 1.2 In preparation of this policy the Council has had regard to:
- The Department of Transport Best Practice Guide, and
 - Existing legislation
 - The Provision of Services Regulations 2009 ,to ensure requirements are:
 - (i) non-discriminatory;
 - (ii) justified by an overriding reason relating to the public interest;
 - (iii) proportionate to that public interest objective;
 - (iv) clear and unambiguous;
 - (v) objective;
 - (vi) made public in advance, and
 - (vii) transparent and accessible

2. CONSULTATION

- 2.1 The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations who they consider may be interested in commenting on this policy before finalising and publishing this policy statement. The list of persons this Authority consulted is attached as appendix 1 to this statement.
- 2.2 The policy was approved at a meeting of the Full Council on 5th November 2013, details are available in the Civic Offices and on the website.
- 2.3 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:
- Name: Senior Licensing Officer
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ
E-mail: Licensing@eppingforestdc.gov.uk
- 2.4 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

3. LICENSING OBJECTIVES

- 3.1 The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to protecting the public by promoting the following objectives:
- To ensure that safe, comfortable, reliable and accessible Hackney Carriage and Private Hire Vehicles are available for all who require them

- To ensure that all licensed drivers and Private Hire Operators are fit and proper persons
 - To provide clarity for licensees with respect to the Council's requirements and the decision making process
 - To promote a professional and respected Hackney Carriage and Private Hire trade
- 3.2 These objectives will be taken into account by the Council when making decisions.

4. DECISION MAKING IN RESPECT OF APPLICATIONS

- 4.1 The decision making powers of the Council may be carried out either by the Licensing sub-committee or by one or more officers acting under delegated authority. An indication of which applications will be heard by the sub-committee is shown in Appendix 4. The Council will in deciding these cases give priority to the safety of the public and their property.
- 4.2 When making a decision in respect of an application for a licence to drive a Hackney Carriage and/or Private Hire vehicle or to operate a Private Hire Vehicle the Council will take account of its Criminal Records Policy set out in Appendix 8.
- 4.3 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

5. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES

Legislative background

- 5.1 Section 47(2) of the Town Police Clauses Act 1847 permits a District Council to require that a Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a Private Hire Vehicle licence provided the Council is satisfied that the vehicle is

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe; and
- Comfortable;
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Licence Conditions

- 5.2 The conditions of the Hackney Carriage Proprietors licence is attached as appendix 2 and the Private Hire Vehicle licence as appendix 3. If there is a breach of these licence conditions the matter may be referred to the Council's Licensing sub-committee for consideration or in the case of a serious or urgent breach the appropriate officers have delegated authority to decide whether to suspend or revoke a licence.

Vehicle Testing

- 5.3 Prior to the grant of a new vehicle licence the vehicle must have been tested by the Council's authorised testing station.

Age Limits

- 5.4 Vehicles under the age of five years then will require six monthly testing at the Council's authorised testing station, whereas those over five years must be tested at four monthly intervals.
- 5.5 Failure to have interim tests carried out in accordance with this policy is likely to result in the suspension of the licence and repeated offenders may be prosecuted in the magistrates' court

Vehicle Identification

- 5.6 The requirement for roof and other signs are specified in the licensing conditions.

Insurance

- 5.7 The Council requires proof that the vehicle is insured prior to the issue of a new licence or on renewal and may require the Proprietor to provide it with details of insurance at any time whilst there is a current licence.

Duration

- 5.8 Licences for vehicles can be granted by the Authority for up to one year.

Executive Status – For Private Hire Vehicles only

- 5.9 The Authority has a duty of care to ensure that all residents, professional clients and general customers travelling in private hire vehicles are safe and secure at all times and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and forbid the use of tinted windows.
- 5.10 The Council is prepared to recognise a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be permitted.
- 5.11 The vehicle must be a high quality, executive or prestigious vehicle and must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

- 5.12 The applicant must satisfy the Council that they intend to operate the vehicle for work of an executive or corporate nature and that they are required not to display plates. Two letters of reference not more than one month old are required when making the application and on each renewal of the licence.

6. TAXI FARES

- 6.1 **All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company prior to the grant of the licence.**
- 6.2 **If a hackney carriage is used under a contract for private hire, the driver cannot charge more than the fixed rate in the authorised fare table. As a result the driver must have the meter running at the correct tariff whenever they have passengers in the vehicle. The produced tariffs are for maximum fares and drivers have the discretion to charge less than the displayed price.**

7. DRIVERS

Legislative background

- 7.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that “a district council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”

Council’s requirements

- 7.2 Prior to issuing a new licence the Council requires:
- A Medical Certificate;
 - A search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
 - The applicant must have passed the Council’s Knowledge Test;
 - For those not holding an EU passport, evidence will need to be provided of the applicant’s right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council’s website.

Driving Experience

- 7.3 The Council requires that an applicant must have passed his or her driving test at least three years prior to the application. This is to ensure that the driver has the necessary skills and experience to be a licensed driver.
- 7.4 If an applicant considers that an exception should be made then the sub-committee will consider the application taking account of the driving history of the applicant, whether the applicant has been employed as a driver, the type of work to be undertaken and any other matter which the applicant considers relevant to demonstrate his or her experience.

Duration

7.5 The Council usually issues a licence for a period of one year.

Renewals

7.6 When an application is made to renew the Council will require:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- a current doctor's certificate every five years for applicants of 45 years and over and every year at renewal for those applicants of 65 years and over;
- a copy of the driver's current driving licence;
- For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council's website.

7.7 Serious or frequent complaints about a driver will be taken into account when considering any renewal of a driver's licence.

8. PHV OPERATORS

Legislative Background

8.1 Section 55 of the Local Government (Miscellaneous) Provisions Act 1976 states that the Council shall grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

Application

8.2. In order for an operator to prove that they are fit and proper they must provide evidence of:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- references

8.3 Proof of Public Liability Insurance must also be provided.

Insurance

8.4 The Council may require the Proprietor to provide it with details of public liability insurance at any time whilst there is a current licence.

Premises

- 8.5 In order to ensure that accurate regulation and realistic enforcement is undertaken by the Council, a licence shall not be granted to any applicant whose operating centre or intended operating centre is outside of Epping Forest district unless that applicant is renewing a licence which was previously granted by the Council at a time when their operating centre was located outside the district. A landline telephone number will be required to which bookings can be made. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings

9. LICENSING CONDITIONS

- 9.1 All Hackney Carriage Vehicle licences will be issued subject to the conditions specified in Schedule 5, those for Private Hire Vehicle Drivers licences those set out in Schedule 6 and those for Private hire Vehicle Operators in Schedule 7.
- 9.2 The Council will take into account any failure to comply with these conditions when deciding whether a licence should be revoked, suspended or renewed.

10. ENFORCEMENT

- 10.1 Officers from the Licensing Service and Environment and Street Scene will aim to undertake enforcement fairly, providing advice where appropriate to ensure that drivers and proprietors fully understand the relevant legislation and conditions. Enforcement may be carried out in conjunction with other authorised bodies such as VOSA and police officers
- 10.2 Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently. Complaints received and warnings issued in relation to existing drivers and operators will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued or complaint received during this period, the original warning / complaint will be kept on file from the date of the most recent warning.

APPENDIX 1

LIST OF CONSULTEES

Solicitors	Gagan Mohindra
Attwater & Liell Solicitors	Richard Morgan
Berwin Leighton Paisner Solicitors	Stephen Murray
Curwens Solicitors	John Philip
Foskett Marr Gadsby & Head	Caroline Pond
Whiskers LLP	Brian Rolfe
Hammonds solicitors	Brian Sandler
Jarmans Solicitors	Mary Sartin
	Glynis Shiell
Breweries	Penny Smith
Mitchells & Butlers	Peter Spencer
McMullen & Sons	David Stallan
Star pubs & bars (was Scottish & Newcastle retail)	Syd Stavrou
Greene King	Tracey Thomas
Spirit group brewery	Haluk Ulkun
	Gary Waller
EFDC Councillors	Lesley Wagland
Kenneth Angold-Stephens	Sylvia Watson
Ken Avey	Antony Watts
Richard Bassett	Elizabeth Webster
Anthony Boyce	Chris Whitbread
Heather Brady	Janet H Whitehouse
Will Breare-Hall	Jon Whitehouse
Gavin Chambers	David Wixley
Kewal Chana	Neville Wright
Tony Church	John Wyatt
Tessa Cochrane	
Richard Cohen	Chief Executive/Deputy Executive
Colin Finn	Glen Chipp
Ricki Gadsby	Derek MacNab
Leon Girling	
Peter Gode	EDFC Senior Officers
Anne Grigg	Mike Tipping
James Hart	Nigel Richardson
Derek Jacobs	John Preston
Sue Jones	Kassandra Polyzoides
Helen Kane	Paul Pledger
Paul Keska	Bob Palmer
John Knapman	Coleen O'Boyle
Yolonda Knight	Jim Nolan
Jeane Lea	David Newton
Lance Leonard	Alison Mitchell
Alan Lion	Paula Maginnis
Harvey Mann	Peter Maddock
John Markham	Graham Lunnun
Maggie McEwen	John Kershaw
Ann Mitchell	Alan Hall
	John Gilbert

EFDC Senior Officers Cont.
Qasim Durrani
Mike Chapman
Janet Twinn
Roger Wilson
Julie Chandler
MP'S
MP- Eric Pickles
MP- Eleanor Laing
MP - Robert Halfon
Town Councils
Loughton - Mrs Enid Walsh -
Ongar - Aimi Middlehurst
Waltham Abbey - Kathryn Richmond
Epping - Ash Tadjrishi
Parish Councils
Abbess, Beauchamp and Berners Roding
Willingale - Mr E Fenwick
Theydon Mount - Anne Brewitt
Theydon Garnon - Mrs D Corsi
Theydon Bois - Sally Crone
Stapleford Tawney - Wendy Heard
Stapleford Abbots - Mr Jeffrey Blatt
Stanford Rivers - Mrs K Hayden
Sheering - Mr D Harris
Roydon - Mrs J Ballard
North Weald - Clerk
Nazeing - Mr B Blunden
Moreton, Bobbingworth & Lavers - L. Peters
Matching - Mr Ernie Fenwick
Lambourne - Mrs R Spiller
High Ongar - DeborahTonkiss
Fyfield - Louise Vandermark
Epping Upland - Mrs V Evans
Chigwell - Kay Canning
Buckhurst Hill - Clerk
Town Centre Partnerships
Loughton High Road - Doreen Corsi
- Peter Sheen
Buckhurst Hill - Peter Angel
Epping - Barbara Ford
- Barry Seager
Loughton Broadway - Dave Stannard
Ongar Town Forum - Martyn Pattie
Waltham Abbey - Norma Green
Responsible Authorities
Epping Police Station - Peter Jones

Pollution & Public Health – Richard Gardiner
Public Health - Steven Harcher
Head of Child Protection ECC
Health and Safety Executive
Trading Standards
Essex Fire and Rescue
Planning - David Baker
Environment Agency
Licensing Administration, public health NHS
Taxi Operators
Ongar Cars
Sadlers Taxi's
Bassett Cars
VIP Cars
Abbey Cars
Elite cars
Chigwell Cars
Lawlor Cars Services
Mayflower Cars
Sadlers Taxi
Advance Cars
Olympic Taxis
EFTA
Churches
St Stephen's Church
St. Thomas More & St Edward Catholic Church
Church of the Immaculate Conception RC
Church Of The Assumption
St. Michael's Church
Epping Forest Youth for Christ
St. Nicholas Church
St. Thomas More Church
Harlow Magistrates Court
Trinity Church
Restore Community Church
St. John's Church
St. Edmund's Church
St. Mary's Church
Loughton Baptist Church
Holy Trinity Church
St John the Baptist Church, Epping
St Elizabeth Church, Buckhurst Hill
St. Winifreds Church of England
St. Mary's Church Chigwell
Restore Community Church
The Salvation Army
Lea Valley Church A.O.G
Life Church Epping - Pastor Lee Carmichael
Epping Forest Community Church

Churches Cont.
Chigwell & Hainault Synagogue
St Mary's Church
Waltham Abbey Church
St Mary the virgin
Holy Innocents
St Michael and All Angels
All Saints Church
Epping Elm Church
Buckhurst Hill Baptist Church
St James' Church
Fyfield Benefice Essex
St. James United Reformed Church
St. Mary the Virgin
St. Peters Church
The Forest Hill Evangelical Church
St. Helens Catholic Church
All Saints & St Giles Church
Loughton Synagogue
Theydon Bois Baptist Church
Epping Green Chapel
Epping District Team Ministry
Epping Methodist Church
St. Paul's Church
St. Johns Church
Waltham Abbey, Holy Cross and St Lawrence
St Thomas Upshire
All Saints
Federation of Synagogues
Chigwell & Hainault Synagogue
Kingdom Hall Of Jehovah's Witnesses
St Martin's Chipping Ongar & St Peter's Shelley
Greensted Church
St Martins C Of E Church
St Helens Catholic Church
The Parish Church of Saint Margaret
Other
Consumers association
Stephen Carpenter- McDonalds
Epping Voluntary Action
City of London
West Essex PCT
All Premises Licensed by EFDC
All Essex County Councillors
Local Strategic Partnership
Epping Forest Safety Strategy Panel
Union of Shop Distributive and Allied workers
Unison
Licensed Victuallers Association
Disabled Coalition Group

Transport and general workers union
Whipps Cross NHS Trust
Arriva Bus Company
Princess Alexandra NHS Trust
Rural Community Council of Essex
Transport and General Works Union
Equity
Environment Agency
Epping Forest Conservators
Epping Forest PCT
Essex Ambulance NHS Trust
Essex County Council
Essex Police Service
Essex Probation Service
(West Essex Local Delivery Unit)
Essex Tourist Bodies
General Municipal & Boilermakers union
Health & Safety Exec Essex
Lea Valley Park Authority
HM Revenues and Customs
Local Chambers of Commerce
Local Council Liaison Committee
Local Round Table
Loughton Residents Association
LUL Transport for London
Musicians Union
Citizens Advice Bureau
Campaign for the protection of rural England
Council for Voluntary Services
East Herts District Council (Licensing)
Association of Licensed Retailers
British Transport Police

APPENDIX 2

HACKNEY CARRIAGE VEHICLE LICENCE

CONDITIONS OF LICENCE

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. The Council considers that the following conditions are reasonably necessary for the regulation of hackney carriages in its district. These conditions may be amended or varied by the Council at any time.

The proprietor of the vehicle must ensure that the vehicle complies with the following conditions at all times:

VEHICLE LICENCE

Term of Licence

1. A Hackney Carriage Vehicle Licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned to the Council on termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. The licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Hackney Carriage plate. The plate must be kept clean.
5. A Hackney Carriage shall display a roof sign which shall be illuminated, and showing to the front and rear the word "TAXI", except when the vehicle is under hire.
6. The trade name, address and telephone number may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
7. Only licensing plates issued by Epping Forest District Council shall be displayed on the vehicle

Vehicle Specification

8. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:
 - (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
 - (b) The centralised locking system should not be applied when carrying adult passengers.
 - (c) Seats with a minimum width of not less than 43cm per person.
 - (d) Accommodation for not less than four passengers.
 - (e) Be capable of carrying a wheelchair in a reasonable manner.
 - (f) The vehicle shall have minimum headroom of five feet.
 - (g) An adequate heating system for the passengers.
 - (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
 - (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
 - (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment which shall be kept in position at all times. This condition shall not apply to people carriers or multi purposes vehicles.
 - (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
 - (l) The vehicle should not be driven unless the driver's badge is clearly displayed.

Vehicle Inspections

9. The proprietor shall submit the vehicle for inspection on first application for a licence and for every renewal.
10. If the vehicle is less than five years old the proprietor of a Hackney Carriage vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date when the licence is issued at premises that are approved by the Council.
11. If the vehicle is over five years old at four monthly intervals.
12. The Council may require a vehicle to be inspected at any other time.
13. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

14. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Hackney Carriage, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

15. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

16. The inside and outside of a Hackney Carriage vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

17. A Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

Taximeter

After 1st April 2013

18. **The vehicle shall be fitted with a taximeter visibly recording the passenger fare payable in conformity with such table of fares as may from time to time be approved by the Council or (where lower) the table of fares charged by the driver.**
19. **The position of the taximeter shall be agreed by the Council's inspecting officer and shall be maintained at all times so that the fare displayed can readily be seen by passengers.**
20. **The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required.**

Convictions

21. The Proprietor shall notify the Senior Licensing Officer in writing of any conviction or police caution recorded against him or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

Change of Address

22. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Failure to comply with any of the conditions will result in a referral to Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Knowledge of these conditions will form part of the Knowledge Test

APPENDIX 3

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles. The following conditions which it considers are reasonably necessary for the regulation of Private Hire Vehicles in its district will apply to all licences. These conditions may be amended or varied by the Council at any time.

The Proprietor of the Vehicle must ensure that the vehicle complies with the following conditions at all times.

VEHICLE LICENCE

Term of Licence

1. A Private Hire Vehicle licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned on the termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. A licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Private Hire Vehicle plate. The plate must be kept clean.
5. The trade name, address and telephone number of the operator may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
6. There shall be **no** display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or part of another word nor the word "FOR HIRE" in any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up passengers wishing to hire it or would be available if not already hired.
7. Only Licensing Plates issued by Epping Forest District Council shall be displayed on the vehicle

Vehicle Specification

8. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:

- (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
- (b) Centralised locking of the doors should not be applied when carrying adult passengers.
- (c) Seats with a minimum width of not less than 43cm per person.
- (d) Accommodation for not less than four passengers.
- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment shall be kept in position at all times. This condition shall not apply to people carriers or multi-purpose vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) Vehicles should not be driven unless the Driver's Badge is clearly displayed.

Vehicle Inspections

- 9. The licence holder shall submit their vehicle for inspection on first application and on every renewal.
- 10. If the vehicle is less than five years old the driver of a Private Hire Vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date that the licence is issued at premises that are approved by the Council.
- 11. If the vehicle is over five years old it must be submitted for inspection at six monthly intervals.
- 12. The Council may require a vehicle to be inspected at any other time.
- 13. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

- 14. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any

accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Private Hire Vehicle, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

15. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered to be offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

16. The inside and outside of a Private Hire Vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

17. A Non Halon Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

Change of Address

18. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Convictions

19. The Proprietor must inform the Senior Licensing Officer in writing of any convictions or police caution recorded against him, or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

APPENDIX 4

Exceptions to delegations to decide Driver's licences

In the following circumstances application for a Hackney Carriage or Private Hire Driver's Licence will be decided by the Licensing Sub-Committee:

1. If the application is contested
2. Where there are breaches of condition or related law in the preceding 12 months
3. An applicant fails to comply with the Council's licensing procedure, pass the Knowledge Test, or meet the age, experience, or medical fitness requirements
4. Where in the opinion of the Council's medical adviser (or a doctor nominated by him) an applicant is not medically fit to hold a licence to drive a Hackney Carriage or Private Hire Vehicle.
5. An applicant for a driver's licence has a criminal conviction relating to the following:
 - Any unspent conviction for theft or similar offence, or
 - A conviction for violence against the person,, or
 - Any unspent drug related offence, or
 - An offence relating to indecency or sexual offence, or
 - Any unspent conviction for drunkenness
6. An applicant has motoring convictions contained in the list below:
 - Disqualification for driving by a court for any reason within the preceding five years, or
 - An accumulation of 10 or more penalty points from endorsable motoring offences in the last five years, or
 - Any motoring offences that the Authority considers the sub-committee should consider.
7. Where the Director of Corporate Support Services considers it appropriate to exercise her discretion because of her concern about the suitability of the applicant which is the subject of the licensing application.

APPENDIX 5

HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. These conditions may be amended or varied by the Council at any time.

Conduct of Driver

1. The driver must:
 - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;
 - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
 - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles;
 - (d) not apply the centralised locking system when carrying adult passengers.
2. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
3. The driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
4. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
5. The driver of a Hackney Carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
6. The driver shall not drive a vehicle that is a Hackney Carriage unless it is properly displaying the licence plate and it is clear and legible and all times.
7. The driver must not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

Badges

8. A driver shall, at all times, display his/her badge so that it is clearly visible.
9. The driver will return his/her badge to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.

Change of Address

10. A Licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Hackney Carriage.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Hackney Carriage shall produce his/her Licence on request for inspection by an authorised officer of the Council, or any police officer

Passengers and Luggage

14. A driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate.
15. Once a Hackney Carriage has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person;
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also to ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

18. The driver of a Hackney Carriage shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 24 hours, to his/her operator. If the driver has no operator then the matter must be reported to the nearest Police Station as soon as possible and in any case within 24 hours of the finding.

Animals

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
 - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position.

Fares

22. **The driver shall not demand from the hirer a fare in excess of that indicated on the taximeter**
23. **The taximeter must be used at all times for all journeys and must be visible to the hirer.**
24. **If requested, the driver shall provide the hirer with a written receipt for the fare paid.**

Use of Hackney Carriage

25. No driver licensed or otherwise, shall act as a Hackney Carriage driver without the consent of the owner of the Hackney Carriage.
26. A driver shall not leave his Hackney Carriage unattended in a public place, the Police being authorised to tow it away under such circumstances.
27. A driver shall not obstruct or hinder another Hackney Carriage driver in any way.

Medical Conditions

28. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

29. In the event that a Licence holder is charged or summoned for any alleged criminal offence, then he/she shall within seven days of being charged or on receipt of the summons (as the case may be) report the fact, in writing, to the Licensing authority,

giving particulars of each alleged offence and in which court the proceedings are pending.

30. In the event that a licence holder is convicted of any criminal offence, or has an official caution administered, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**
31. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the Licence holder's DVLA driving licence, that Licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Questions on these conditions will form part of the Knowledge Test

APPENDIX 6

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles in the district. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of private hire drivers in its district. These conditions may be amended or varied by the Council at any time.

Conduct of Driver

1. The holder of a Private Hire Vehicle licence shall also produce his/her licence for examination by the proprietor of the vehicle, both at the commencement of his/her employment and immediately after its renewal.
2. The driver must:
 - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.
 - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
 - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles.
 - (d) not to apply the centralised locking system when carrying adult passengers.
3. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
4. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
5. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
6. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
7. The driver shall not drive a vehicle that is a Private Hire Vehicle unless it is displaying a licence plate and it is clear and legible at all times.

Badges

8. A driver shall, at all times, display his badge so that it is clearly visible.
9. The driver will return their badges to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.
10. A licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Private Hire Vehicle.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Private Hire Vehicle shall produce his/her licence on request for inspection by an authorised officer of the Council, or any police officer.

Passengers and Luggage

14. A driver shall not carry or permit to be carried in his/her vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate
15. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person.
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

18. The driver of a Private Hire Vehicle shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 48 hours, to his/her operator.

Animals

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
 - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity or has some other form.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position

Fares

22. The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring.
23. Where a tariff is enforced, a tariff card shall be displayed on the inside of the vehicle in such a position as is plainly visible to persons travelling in the vehicle.
24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

Use of Private Hire Vehicle

25. No driver, licensed or otherwise, shall act as a Private Hire Vehicle driver without the consent of the owner of the Private Hire Vehicle.
26. A driver shall not leave his Private Hire Vehicle unattended in a public place, the Police being authorised to tow it away under such circumstances.
27. A driver shall not obstruct or hinder another Private Hire Vehicle driver in any way.
28. Private Hire Vehicles may not wait on any stand designated for the use of Hackney Carriages.

Medical Conditions

29. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

30. In the event that a licence holder is charged or summoned for any alleged criminal offence, then he shall within seven days of being charged or on receipt of the

summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.

31. In the event that a licence holder is convicted of any criminal offence or has an official caution administered to them, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**
32. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, that licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Enforcement

33. The Council may suspend, revoke or refuse to renew on application a driver's licence if any of the above conditions are not complied with.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Questions on these conditions will form part of the Knowledge Test

APPENDIX 7

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Epping Forest District Council ('the Council') is the licensing authority in respect of Private Hire Operator Licences. The following conditions are reasonably necessary for the regulation of Private Hire Operators in its district. These conditions may be amended or varied by the Council at any time.

The operator of the private hire vehicle must ensure that he or she complies with the following conditions at all times.

Records

1. The operator must keep records of private hire bookings and of drivers and vehicles available to the operator and these shall be kept as follows:-
 - (a) Records must be kept in a form which gives easy access for inspection, e.g., in a bound book or if a booking is made by computer, a print out of each day's bookings, or bookings kept in computerised form so that the records can easily be made available for inspection by an authorised officer of the Council or Police Officer. Records must be kept for at least one year;
 - (b) The operator shall keep at each Operating Centre, records of the Private Hire Vehicle drivers and vehicles (including a copy of their licence) available to the operator for carrying out bookings accepted at that centre.
 - (c) All records must be made and retained in written or electronic form and securely stored.
 - (d) Records of each hiring must contain the following details:
 - Date and time booking made
 - Name of hirer
 - Name of principal passenger (if different from above)
 - Agreed time of pick-up
 - Agreed place of pick up
 - Destination(s) specified at time of hiring by the hirer(s)
 - Identity of vehicle undertaking the hiring (vehicle registration or Private Hire Vehicle licence number)
 - Name and licence number of the driver undertaking the hiring
 - Fare quoted to hirer (if requested when hired)
 - Time and date of journey (if different from date of booking)
 - Whether the booking was sub-contracted; if so, the name of the sub-contractor, the Licensing Authority and the operator licence number.
 - (e) Records of the Private Hire Vehicle driver(s) used by the operator must contain the following details:
 - Full name of driver
 - Date of birth

- Address (normal place of residence)
 - Date driver became available to operator
 - Category of vehicle for which eligible to drive
 - Private Hire Drivers licence number
 - Date driver ceased to be available to the operator
- (f) Records of the Private Hire Vehicle used by the operator must contain the following details:
- Manufacturer, model and colour
 - Registration number
 - Private Hire licence/plate number
 - Registered owner name and address (on registration document)
 - Date when vehicle became available to operator
 - Copy of current valid certificate of insurance
 - Date vehicle ceased to be available to the operator.
 - Service history of each vehicle including details of any modifications thereto and details of all accident repairs.

Operation Centre

2. The operator shall notify the Council of any changes to the information supplied on the application form, e.g., change of address or telephone number, must be notified to the Council within two weeks of the change.
3. Operators will be required to notify the Council of the name of the person responsible for the day-to-day running of each Operating Centre named on the licence, and of any changes.
4. Operators shall display a copy of their licence at the Operating Centre in a position that is accessible to members of the public
5. Operators must display on public view, at Operating Centres with public access, evidence of their public liability insurance and must provide the Council with copies on request.
6. Operators must indicate clearly at the Operating Centre or within any letter head, advertising or promotion of their service, that the service provided is in respect of pre-booked journeys only.
7. Operators must ensure that any telephone facilities and radio equipment provided are maintained in sound condition and that any defects are repaired promptly.

Waiting Areas

8. To ensure that any waiting area for members of the public is kept clean, adequately heated, ventilated and lit.
9. To ensure that there is public liability insurance for any area open to the public for at least 2 million pound and the Operator shall produce evidence of insurance to the Council when requested.

Fares

10. Details of fare tariffs should be available to members of the public and displayed on public view at the Operating Centre or made available upon request.
11. Fares will be in accordance with the operator's advertised table of fares, unless otherwise agreed with the hirer at the time of booking.
12. The operator should give details of the fare for a particular hiring to the hirer when the booking is being made, if requested by the hirer.

General

13. Operators shall not employ or otherwise engage, whether directly or indirectly, any vehicle that has not been licensed by the Council or a driver who does not have a valid licence, for any bookings.
14. Operators shall only accept booking at an authorised Operating Centre.
15. Operators shall only sub-contract bookings to a licensed operator.
16. Operators must establish a complaints procedure, ensuring that all complaint records include the driver's name, nature of complaint, details of complainant and action taken.
17. Operators must establish a procedure for dealing with client's property lost or found in a Private Hire Vehicle operated by them or under contract to them. This should include evidence that an attempt has been made to return the property to the owner, and a system for recording and storing lost property.
18. Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to a breach of the licence conditions.
19. Details of any conviction incurred by the licensee during the currency of the licence must be reported in writing to the Council within two weeks of the date of the conviction.
20. Lost property should be returned to the operator, then at the earliest convenience given to the customer. If this is not possible it shall be handed into the nearest police station

Failure to comply with the conditions will result in a referral to the appropriate officer of the Council or the Licensing Sub Committee for consideration of suspension or revocation of licence.

APPENDIX 8

CRIMINAL RECORDS POLICY GUIDELINES FOR THE ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES

Introduction

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle or to operate a private hire vehicle the applicant is requested to declare any pending prosecutions, cautions or convictions you may have, even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974. Failure to declare such information or giving false information to obtain a licence is an offence and will be treated very seriously. The information that is given is treated in the strictest confidence and will only be taken into consideration in relation to the application.

The applicant is required to consent to the Council carrying out a check with the Disclosure and Barring Service, which will disclose any cautions or convictions that he or she may have. Information received from the Disclosure and Barring is treated in the strictest confidence while the application is processed, and will be retained on manual and computer records for no longer than is deemed necessary.

The existence of a criminal record or disclosure of other information will not necessarily preclude the applicant from gaining a licence unless the Council considers that any conviction or convictions renders him or her unfit to hold such a position of trust. In making this decision the Council will take into consideration the nature of the offence, the time period since it was committed, what age the applicant was when the offence was committed, and any other factors the applicant brings to the Council's attention or the Council feel are relevant.

Any applicant refused a licence on the grounds that they are not a fit and proper person to hold a licence has a statutory right of appeal to a magistrates' court.

General Policy

1. Each case will be decided on its own merits.
2. A person with a current conviction for a serious crime need not necessarily be permanently barred from obtaining a licence, but should be expected to remain free from conviction for a period of three to five years, depending on the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances, although persons with convictions for offences of a violent, sexual, child-related nature, a racially aggravated offence or other very serious crime will not normally be issued with a licence. The overriding consideration will always be the protection of the public.
3. In this policy, the time periods mentioned in each case refer to the time that has elapsed since the date of conviction. Where a custodial sentence has been imposed, however, the time period runs from the date of release from prison. Where several offences are being considered together, the pattern of offending will be taken into consideration and the Council will normally expect a person to have been free from conviction for a period of three to five years from the last conviction.

4. The Council reserves its right to take into consideration spent convictions and relevant cautions.
5. The Council reserves its right to require an applicant to undergo a substance abuse (illegal drugs) test where there is evidence to suggest that the applicant may have a drugs problem or there is a history of drug use. This would be at the expense of the applicant and would normally be required where two or more convictions or cautions under the Misuse of Drugs Act within the last ten years have been revealed.
6. Should the Council be minded to refuse an application or have concerns over convictions or driving endorsements the applicant will be invited to attend the Licensing Sub-Committee before making a determination. If an applicant does not attend, a decision will be made based on the information available.

The following examples afford a general, but not exhaustive indication as to the action likely to be taken where convictions are declared and/or revealed.

Types of Convictions

(a) Minor traffic offences

Convictions for minor traffic offences should not prevent the issue of a licence.

If 6 points or more have accrued the applicant should be warned as to future conduct and the warning recorded.

If an applicant has been disqualified under the totting up procedure he should be warned as to future conduct.

If his or her DVLA licence shows more than one disqualification for whatever period or reason (other than a drink drive offence) then he should not be issued a licence unless and until a period of at least 2 years free of convictions has elapsed since the expiry of his last period of disqualification

Minor Traffic offences not declared by driver

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the Council shall determine whether to issue the licence subject to a warning regarding future conduct or to refuse to grant the licence. A key consideration in reaching this determination will be whether there was a premeditated intent to deceive.

Existing drivers are under a legal obligation to declare to the Council all offences committed. Failure to do so may result in the revocation of the licence.

(b) Major traffic offences

An isolated, spent conviction for offences including dangerous driving or driving without due care and attention should normally merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

More than one conviction for this type of offence or a combination with other convictions within the last two years should merit refusal and no further application will then be considered until a period of at least five years free from conviction has elapsed.

(c) Drunkenness - With a motor vehicle

A serious view should be taken of convictions for driving or being in charge of a vehicle under the influence of drink.

An isolated incident in the past should not necessarily debar an applicant unless the applicant had been employed in duties as a taxi driver at the time of the offence. In that case the application should be refused.

At least five years should elapse after the restoration of the DVLA driving licence, following disqualification for an isolated offence of this nature.

If the applicant has more than one conviction for a drink/drive offence the application should be refused.

If there is any suggestion that the applicant is an alcoholic then a special medical examination should be arranged.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further application is considered.

(d) Drugs

If an applicant has one conviction for a drug related offence then he should be required to show a period of at least three years free of conviction before the issue of a licence is considered.

If an applicant has two convictions within the previous ten years then he should be required to show a period of at least five years free of convictions. If applicant has three or more convictions for drug related offences then the application should be refused.

If the applicant is or has been a drug addict then he should be required to wait a period of 5 years after detoxification treatment before re-applying.

(e) Indecency offences

Hackney carriage and Private Hire Vehicle drivers often carry unaccompanied and/or vulnerable passengers. If an applicant has a conviction for any sexual offence the application will be refused.

(f) Violence

As Hackney Carriage and/or Private Hire Vehicle drivers and operators are in close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

If the applicant has more than one conviction for violence within the preceding ten years then the application should be refused.

A conviction for Grievous Bodily Harm, Unlawful Wounding, Attempted Murder, Threats To Kill, or similar, should be considered by the severity of the sentence. In other words the rehabilitation periods under the Rehabilitation of Offenders Act 1974 should be used to justify the issue or refusal of a licence.

(g) Dishonesty

Hackney Carriage and/or Private Hire Vehicle drivers and operators are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver.

Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any property left in the vehicle being kept by unscrupulous drivers.

For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of at least three to five years free from conviction should be demonstrated before an application is considered.

If an applicant has several convictions of a similar nature then a longer period than the three to five year period should be considered before consideration of the application.

(h) Insurance offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance.

An isolated incident in the past will not necessarily debar an applicant but the sub-committee will require evidence as to the facts of the case.

More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Licence, unless there are exceptional circumstances. A driver found guilty of driving passengers for hire and reward whilst without valid insurance will have their Hackney Carriage and/or Private Hire Driver's Licence revoked immediately and no further application for such a licence will be considered by the Council for a minimum period of five years.

A Private Hire operator similarly convicted of operating a vehicle without valid insurance will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of five years

(i) Use of Hackney Carriage or Private Hire Vehicles

Unlicensed drivers who have convictions for any offences relating to the use of a licensed vehicle will not be considered for a licence by the Council for a minimum period of three years. More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Hackney Carriage and/or Private Hire Driver's licence, unless there are exceptional circumstances.

Licensed drivers who are convicted of plying for hire (or touting) or other offences relating to the use of licensed vehicles will have their licence revoked and will not normally be considered for a licence by the Council for a minimum period of three years from the date of conviction. Private Hire Operators found guilty of operating a vehicle where no private hire vehicle Licence is in place will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of three years.

(k) Failure to respond to interview request

The Council considers failure to respond to officer's request for an interview whether formal or informal to be serious as it prevents the Council from investigating issues and complaints and shows a disregard for the safety of the travelling public. In these circumstances the Council shall consider suspension of a driver's licence pending the outcome of the investigation.

(l) Failure to report an accident

A first offence of failure to report an accident within the specified time will normally be dealt with by issuing a written warning. Subsequent offences may be dealt with by way of revocation of the licence and/or prosecution

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Sarah Kits

From: Peter Jones
Sent: 07 May 2013 08:15
To: Licensing
Cc: Marc Jordan
Subject: FW: Hackney Carriage & Private Hire Licensing Policy - Consultation [NOT PROTECTIVELY MARKED]


Good Morning,


I have been asked to feed the below back to you. Insp Jordan is concerned that private hire vehicles are not going to use a taximeter.

Many Thanks

Peter Jones ABII (7706)


Epping & Brentwood Licensing Officer
West LPA

 Tel. 01279 625405 or 101 (Ext. 318175)

 Fax. 01279 625440 (Int. 318335)



 www.essex.police.uk

 Epping Police Station
230 High Street
Epping
CM16 4AP

To find out what is happening in your neighbourhood and all about your local neighbourhood policing team visit www.essex.police.uk/yourarea and enter your postcode.

From: Marc Jordan
Sent: 03 May 2013 14:30
To: Peter Jones
Subject: RE: Hackney Carriage & Private Hire Licensing Policy - Consultation [NOT PROTECTIVELY MARKED]

Peter,

Baring in mind our NTE problems I am a little concerned that private hire vehicles are not required to use a taximeter.

Can this be fed back

Regards

Marc Jordan

Inspector 70392 Jordan
Loughton, Epping, Waltham Abbey & Ongar
Neighbourhood Policing Team Inspector
Loughton Police Station
ext 313120

101 'Essex Police new non-emergency telephone number'
follow @InspMarcJordan on twitter for latest news and stories

If you are calling from outside Essex Police please dial 0300 333 4444 or 101 and key in the above extension number when asked.

My Neighbourhood Constable is Pc 71045 Leigh Munden, who's yours?? To find out and also know what is happening in your neighbourhood and all about your local neighbourhood policing team visit www.essex.police.uk/my_neighbourhood.aspx and enter your postcode

From: Peter Jones
Sent: 02 May 2013 12:27
To: Ed Wells
Cc: Marc Jordan; Russell Welch; Simon Dear
Subject: FW: Hackney Carriage & Private Hire Licensing Policy - Consultation [NOT PROTECTIVELY MARKED]


Gents,


I have received the below regarding Taxies in EFD. Please read, and if you have any points to raise please do so either through me or direct to EFDC. I have attached an email showing a few comments I have made.

Many Thanks


Peter Jones ABII (7706)


Epping & Brentwood Licensing Officer
West LPA

 Tel. 01279 625405 or 101 (Ext. 318175)

 Fax. 01279 625440 (Int. 318335)



 www.essex.police.uk

 Epping Police Station
230 High Street
Epping
CM16 4AP

To find out what is happening in your neighbourhood and all about your local neighbourhood policing team visit www.essex.police.uk/yourarea and enter your postcode.

Sarah Kits

From: ian shaw
Sent: 08 May 2013 18:22
To: Licensing
Subject: hackney carriage & private hire consultation

As an existing licensed hackney carriage driver for over 10 years now licence number H112 i have to say it epping forest taxi licensing that have caused this issue of to many licensed taxi's with no where to operate from when i first applied for my taxi licence i had to provide details of which taxi office i was going to be working for before i was granted my licence it now seems that as long as you pay the licensing fees the council is happy to licence unlimited numbers of taxis with no office to work from creating the problem of the public being at best over charged and at worst ripped off buy some taxi drivers as it seems they can charge what they like.

Why i agree this cant go on and things have to change i feel that having every taxi fitted with a meter and the tariff set by the council you will create a two tear system as private hire drivers will be free to set their own tariffs and this will be unfair to the hackney carriage drives who will loose trade to the private hire operators.

For this reason many drivers and offices are thinking of changing over to private hire to stay in business but as i understand the licensing rules if i wish to go private hire i will have to surrender my hackney carriage badge which i don't really wish to do as i then would have to re apply as a new driver if i wished to work for another office as a hackney carriage driver so i think having a duel licence to allow me to operate either a hackney carriage taxi or a private hire car would be a good idea as this is the case in many other council licensed areas.

yours sincerely

I Shaw H112

Sarah Kits

From: Contact Us
Sent: 20 May 2013 10:46
To: Licensing
Subject: FW: Information request from your website

Good Morning. This enquiry came in via Contact us. Forwarded on for your attention. Regards, Michael Murray

-----Original Message-----

From: neil Sjoberg [mailto:
Sent: 19 May 2013 20:55
To: Contact Us
Subject: Information request from your website

[Your name] neil Sjoberg

[Your email]

[Phone number]

[Subject of Enquiry] Hackney can consuktation [Describe your request] That cabs should contain a large sized photo of driver with reference number and name so passengers can be sure they are being driven by a registered driver(not someone borrowing his cab) and rember the driver in case of futuire need.

We often send minors home from a round of golf on their own in a taxi after parental request. It would be nice to know who they are going with.

[Your Postal Address] The Epping Golf Course Flux Lane Eppin g CM16 7NJ

Epping Forest District Council - <http://www.eppingforestdc.gov.uk/index.php/contact-us>

Client: 79.79.155.234 - Mozilla/5.0 (compatible; MSIE 9.0; Windows NT 6.1; Win64; x64; Trident/5.0)

Sarah Kits

From: Nina Coulthard
Sent: 13 June 2013 20:17
To: Licensing
Subject: Hackney Carriage and Private Hire licensing policy

Dear Mrs Tuckey

Thank you for your invitation to view and comment on the above policy document, which I have read and found it to be very comprehensive and thorough. I have no other comments in respect of its content. It would, however, have been helpful for those of us not already familiar with the previous document, when being asked to consider an **amended** document, to have the amendments highlighted. I had no way of knowing what had been changed.

It may also be worth noting that the list of churches consulted seems to include a number of duplications (e.g. Restore Community Church and Waltham Abbey are both in twice) and some notable omissions (e.g. Loughton Methodist Church). I am sure local church leaders would be willing and able to help you with your data base of churches.

Yours sincerely

Nina M Coulthard (Revd)
St Michael and All Angels Church Loughton

Sarah Kits

From: Cllr Chris Pond
Sent: 25 June 2013 14:35
To: Licensing
Subject: Consultation re meters

From: Cllr Chris Pond, Essex County Council, Loughton (Central) Division

Dear Sirs

As county councillor for Loughton Central, I object to the parts of the proposals which require meters in cabs

1. Meters work by measuring distance and time. This transfers the risk and cost of traffic congestion, which is endemic in Loughton Central, from cab proprietor/driver to customer, and whereas I appreciate taxi drivers have a living to make, making taxi travel more expensive will tend to diminish, not increase, their business, and will be an added burden on customers, many of whom are elderly.
2. The proposal will involve owner-drivers in unnecessary expense and trouble in fitting meters and will advantage firms rather than owner-drivers
3. The time and trouble for checking and recalibrating meters is an unnecessary burden on enterprise and on public officials

I believe the objectives of fitting meters could be met by requiring drivers to exhibit a table of common fares in each licensed vehicle and to publish this on the Council's website.

Yours sincerely
Chris Pond

Sarah Kits

From: Vivienne Messenger
Sent: 25 June 2013 15:58
To: Sarah Kits
Subject: June - EFDC Hackney Carriage & Private Hire meter consultation
Attachments: June - EFDC Hackney Carriage & Private Hire meter consultation.pdf

Dear Sarah

Please see attached reply to EFDC's Hackney Carriage and Private Hire Licensing Policy – Consultation on meters. Would you please confirm receipt if this letter attached?

Many thanks
Vivienne

Vivienne Messenger
Planning Committee Clerk / Admin Team
Loughton Town Council
1 Buckingham Court, Rectory Lane, Loughton, Essex IG10 2QZ
Tel: 020 8508 4200
Fax: 020 8508 4400
E-mail contact@loughton-tc.gov.uk
Web: www.loughton-tc.gov.uk

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Our Ref: L.1.1/VRM



LOUGHTON
TOWN COUNCIL

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e-mail: contact@loughton-tc.gov.uk
Web site: www.loughton-tc.gov.uk

Town Clerk: Enid K Walsh

Ms Sarah Kits
Licensing Section
Epping Forest District Council
Civic Offices
Epping
CM16 4BZ

25 June 2013

e-mail: vivienne.messenger@loughton-tc.gov.uk
☎ ext 207

Dear Ms Kits

Re: Epping Forest District Council – Hackney Carriage and Private Hire Licensing Policy – Consultation

During discussion on this item at the Planning and Licensing Committee's meeting on 17 June 2013, members present were doubtful about the costs and benefits of meters to taxi customers and drivers, as there was no indication in the consultation on how meter fares would compare to the existing fare tariffs.

Consequently the Town Council's Planning and Licensing Committee objects to the proposal to require cabs to be fitted with meters on the following grounds:

1. The proposal to fit meters calibrated by distance and time transfers the risk and cost of traffic congestion, endemic in Loughton, from cab proprietor to customer. These customers are often elderly and/or infirm and should not be disadvantaged.
2. The proposal will involve owner-drivers in unnecessary expense and trouble in fitting meters and advantages large firms rather than small concerns.
3. The time and trouble for checking and recalibrating meters is an unnecessary burden on enterprise and on public officials.

The Committee believes the objectives of fitting meters could be met by requiring drivers to exhibit a table of maximum fares in each licensed vehicle and to publish the same on Epping Forest District Council's website.

Yours sincerely

Vivienne Messenger

Vivienne Messenger
Planning Committee Clerk



Report to Licensing Committee

Date of meeting: 3rd December 2013

Subject: Temporary Road Closure Orders



**Epping Forest
District Council**

Officer contact for further information: Alison Mitchell - 01992 564017.

Committee Secretary: Adrian Hendry

Decisions Required:

To consider the resolution of the Local Council Liaison Committee and decide whether to recommend to the Council that:

(1) Epping Forest exercises its powers to make temporary road closure orders

(2) If the Committee considers that Epping Forest should undertake temporary Road Closures, that the fees and the necessary additional post be employed to undertake this work.

Report:

Executive Summary:

1. On 4th July 2013 the Local Council Liaison Committee resolved:

That the Committee made a formal recommendation asking that Epping Forest District Council consider the possibility of taking on the powers under Town Police Clauses Act 1847 to provide local means of road closures for temporary events.

2. The 1847 Act gives Local Authorities powers for preventing obstruction of the streets in times of public procession, rejoicing, or illuminations, and in any case when the streets are thronged or liable to be obstructed by substantial numbers of people, on foot or in a vehicle, participating as spectators or otherwise in the occasion. 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. This Act can be used for commercial and non-commercial events.

Reasons for Proposed Decision

3. Members requested to consider the request from the Local Council Liaison Committee.

Other Options for Action:

4. n/a

Report

5. 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. A request was made at the Local Council's liaison meeting that the Council considers that it use these powers to close roads for the specified reasons. At present this function is undertaken by Essex County

Council. Their website states that no charge is made for this service.

6. The licensing service has not undertaken any work in connection with road closures itself and so it has consulted with other authorities as to the procedure to be adopted, the time it took officers to undertake the work, and any disbursements that would be required e.g. road closure signs. It is estimated that the cost to the Council would be £170.00 per application and could be more for more complicated and possible lengthy events. It would have been necessary to monitor the time and costs before setting the fees for the next year.

7. It will be necessary to employ a member of staff part time to undertake this work. The procedure would require officers to:

a) Set up a system for road closure, prepare forms and put the information on the website. This will need to be monitored and updated periodically.

b) provide applicants with the information pack. This pack would have to contain the names and addresses of the persons or bodies with whom the applicants will have to consult, provide sample letters, and guidance and undertake other correspondence to ensure that this process is followed correctly.

c) ensure that the applicant had received the appropriate consents:

- Essex County Council,
- Fire Service,
- Police
- The bus company (if necessary)
- The owners of neighbouring properties.

d) where the road closure requires a main through road to be closed or one with a bus service it would be necessary to advertise the closure to give prior warning to other road users.

e) check that the Public liability insurance is acceptable and that a Risk Assessment has been provided

f) if there are any objections, to carry out further consultations and if necessary carry out an inspection.

g) if the objections are not resolved to prepare a report for the licensing sub-committee

h) if a sub-committee meeting is called there will be additional officers and members costs incurred

i) When a licence is granted there may be conditions imposed following consultations or the meeting of the sub-committee. The consent would have to be drafted to comply with these requirements.

i) Inspections may be required to ensure that any conditions are complied with

j) there may be a requirement as to signage etc required by the Highways service which could be expensive if each applicant had to purchase their own and so the Council may consider purchasing these signs or hire them which would need to be replaced from time to time.

8. Some of the steps listed above will be unnecessary in many cases.

9. If the Committee recommends that the District Council consents to street closures then additional staffing resources. There is set out below the necessary delegations for the Committee's consideration.

10. In considering these applications the licensing authority has also taken into consideration the extra workload of Scrap Metal Dealers, and has requested an additional post to undertake the extra workload. Having researched other authorities procedures a neighbouring authority stated that they carried out 35 street closures in a year, it is estimated that Epping Forest may receive 22 applications and this has been considered in the revised fee (para 6) above .

Research with other authority's revealed that most authority's do not make a charge for these closures as most of them are for charitable purposes and at the time of writing this report, the licensing authority were still awaiting more information on this. (More information will be given at the meeting)

DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for a Road Closure Order		If an objection	If no objection made
All policy matters except the formulation of the licensing policy	All cases		

Resource Implications:

New post required

Legal and Governance Implications:

The Council has authority under the Town Police Clauses Act 1847 to make these orders. The proposed procedure would allow the Council to assess the application in consistent way.

Safer, Cleaner and Greener Implications:

At present the applications are assessed by the Highway's service of Essex County Council which has experience in making these orders. Training would be required by the Licensing team members to undertake this work.

Consultation Undertaken:

This matter was referred to the Licensing Committee by the Local Council's Liaison Committee.

Background Papers:

Minutes of the Local Council's Liaison Committee of 4th July 2013

Impact Assessments:

Risk Management

Training would be required as this is a new area of work. Applicants would be required to provide a risk assessment of their application

Equality and Diversity

The report does not impact adversely on any group identified in the legislation as having protected characteristics.