

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 4 October 2016

Place: Council Chamber, Civic Offices, **Time:** 10.04 - 10.46 am
High Street, Epping

Members Present: D Dorrell (Chairman), N Bedford, J Jennings and C P Pond

Other Councillors:

Apologies:

Officers Present: M Jenkins (Democratic Services Officer), K Tuckey (Licensing Manager),
R Ferriera (Assistant Solicitor) and L Turner (Licensing Compliance Officer)

25. DECLARATIONS OF INTEREST

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

26. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business.

27. CANES LANE LAYBY, A414 NORTH WEALD CM17 9LD

The Chairman decided to consider this item first as the applicant in respect of Item 5 had not yet arrived.

The Chairman of the Sub-Committee, Councillor D Dorrell welcomed the participants and introduced the Members and officers present. The three Councillors that presided over this item were Councillors D Dorrell, N Bedford and J Jennings. The Chairman then requested that the participants introduce themselves to the Sub-Committee. In attendance on behalf of the application were Messrs R and S Fry.

The Chairman outlined the procedure that would be followed for the determination of the application.

(a) Application for a Street Trading Consent

The Licensing Officer informed the Sub-Committee that 12 August 2016 the authority received an application made by Mr R Fry for a street trading consent to trade at Canes Lane Layby, A414 North Weald CM17 9LD. It was advised that the applicant did not wish to commission the buildings of the trailer until consent was granted and therefore did not possess public liability insurance or Foods Standards Certification at the current time. Therefore, the consent would not be issued until the applicant had produced certificates for both public liability and food standards.

It was noted that there was no requirement in the Local Government Miscellaneous Provisions Act 1982 to carry out a consultation. The Licensing Team notified Essex Police, Environmental Health, Highways Authority and the Parish Clerk of North Weald Bassett Parish Council. Further notification had been placed in the Council Bulletin and a public notice placed in the local Guardian newspaper. The authority had received no objections.

(b) Presentation of the Applicant's Case

Mr R Fry stated that he wished to start a new business and repeated the earlier information that he needed certificates for public liability and food standards.

(c) Questions from the Sub-Committee

Members asked about the trading consent granted for this layby some time ago. The Licensing Officer advised that the consent which had been in place for Canes Lane Layby had not been renewed. Members asked about parking at the layby. Mr r Fry replied that customers tended to use one end of the layby for parking, however the Legal Officer present informed those present that the select committee could not make a decision on parking, the street trading consent was for that lane only. The applicant told the select committee that the trailer they would use was standard size.

(d) Consideration of the Application by the Sub-Committee

At 10.10a.m. the Sub-Committee asked for the Council Chamber to be vacated for private deliberation. During their deliberations the Sub-Committee received advice from the legal officer that the Sub-Committee were not permitted to specify the location of the trailer within the lane specified.

RESOLVED:

- (1) That the application for a Street Trading Consent at Canes Lane Layby, A414 North Weald CM17 9LD be granted for a period of 12 months, no trade shall be carried out by the applicant until they have provided the following:
 - (a) Proof of public liability insurance; and
 - (b) Certified copy of food standards certificate.

28. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
5	Application for a Hackney Carriage Driver's Licence – Mr Z Ali	1

29. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR Z ALI

The Sub-Committee considered an application by Mr Z Ali for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors D Dorrell, N Bedford and J Jennings. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Sub-Committee.

The Chairman welcomed the applicant and introduced the Members and officers present. The Licensing Officer informed the Sub-Committee of the circumstances by which the licence could not be issued under delegated authority.

The applicant made a short statement in support of his application before answering a number of questions from Members of the Sub-Committee. The applicant then made a short closing statement to the Sub-Committee before the Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated the application in private.

The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

RESOLVED:

That the application for a Hackney Carriage Driver's Licence for Mr Z Ali be refused as the Sub-Committee held that the applicant was not considered to be a fit and proper person to hold such a licence.

CHAIRMAN