



Licensing Sub-Committee Tuesday, 10th January, 2017

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

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 10th January, 2017
at 10.00 am .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Gary Woodhall
Governance Directorate
Direct Line: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors M Sartin (Chairman), K Chana, R Gadsby and R Morgan.

PLEASE NOTE THE START TIME OF THE MEETING

1. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

2. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 3 - 8)

(Director of Neighbourhoods) To note the Terms of Reference and Conduct of Business, as attached.

4. EXCLUSION OF PUBLIC AND PRESS

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as

amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
5	Hackney Carriage Driver's Licence – Mr A Islam Rubel	1

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

5. HACKNEY CARRIAGE DRIVER'S LICENCE - MR A ISLAM RUBEL (Pages 9 - 10)

(Director of Neighbourhoods) To consider the attached restricted report.

6. INCLUSION OF PUBLIC AND PRESS

To invite the public and press back into the meeting for the remaining items of business.

7. STREET TRADING CONSENT - BRADYS SEAFOOD STALL, DUKE OF WELLINGTON PUBLIC HOUSE (Pages 11 - 22)

(Director of Neighbourhoods) To consider the attached report.

Licensing Committee - Terms of Reference

- (1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.
- (2) For the functions set out in Appendix 1, and the legislation listed in Appendix 2, a Subcommittee consisting of no more than any three Councillors drawn from the members of the full Committee shall be formed. Any such Subcommittee shall include, by rota, one of the six Licensing Subcommittee Chairmen appointed at each Annual Council meeting.
- (3) The Quorum for the Committee is set out in the Rules set out in Part 4 of this Constitution save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.
- (4) The Committee and Subcommittees shall have full authority to hear and determine licensing applications.
- (5) The Committee and Subcommittees shall be further empowered to determine appeals made against the decisions of the Director of Neighbourhoods taken under delegated authority on licensing applications. (See Council delegation schedule for more details)
- (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Appendix 3 (Conduct of Business by Licensing Committee and Subcommittees).
- (7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Appendix 2 to this Article.
- (8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Subcommittee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
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 Act 1951
Pet Animals Act 1951 (Amendment) Act 1983
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
Scrap Metal Dealers Act 2013
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUBCOMMITTEES

All references to committee in this annex shall be taken to infer a reference to the associated subcommittees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.
- 3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Subcommittee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing.

4. Attendance of the Public

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

- 5.1 There are two elements to natural justice:

(a) Fairness

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

- 6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:

- (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
- (ii) The Chairman will outline the procedure to be followed.
- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

Document is Restricted

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Report to the Licensing Sub-Committee

Date of meeting: 10 January 2017



**Epping Forest
District Council**

Subject: Street Trading Consent - Bradys Sea Food Stall, Forecourt Duke of Wellington Pub, 36 High Street Epping CM16 4AE

Responsible Officer: Nuala Clark (01992 564340).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To determine the application for a Street Trading Consent for Bradys Sea Food Stall under the Local Government Miscellaneous Provisions Act 1982

Report:

Application for Grant of a Street Trading Consent

1. On 26 October 2016, the Authority received an application made by Mr. Jack Jeffries for a street trading consent to trade on the forecourt of The Duke of Wellington Public House 36 High Street Epping CM16 4AE]. A copy of the application is attached to this report. The public notice and the plans are also attached. The application sets out the relevant licensing activities applied for, the sale of hot and cold sea food, and times requested:

- (a) Thursday and Friday 13:00 to 20:00;
- (b) Saturday 11:00 to 19:00; and
- (c) Sunday 11:00 to 17:00.

Consultation

2. There is no requirement in the Local Government Miscellaneous Provisions Act 1982 Act to carry out any consultation. The Licensing Team notified Essex Police, Environmental Health, Highways Authority & the Clerk of Epping Town Council and the Council Bulletin. A public notice was also placed in the Epping Forest Guardian and on site.

3. The authority has received one email from Essex Police who had no objection to the application. A copy of the email is attached to this report.

4. There were no responses from the other consultees.

Conditions

5. The Sub-Committee may attach conditions to a street trading consent as it considers reasonably necessary. These can include conditions to prevent:

- (a) obstruction of the street or danger to persons using it; or
- (b) nuisance or annoyance (whether to persons using the street or otherwise).

6. The Consent can include permission to trade:
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
7. The Sub-Committee may decide that the Consent is subject to conditions:
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
8. Unless the Sub-Committee decides otherwise the Authority's standard conditions will apply to this consent. A copy of these conditions is attached.
9. The street trading consent may be granted for a period not exceeding 12 months.

Appeal

10. The Act provides for no appeal against refusals although decisions have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Attached documents

- Application for Street trading consent
- Map showing the area
- Newspaper notice
- An example of a Street Trading Consent

LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONSENT

LN/



1. **CONSENT HOLDER:**
2. **LOCATION:**
3. **DESCRIPTION:**
4. **DURATION:**
5. **SIGNED ON BEHALF OF THE COUNCIL** _____ - _____

1. This Consent is valid from _____ and no right to its renewal by the Council can be assumed or is implied.
2. The Consent Holder shall at all times comply with the law. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974 The Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.
3. The Consent Holder shall not cause any nuisance.
4. No recorded or amplified music or radio, shall be played by the Consent Holder or any employee at the stall to the annoyance of any member of the public, local resident or occupier of nearby premises, except in the case of ice-cream vans who may use amplified chimes during permitted hours.
5. No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property or into any surface water inspection chamber or gully.
6. The Consent Holder's stall shall be kept in a clean, safe and well maintained condition, to the satisfaction of the Council and its authorised Officers.
7. The Consent Holder shall provide and maintain, at his own expense, adequate refuse receptacles for litter and waste and its disposal.
8. A notice stating the name of the Consent Holder and an address for complaints, shall be displayed in a conspicuous position on the stall at all times when trading is being carried on at the stall.
9. If the Consent Holder or any employee is requested to move the stall by an authorised Council Officer or a Police Officer, he/she shall immediately comply with that request.
10. The Consent Holder shall ensure that disabled people can be served at the stall.
11. Failure to comply with these conditions will put the Consent Holder at risk of having the Consent revoked and/or of prosecution.

12. The Consent Holder shall take out and maintain at all times third party insurance cover with a maximum liability of at least £1,000,000.
 13. The Consent Holder shall not place on the street or in a public place, any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
 14. No business other than that included in the 'Description' above shall be carried on at the stall.
 15. Litter and trade waste arising from the activities of the consent holder in and around the stall, shall be removed from the site on a daily basis and disposed of in an approved manner
 16. The consent holder shall ensure adequate provision for pest control.
-

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
 2. Indicate that planning permission is not required.
-
-

Please note:

- That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
- That the grant of one or more Street Trading Consents does not give the trader immunity from control.
- Indicate that the unit is exempt from business rates.
- Over ride parking restrictions or any other traffic regulations.
- Imply approval from the Highway Authority or any other person or Authority.

LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982: PART III
APPLICATION FOR CONSENT FOR STREET TRADING
IN A DESIGNATED 'CONSENT' STREET



In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982

SECTION 1

Applicant Details

* First Name

* Family name

* E-mail

Main telephone number

Other telephone number



Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organization, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business or Organisation

*Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* Vat Number Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business or organisation

Home country The country where the headquarters of your business is located

Business Address

* Building number or name

36

If you have one, this should be your official address - that is an address required of you by law for receiving communications

* Street

high street

District

* City or town

epping

County or administrative area

* Post Code

CM16 4AE

* Country

United Kingdom

SECTION 2 of 11

Further Details about the Applicant (If applying as an individual)

Former name(s)

If currently or previously known by any other name(s), you must record them here.

Home Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Post Code

* Country

United Kingdom

Further Details

* Date of Birth

dd

/

mm

/

yyyy

* Place of birth

National Insurance Number

SECTION 3 of 11

Directors, Partners, Owners and Managers (If Company Club)

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organization, including day-to-day MANAGERS OF THE PREMISES.

* Are there any such people for whom you need to provide details?

Yes

No

If so please supply information on a separate sheet.

SECTION 4 of 11

Type of Application

Type of application

New

Renewal

Specify the period for which The licence is required (if applicable)
This period cannot exceed one year

1st november 2016
31st October 2017

SECTION 5 of 11

Application Details

Check guidance notes and conditions before completing this section.

* Trading Name

Bradys seafood stall limited

What You Want to Trade

* List all the goods and services you want to offer for sale

Hot and cold seafood.

* Does this include selling food or drink?

Yes

No

* Where will goods be stored when not on sale?

commercial bridge freezer.

When You Want to Trade

in each week on: -

Mondays	from	<input type="text"/>	to	<input type="text"/>
Tuesdays	from	<input type="text"/>	to	<input type="text"/>
Wednesdays	from	<input type="text"/>	to	<input type="text"/>
Thursdays	from	<input type="text" value="1pm"/>	to	<input type="text" value="8pm"/>
Fridays	from	<input type="text" value="1pm"/>	to	<input type="text" value="8pm"/>
Saturdays	from	<input type="text" value="11am"/>	to	<input type="text" value="7pm"/>
Sundays	from	<input type="text" value="11am"/>	to	<input type="text" value="7.30pm"/>

Where You Want to Trade

* Type of trading

Mobile

Stationary

* Street(s)/location(s) where you wish to trade. (If stationary in one location please supply a plan.)

Duke of Wellington Pub (Car Park)
36 High Street Spring
CR16 4AE

SECTION 6 of 11

Details of vehicle, stall and/or container

* Will you be using a vehicle in connection with your work as a trader?

Yes No

* Description of unit from which you intend to trade, including dimensions

height - 2.4m
width - 2.7m
length - 3.1m
stainless steel container with windows + doors.

* Where will the unit be stored when not in use?

Duke of Wellington (car park)

* You will be required to produce to the Licensing Officer

- A current MOT and insurance certificate, if you are trading from a vehicle.

SECTION 7 of 11

Public Liability Insurance

You must have third party liability insurance cover for £1,000,000.

A copy of the certificate of insurance must be produced to the Licensing Officer

SECTION 8 of 11

Previous Applications

* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (Check all that apply).

No

Yes – application granted and revoked

Yes – application granted

Yes – application refused

SECTION 9 of 11

Convictions

* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

Yes

No

SECTION 10 of 11

Additional Details

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area).

All food sold from this establishment is sourced from the highest quality.

SECTION 11 of 11

Payments Details

Fee payable when submitting the application - £390.00

Please return this form to:

Senior Licensing Officer
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

DECLARATION

I am over the age of 17 years. I understand that the fee does not include any element in respect of the collection of refuse by the Council; therefore, I undertake to remove refuse and cleanse the street during and on completion of each day's trading and comply with all conditions attached to a Consent.

Full Name: Jack Jeffries

Capacity: Director

Signed:  Date 25/10/2016

"The authority is under a duty to protect public funds it administers, and to this end may use information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes"

Z/B/LICENSING/MASTERS/APPLIC FORM - STREET TRADING IN DESIG CONSENT STREET



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 wahmed@london.newsquest.co.uk

Viewable Only

Image Preview (click to
 download):

<p>PUBLIC NOTICE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 Street Trading Consent</p> <p>An application has been made by Brady's Seafood Stall Limited to Epping Forest District Council for consent to sell Hot and Cold Seafood at Duke Of Wellington Car Park, High Street, Epping, CM16 4AE on: Thursday and Friday 13:00 - 20:00 hours, Saturdays 11:00 - 19:00 hours, Sunday 11:00 - 17:00 hours. Any representations regarding this application should be made by Monday 21st November 2016 To: The Licensing Section, Corporate Support Services, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ</p>	
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Nuala Clark

From: Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.pnn.police.uk>
Sent: 09 December 2016 11:01
To: Licensing
Subject: RE: New Street Trading application Bradys Sea Food Stall outside The Duke of Wellington Epping High Street
Attachments: 3636_001.pdf; ATT00001.txt

Good Morning,

In respect of the street trading application for Brady's Seafood Stall Limited; Essex Police make no representation.

Peter

Peter Jones MIOL, ABII (7706)

Epping & Brentwood Licensing Officer
Epping Forest & Brentwood Local Policing Hub
West LPA

 Tel. 101 (Ext. 313604) or 01279 625405

 Mobile. 07870 909762

 <http://www.essex.police.uk>

 Loughton Police Station, 158 High Road, Loughton, Essex, IG10 4BE

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.



ESSEX COMMUNITY MESSAGING
Sign up for free to receive accurate and up-to-date information, crime prevention advice and notifications from Essex Police and other key partners, such as Neighbourhood Watch - simply click the following link
<http://www.essex.police.uk/ecm>