

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Committee **Date:** Wednesday, 10 April 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 2.00 - 4.55 pm

Members Present: Councillors K Angold-Stephens (Chairman), A Boyce, K Chana, L Leonard, A Mitchell MBE, R Morgan, Ms G Shiell, Mrs P Smith, P Spencer, Mrs T Thomas and D Wixley

Other Councillors:

Apologies: A Lion and Mrs M Sartin

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

21. Declarations of Interest

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

22. Any Other Business

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

23. Minutes of the Licensing Committee

That the minutes of the meeting held on 10 October 2012 be taken as read and signed by the Chairman as a correct record.

24. Change in order of the Agenda

In order to help the Taxi Drivers that were in attendance, the meeting agreed to take items 8 (Hackney Carriage Fare Tariff) and 9 (Taxi Policies) next.

25. Hackney Carriage Fare Tariff

The Committee noted the report on the introduction of a tariff to regulate fares charged for journeys by Hackney Carriage. On consideration of various problems caused by taxi's not having a standard fare structure, the Licensing Committee last year had asked that a consultation be carried out with a view to recommending a fare tariff for journeys within the District for EFDC licensed Hackney Carriages. This was duly done and resulted in this report. A table updating the table in the report under paragraph 6 was tabled. This table updated the tariffs charged by various local authorities around our area.

The Chairman said that he thought that the proposed charges put us in the mid range and that he generally agreed with the proposals set out in Annex 1 of the report.

Councillor Wixley commented that these were the maximum rates that did not have to be charged, drivers could charge less but not more.

The meeting noted that the taxis must have their meters running even when on a lower negotiated fare journey.

The Committee noted that taxi drivers had been consulted over the proposals and an informal meeting had been held between them and the Committee on 22 January 2013. They also noted the timetable for the implementation of the scheme set out in the report, culminating in the final report going to full council in November 2013.

The Chairman noted that the proposed 'rate 4' indicated was only for the larger passenger vehicles. He noted that the Committee had to agree the fares and rates which then had to go out to consultation, with the results coming back to this Committee's October meeting.

The Committee also noted that the licensing conditions on the vehicles and drivers licence would also have to be updated. Also, if agreed drivers would have to be given reasonable time to install meters after they were agreed by full council, and this would take it up to February 2014.

The Chairman noted that this was a complex process so they needed a framework to start with.

Councillor Smith said they were reasonably certain that the fares were in the right place and emphasised that we had to follow our consultation process to the letter. The Chairman added that the policy would have to be agreed first.

RESOLVED:

- 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.

26. Taxi Policies

Alison Mitchell, the Assistant Director (Legal) introduced the report updating the current licensing conditions and to introduce a Licensing Policy Document as recommended by the Department of Transport's "Taxi and Private Hire Vehicle Licensing – Best Practice Guide".

This draft policy consolidated the Council's current policies regarding taxi licensing its practices and licensing conditions, into one policy document. The requirements for and regulation of the taxi meters was included in the draft document. The second part of the draft policy set out a new criminal records policy and a guide to councillors on granting a licence to assist members to ensure that there was a consistent approach to granting a licence and the applicants will know before the hearing what members will take into account when making a decision.

The Policy will be the subject of a public consultation, a copy of the document will be placed on the Council's website and the list of the proposed consultees was annexed to the draft policy.

Councillor Smith noted that officers had worked hard on bringing this all together. It was good to have these guidelines.

The Chairman asked if the taxi offices had to have public liability insurance as taxi operators. He was told they needed it only if members of the public came to their premises, it did not apply to the operators.

The Chairman added that Julie Chandler the Assistant Director (Community Services and Public Relations), had raised concerns about training on child protection awareness and asked if this could be looked at as in some cases taxis carried unaccompanied children. Alison Mitchell said that she would see if something could be added to the knowledge test and she would also have a word with Ms Chandler.

Councillor Wixley added that sometimes taxi drivers may spot problems with the children they carry. Again this could be checked with Ms Chandler.

Councillor Leonard said the document caused him some concern as there were a lot of minor changes which added up. Could the changes be listed on one document? The Chairman noted that the document could show the changes by highlighting or underlining them.

Councillor Smith said that it was easier to look at the policy afresh than too look back at the previous policy. This was a reasonably straightforward read and she would leave it as it was. The Chairman agreed saying he would read it as a new document.

Councillor Smith, referring to the Licensing Objectives for hackney carriage and private hire vehicles asked if they also included the operators and the licensing proprietor's conditions. She was told that they could be expanded.

Councillor Smith asked if the District's County Councillors and the Police and Crime Commissioner were included in the consultation list and was told that they would be added.

RESOLVED:

It was agreed that the draft Hackney Carriage and Private Hire Licensing Policy go on to consultation.

27. Informal Meeting Minutes

The Committee noted the minutes of the meeting held with representatives of the taxi trade held on 22 January 2013 and the minutes of the informal meeting of the Committee held on 4 March 2013.

The Chairman wanted to express the thanks of the Committee to all the officers for all their hard work in organising these extra meetings and the background work that went with it.

RESOLVED:

That the minutes of the meetings held on 22 January 2013 and 4 March 2013 be noted.

28. Minutes of the Licensing Sub-Committees**Resolved:**

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) 6 November 2012;
- (b) 4 December 2012;
- (c) 8 January 2013;
- (d) 22 January 2013;
- (e) 5 February 2013; and
- (f) 5 March 2013.

29. Applications Received under the Licensing Act 2003 and Gaming Act 2005

The Committee noted the latest figures concerning the number of applications received since September 2012 to March 2013.

RESOLVED:

That the report of the licensing applications received by the council during the period 19 September 2012 to 22 March 2013 be noted.

30. Licensing Policy Statement - Licensing Act 2003

Alison Mitchell, the Assistant Director (Legal) introduced the report following the public consultation on the proposed new draft policy. A number of the consultation comments were incorporated into the new policy. The Committee noted that the Policy was being updated following changes to the licensing legislation. They noted that now anyone could object to an application but the objection had to be pertinent to the four licensing objectives, relevant and evidence based.

Councillor Smith noted that one of the comments made was for a nominated child welfare officer for each premises. She asked if licensing officers were trained in child protection matters and if not, could they be. The Senior Licensing Officer, Kim Tuckey, stated that they did attend a wide range of training courses including courses on child protection policies. When inspecting premises they have an eye out for possible child protection issues and could negotiate with the premises holder to be mindful of these conditions.

Councillor Spencer asked if the consultation document that went to Essex County Council was for the officers or the councillors. Ms Tuckey replied that it was usually sent to the Chief Executive to be handed down to who they thought should see it. The Chairman asked that the list of the consultees be updated and brought to a future meeting to check if the Committee were satisfied with it.

The Chairman commenting on the Statement of Licensing Policy asked if the “the” in paragraph 1.15 be changed to read “any” so that it read “...be balanced against the wider benefits to **any** community.” Ms Mitchell agreed to change it.

He also noted that paragraph 1.22 referred to the Primary Care Trust, but they did not exist any more. They now had a ‘Local Commissioning Clinical Board’ and a ‘Health and Wellbeing Board’. Officers to amend where necessary.

The Committee considered having staggered times for premises instead of having the words ‘longer hours’ in the policy. But, they decided against it as it would touch on having zoning areas and premises would not necessarily be granted longer hours as they would all have to be considered on their own merit.

The Chairman also noted that paragraphs 6.3 and 6.7 dealt with the same thing and officers should look at the wording.

RESOLVED:

That, subject to the Committee’s comments, the Committee recommends that the Council adopts the Statement of Licensing Policy.

31. Review of Licensing Services Task and Finish Panel - Final Report

The Chairman noted that this report had been discussed at last night’s Overview and Scrutiny Committee meeting.

Alison Mitchell, the Assistant Director (Legal) introduced the report noting that the Overview and Scrutiny Committee had asked for details on the costing.

Councillor Smith, the Chairman of the Task and Finish Panel, noted that it had opened up other avenues of exploration, such as the roles of the Licensing Officer which had not been flagged up enough. There was an implied duty on officers to mediate between applicants and objectors; this did not come through strongly enough at last night’s meeting. This work would have a large impact on resources.

Councillor Morgan noted that they had a long debate at the Overview and Scrutiny meeting. The report would now cost the Council over £60,000 in the first year. He noted that some elderly people would not want to travel in the evenings, solicitors would also charge extra for turning out in the evenings. It would help if some of the premises applications could be looked at during the day.

The Senior Democratic Services Officer, Simon Hill informed the meeting that three committees had a right to speak to the Task and Finish report before it went to full Council. They were the Overview and Scrutiny Committee, the Cabinet to consider the budgetary implications and the Licensing Committee.

Councillor Wixley had several concerns about who would be consulted, would Town and Parish Councillors be consulted now; the cost and security of officers staying for late night meetings (should they be given a taxi home); if a meeting was to continue the next day – would it be held in the evening or during the day? He had his doubts about this report.

Councillor Morgan added that member travelling costs had not been taken into consideration.

The Senior Licensing Officer, Kim Tuckey, noted that she had to arrange a number extra meetings over the last few months and to do this she was dependant on the consultation period. This report raises the possibility of five extra meetings per month. As officers they would have to do a lot of background work on each case.

Councillor Boyce thought that the few members that had started this process regarded licensing as the same as planning, which it was not. It was more constrained in what it could do. If an application was refused on uncertain grounds then it would be appealed. This was also adding a lot more meetings for officers and members.

The Chairman noted that the democratic benefit was to enable working councillors to attend meetings as well as objectors who could not attend daytime meetings. But, most objectors were elderly and would not want to come out in the evenings. There was lot of work to be done on the consultations and any new staff would not be up to speed for some time. Ms Tuckey agreed, saying that it was not just the law on nightclubs they needed to know about, but the Acts for all the other various applications. An officer would need to have about six months training to be competent in the basics.

Councillor Wixley asked if members for evening meetings should be trained in the evenings; and could they attend the full Licensing Committee that meets during the day. Also, what happens if a member of a Panel that has to be continued from the previous evening could not attend the next day's meeting?

Councillor Smith also noted that case law was prejudicial against ward members considering applications that involved their own wards.

Councillor Morgan proposed that the Licensing Committee did not accept the recommendations in the report as they were not appropriate and the costs were too prohibitive. This was seconded and agreed unanimously by the Committee.

RESOLVED:

That the Licensing Committee did not accept the recommendations of the Review of Licensing Services Task and Finish Panel on the grounds that they were inappropriate and the costs were prohibitive.

32. Cumulative Impact Report

Alison Mitchell, the Assistant Director (Legal) introduced the report on whether an assessment should be conducted into the cumulative impact of licensed premises on the four licensing objectives in some areas of the district.

The Committee decided that it was not practical to impose this on licensing officers at present and that this report should be postponed to the end of the year or early next year.

RESOLVED:

To postpone this report to later on in the year or early next year.

33. Review of Licensing Sub-Committee Procedures

The Committee had nothing to raise about its current procedures.

34. Review of Current and Future Training Needs for the Committee

It was noted that new members would be trained in the new year and that existing members should have a refresher course on licensing regulations and an overview of the recent updates.

35. Matters Arising

Councillor Smith commented that the licensing officers needed to be commended for carrying out the splendid service that they gave members. This was endorsed by the rest of the Committee.

36. Date of Next Meeting

The next meeting date for this Committee was noted.

CHAIRMAN

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