



Licensing Committee Wednesday, 8th October, 2014

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

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 8th October, 2014**
at **2.30 pm** .

Glen Chipp
Chief Executive

**Democratic Services
Officer**

Gary Woodhall
The Directorate of Governance
Tel: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors K Angold-Stephens (Chairman), A Boyce, K Chana, D Dorrell, Mrs R Gadsby, J Hart, P Keska, A Lion, H Mann, R Morgan, B Rolfe, Mrs M Sartin, Ms G Shiell, Mrs T Thomas and Mrs J H Whitehouse

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

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. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks notice of non-urgent

items is required.

4. MINUTES OF THE LICENSING COMMITTEE (Pages 5 - 10)

To confirm the minutes of the Licensing Committee meeting held on 9 April 2014.

5. MINUTES OF THE LICENSING SUB-COMMITTEES

Copies of the minutes from the Sub-Committee's meetings will be available for the relevant Chairmen to sign off.

6. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005 (Pages 11 - 12)

(Director of Neighbourhoods) To consider the attached report (LCS-001-2014/15).

7. STREET TRADING - CONSULTATION ON AMENDMENTS TO THE COUNCIL'S STREET TRADING POLICY (Pages 13 - 28)

(Director of Neighbourhoods) To consider the attached report (LCS-002-2014/15).

8. ROAD CLOSURES - WAIVER OF FEE FOR CHARITABLE EVENTS NOT FROM TOWN OR PARISH COUNCILS (Pages 29 - 30)

(Director of Neighbourhoods) To consider the attached report (LCS-003-2014/15).

9. IMPLEMENTATION OF THE TAXI TARIFF SCHEME (Pages 31 - 34)

(Director of Neighbourhoods) To consider the attached report (LCS-004-2014/15).

10. PRIVATE HIRE VEHICLE LICENCE CONDITIONS (Pages 35 - 38)

(Director of Neighbourhoods) To consider the attached report (LCS-005-2014/15).

11. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

To review the proceedings of the Licensing Sub-Committee held during the preceding period and identify any problems of procedure, policy and organisation that have adversely affected the running of the meetings.

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

To highlight any further training considered necessary for the members tasked with discharging the Council's Licensing function.

13. MATTERS ARISING

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

14. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for 8 April 2015 at 2.00pm in the Council Chamber.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Licensing Committee	Date:	Wednesday, 9 April 2014
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	2.00 - 2.59 pm
Members Present:	Councillors K Angold-Stephens (Chairman), P Spencer (Vice-Chairman), A Boyce, P Keska, L Leonard, A Lion, H Mann, R Morgan, Mrs P Smith and Mrs T Thomas		
Other Councillors:	Councillors G Waller		
Apologies:	K Chana, Mrs R Gadsby, A Mitchell MBE, B Rolfe and Mrs M Sartin		
Officers Present:	J Nolan (Assistant Director (Neighbourhood Services)), K Tuckey (Senior Licensing Officer) and A Hendry (Democratic Services Officer)		

25. Declarations of Interest

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

26. Any Other Business

It was noted that with the recent reorganisation of the council directorates, Jim Nolan (Assistant Director of Neighbourhood Services) was now responsible for Licensing.

27. Minutes of the Licensing Committee

That the minutes of the meeting held on 3 December 2013 be taken as read and signed by the Chairman as a correct record.

28. 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) 16 September 2013;
- (b) 24 September;
- (c) 1 October;
- (d) 3 October;
- (e) 7 October;
- (f) 8 October;

- (g) 10 October;
- (h) 14 October;
- (i) 17 October;
- (j) 4 November;
- (k) 12 November;
- (l) 21 November;
- (m) 7 January 2014;
- (n) 16 January;
- (o) 27 January;
- (p) 4 February; and
- (q) 4 March.

29. Street Trading Policy

The Senior Licensing Officer, Kim Tuckey introduced the report for a new policy on mobile street traders and ice cream vans. Historically these were not required to apply for street trading consent as they were not static. If they wanted to remain static, this could cause noise and obstruction issues. It was noted that the Council's existing policy did not reflect these applications and as such could not control, for example, an Ice Cream van that would stay in place for hours. Asked why officers had chosen a 20 minute time limit Ms. Tuckey replied that this was what other authorities used and if members wished to change it they could.

Councillor Smith in noting that this was a new policy asked how we would let the industry know about this new policy and what impact this would have on the Licensing section in terms of resources etc. Also was there sufficient resources for the enforcement of this policy and how would it be administered. Mr Nolan noted that this was part of a fuller process, this would go on to full consultation and if any anomalies or objections were pointed out then it would come back here. If everything was considered to be acceptable then it would go on to full council for endorsement.

Councillor Lion wanted to know what a 'consent street' was. He was told that consent streets were all streets bar one particular one. As for enforcement, we have a neighbourhood team, but they would be reacting mainly to complaints received.

Councillor Mann wanted to know who administered the sounds emanating from the vans. He was told that this would be covered by our normal noise regulations, but this would be difficult to enforce.

Councillor Smith proposed some slight amendments for the recommendation which was endorsed by the committee. This was to add 'for consultation' after the words '...a new policy'.

Councillor Angold-Stephens proposed broadening out paragraph 13 of the Street Trading Consent document to say they must not cause an obstruction on the highway, including entrances and exits. This was also agreed by the Committee.

RESOLVED:

That the draft new policy, as amended, on street trading including Ice Cream vans and Mobile Traders be approved for consultation and recommended on to the full council for adoption if no objections were received.

30. Temporary Road Closures Orders - Fee

The Senior Licensing Officer, Kim Tuckey introduced the report on fees for temporary road closures. She noted that the Council at its meeting on 17 December 2013 (minute 86) resolved that the Council exercises its powers to make temporary road closures from 1 April 2014 at a cost of £170; and that the Licensing Committee give further consideration to the charging of this fee for primarily charitable events.

The meeting noted that we had received a request from Epping Town Council to waive the fee for a road closure for the Christmas Market and other similar events. In order to consider this and any other similar requests, this Committee would need to make a recommendation to the Council on the levying of fees for temporary road closures for charitable events.

The Committee noted the options that were available to them were:

- (a) Not to allow a waiver of a fee; or
- (b) To offer a reduced fee for charitable events – and to make a recommendation on the size of the reduction envisaged; or
- (c) To waive the entire fee for any charitable event.

Councillor Angold-Stephens noted a potential difficulty as some traders would want to donate some of their profits to a charitable cause, how would this be classed. This was a grey area. A purely charitable event would be OK. Mr Nolan noted that it maybe that if a Town/Parish Council requests this you would grant it, but if an individual trader asked, we could legitimately ask how much profit they would take and how much would go to charity.

Councillor Lion noted that we should not just use the term 'Christmas Markets' but use a more general term. Mr Nolan noted that we do use the term '...and other similar events.'

Councillor Smith commented that we should be helping local councils to encourage local enterprise and help with minimal costs to help them engage with different communities. We can be a little generous in this regard and can review this at a later date to see if it's being abused.

Councillor Leonard was concerned about charging charities as this could put a lot of the charities off applying and he would support waiving all fees at charitable events.

Councillor Angold-Stephens proposed that they waive the fees for any charitable events. It would be up to the applicant to substantiate that it was for a charitable or community event run by a Town or Parish council for the benefit of the local community. This was agreed by the Committee.

RESOLVED:

1. That the request from Epping Town Council to waive the fee for road closure for the Christmas Market and similar events be noted;
2. That a report go to the next full council meeting recommending that road closure fees were waived for any charitable or community events run by a Town or Parish Council for the benefit of the local community; and
3. That any applications that would need a decision for the waiver of road closures fees be delegated to a Licensing Sub-Committee.

31. Hackney Carriage and Private Hire Licensing

The Committee noted that the Hackney Carriage and Private Hire Licensing Policy had been amended to include provision in relation to the installation of taxi meters and the adoption of fixed fares that would come into effect in June 2014. Langston Road would calibrate and seal the meters. Officers were now preparing 'tariff cards' to be distributed to taxi customers.

Councillor Angold-Stephens noted that a late comment had been received about "run-ons" that is traveling a long way to pick up a customer and only take them a short distance. Mr Nolan noted that this presented difficulties. The trade associations did not bring this up until after the consultation period had ended. Special buttons would need to be installed and the meters recalibrated if the committee were minded to add "run-ons"; this would put back the start of the system considerably. Also, the operator could opt to dispatch a private hire vehicle with a pre-negotiated fee. Another option would be to review our current system once it had bedded down, this was agreed by the Committee.

RESOLVED:

- (1) That the implementation of a meter and fixed fare system to start from June 2014 be noted; and
- (2) That this be reviewed in 12 months time.

32. Applications under the Licensing Act 2003

The Committee noted the applications received by the Licensing Section between October 2013 and March 2014.

33. Review of Licensing Sub-Committee Procedures

The meeting noted that they had reverted back to an all daytime meeting schedule with an option of having any large or controversial application being heard in the evening.

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

It was noted that with the possibility of some new members of the committee being appointed in the new year; new member training would be organised and would be made available to all members.

35. Matters Arising

The possible use of people carriers as taxi cabs was discussed. They nominally contravened our vehicle specification policy and our health and safety regulations. However, new vehicles (including electric vehicles) and vehicle layout needed to be considered as to how they fitted into our policy framework. A report was asked for,

setting out the background and any policy implications, to be brought to the next Licensing Committee meeting.

RESOLVED:

That a report on new vehicles and new technologies, including people carriers, three door vehicles and electric vehicles be brought to the next scheduled Licensing Committee meeting.

36. Date of Next Meeting

The date of the next scheduled meeting was noted.

CHAIRMAN

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Report to Full Licensing Committee

Report reference:

Date of meeting: 8th October 2014

Portfolio: Safer Greener Transport

Subject: Licensing statistics

**Responsible Officer: Kim Tuckey
(01992 564034)**

**Democratic Services: Gary Woodhall
(01992 564470)**



Recommendations:

- (1) That members note the report of licensing applications received by the Council.**

Purpose of Report:

To report as required by statute the applications received by the Licensing Section

Applications received

Under the Licensing Act 2003 and the Gambling Act 2005, officers are required to report on numbers of applications received and the determinations of those applications. The following table outlines the applications received from 26th March 2014 to 18th September 2014

Applications received under the Licensing Act 2003:

Premises licence applications/variations

Number of new applications	5
Number of renewals	149
Change of designated premises supervisor/variation	38
Number of applications considered by the sub-committee	4
Number of applications granted subject to conditions	4
Number of applications refused	0
Number of appeals to Magistrates	0
Number of revocations	0

Application received online- EU directive

Application received for Temporary Events	45 (EU)
Temporary event notices	131
Late TENS	26

Reviews

Application	1
Reviews refused	0

Personal licence applications

Number of applications received	66
Number of applications granted under delegated authority	66
Number of applications refused	0
Number of appeals to Magistrates	0

Gambling Act 2005

Betting office applications granted	0
Club gaming permit granted	0
Notifications for 2 gaming machines	2

Report to the Licensing Committee

Report Reference: **LCS-002-2014/15**
Date of meeting: **8 October 2014**



**Epping Forest
District Council**

Subject: **Street Trading - Consultation on amendments to the Council's Street Trading Policy.**

Responsible Officer: **Kim Tuckey** **(01992 564034).**

Democratic Services: **Gary Woodhall** **(01992 564470).**

Recommendations:

(1) To consider the comments received from the consultation on the new Street Trading Policy carried out in July 2014.

Report:

1. At the full licensing committee meeting in April 2014, members considered the amended street trading policy and agreed that a consultation should be carried out. The licensing section carried out a full consultation in July 2014 and comments were received from the following:

- Environmental Health Manager at Epping Forest District Council;
- Cllr Angold Stephens;
- Cllr David Wixley;
- North Weald Parish Council;
- Loughton Town Council; and
- High Ongar Parish Council.

2. A summary of their comments are attached as appendix 1.

3. Some of the comments are requesting some inclusions of conditions and other requirements and members may wish to consider these comments and remarks and make further amendments to the policy.

Resource Implications:

Potential income from Ice Cream vendors.

Legal and Governance Implications:

To enable effective enforcement of street traders.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

Consultation undertaken with the trade, members of the public and interested parties.

Background Papers:

Responses from consultees

Risk Management:

None.

Street Trading Consultation Feedback			
Name	Surname	Organisation	Comments
Susan	De Luca	North Weald Bassett Parish Council	1 Members were concerned about the sale of seasonal goods, such as Christmas Trees, along the road or outside premises without licences
Cllr Ken	Angold -Stephens	District Councillor	1 Item 1, on the first page under the heading 'street'. Under (a) it states that 'Street includes any road, footway or other area to which the public have access without a pavement'. Would this therefore include a public playing field for instance? If not then perhaps 'other area' would need to be clarified.
			2 Paragraph 4, page 3, 4th bullet point, it says 'Members of the public that live in the vicinity'. Should we be more specific and, as we do with the Licensing Act, say 'Members of the public who live within a 150m radius of the site'? If we just say 'vicinity' are we likely to get appeals from people who consider themselves to be in the vicinity whereas we thought they were too far away to be consulted with.
Vivienne	Messenger	Loughton Town Council	1 As Councillors like to keep abreast of what is going on in their town, Members have recommended the inclusion of town and parish councils in the list of those organisations/persons included in the consultation process for street trading applications
Aimi	Middlehurst	High Ongar Parish Council	1 The list of consultees for street trading applications should include Town and Parish Council's
			2 Could the terms and conditions of the licence cover putting advertising material on the highway and if not could it be amended to do so
Cllr David	Wixley	District Councillor	1 In the interests of localism, I would like to see town and parish councils added to the list of bodies to be consulted.
			2 Where an application site is close to the border with a neighbouring authority, I suggest if it doesn't happen already, that provision is made for relevant consultation with the neighbouring authority.
Richard	Gardiner	EFDC -Neighbourhoods Manager	1 Are new applications subject to the same requirements as renewal applications; i.e. are new applications to be 'accompanied by public liability insurance to the

Richard	Gardiner	EFDC -Neighbourhoods	value of £1,000,000, MOT and fee' . It does not appear to say that anywhere. Is this
		Manager	an annual requirement for all applicants? Is an MOT certificate always required?
			Street trading consent may not always involve a vehicle.
			2 Page 3 - 'Vicinity' - How is this area defined?
			3 Page 4 - From the legislation? Are we sure that all these reasons are permitted under
			legislation? Double check that all apply. Do you need to add: Street trading consent
			shall not be granted to a person under the age of 17 and as per 7(3)(b) of legislation
			4 Page 5 - (g) "Any trading outside these hours will require approval by the Council" -
			this is required in any case? So probably do not need to say this here. Perhaps add
			to section 5
			5 Page 8 (13) - Ice cream vans: Code of practice on Noise from Ice-Cream Van Chimes
			Etc in England 2013 applies to any mobile food vendors that are street trading

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING

Epping Forest District Council has, by the powers vested in it, resolved that for the purposes of controlling Street Trading all current and future streets (adopted or unadopted highway), Council car parks including all forecourts, road, footways or other areas adjacent to the streets referred to in this resolution be designated as 'consent streets' from 1 December 2003.

POLICY

This policy will be applied to street trading activities in the district of Epping Forest to ensure consistency in decision making. Each application will be considered on its own merits so that the individual circumstances, where appropriate, are taken into consideration.

1. Definitions of terms used in these Guidelines

Within the terms of Epping Forest District Council's Street Trading Consent Scheme the following definitions apply:

The Council:	Epping Forest District Council
Street Trading:	The selling or exposing or offering for sale of any article (including a living thing) on any street.
Street:	<p>Includes:</p> <p>(a) Any road, footway or other area to which the public have access without payment.</p> <p>(b) A service area as designed in section 329 of the Highways Act 1980</p> <p>and also includes any part of a street.</p>
Consent Street:	Means a street in which street trading is prohibited without the consent of the Council.
Consent:	A consent to trade on a street granted by the Council, pursuant to paragraph 7, Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder:	The person or company to whom the consent to trade has been granted by the Council.
Authorised Officer:	An officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Prohibited Street	A street which is prohibited within the District of Epping Forest District Council.

2. Procedure for determining Street Consent applications

The application and approval procedure comprises of the stages as set out at Appendix 1.

3. **Submission of the application**

An application for a Street Trading Consent must be made to the Council in writing or online.

The following will be required to be submitted with the application:

- (a) A completed and signed Street Trading Consent application form (in the case of online applications, a completed application would be acceptable);
- (b) The full fee as appropriate for the periods of trading applied for;
- (c) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line;
- (d) Three colour photographs of the stall, van, barrow, cart etc., that will be used for the street trading activity;
- (e) An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks;
- (f) Photo identification i.e., Passport, photo driving licence;
- (g) Two passport type photographs.
- (h) Basic Criminal record disclosure

All applications should be marked for the attention of Licensing Section.

An applicant for an initial new Street Trading Consent should give a minimum of 60 days notice of the application.

Renewals

Applications for renewals will be considered by the Assistant Director or Licensing Manager. The application must be accompanied by the public liability insurance, to the value of £1,000,000.MOT and fee. The applicant must display a public notice on the unit. If no objections are received the renewal will be granted. If objections are received the application will be considered at licensing sub-committee.

4. **Consultation on applications made**

Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons are consulted.

- Essex County Council Highways area office;
- EFDC Development Control

- Essex Police
- Essex Fire and Rescue Service
- EFDC Environmental Health
- Members of the public who live in the vicinity

5. **Site Assessment**

Street Trading Consents from static locations will not normally be granted where:

- A significant effect on road safety would arise either from the situation of the trading activity itself, or from customers visiting or leaving the site, or
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be situated, or
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for harbourage of vermin, odour or fumes, or
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes, or
- There is conflict with traffic orders such as waiting restrictions, or
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
- The trading unit obstructs the safe passage of users of the footway or carriageway, or
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
- The site does not allow the consent holder, staff and customers to park in a safe manner, or
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff, or

6. **Inspection of the Street Trading Unit**

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council,

prior to the issue of any Street Trading Consent, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects with the legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
- Environmental Protection Act 1990
- Food Safety and Hygiene (England) Regulations 2013/2996
- Regulation (EC) No 853/2004 on the hygiene of foodstuffs

The consent permit must be displayed and available for inspection by a Local Authority Enforcement Officer/Police Officer at all times.

7. **Determination of the Application**

The Assistant Director of Neighbourhood Services or the Licensing Manager acting on delegated powers will use the criteria listed below in determining any Street Trading Consents. Similarly any objections received will be considered against these criteria. All should normally be satisfied, with equal weight applied to the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration. If objections are received, the application will be referred to the authority's licensing sub-committee. Persons or bodies making written objections will also be informed together with the appropriate Ward Councillors for the proposed street trading site.

(a) Public safety: The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction or fire hazard. The term "public" refers to both customers requesting the street trading activity, and other members of the public using the street. In particular, reference will be made to guidelines set out in section 6 on site assessment criteria.

(b) Public order: The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations from the Essex Police will be taken into consideration.

(c) Avoidance of nuisance: The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households or businesses in the vicinity of the proposed street trading site. Observations from Council officers shall be taken into consideration.

(d) Needs of the Area: The sufficiency of other trading outlets will be taken into consideration in relation to:

1. The presence of like outlets already existing in the immediate locality of the proposed street trading site.

2. The general needs of a locality, should no comparable outlet exist.

(e) Compliance with legal requirements: The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation.

(f) Consultees Observation: Consideration will also be given to written observations from consultees and members of the public. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

(g) Permitted Trading Hours: The Council generally will only permit street trading between 6.00am and midnight on any day. Any trading outside these hours will require approval by the Council. Street Trading outside these guideline hours will be assessed in terms of criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate.

(h) Children and Young Persons: The Children and Young Persons Act 1933, as amended by the Children and Young Persons Act 1963, controls the employment of children in street trading. The Act prohibits employment of children under 17 years of age.

8. Exemptions from the need to obtain a Consent

8.1 Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- A person trading under the authority of pedlars' certificate granted under the Pedlars Act 1871;
- Trade carried out by rounds men e.g. milkmen;
- Trading as a news vendor;
- Trade carried on at a petrol filling station;
- Historic markets will be exempt from paying a fee to the authority but will have to satisfy the application process and need to place a public notice in the local newspaper.

8.2 The authority reserves the right to amend its decision to exempt a payment for markets. All new applications for markets will be required to pay the fee.

9. Approval of Applications

The Assistant Director of Neighbourhood Services or Licensing Manager may approve applications meeting the criteria contained within these guidelines.

On approving the application the Council will issue a Street Consent to which conditions will be attached. The Consent will also contain specific terms such as days and hours when street trading is permitted, the goods that may be sold.

A copy of the Council's standard conditions will be attached to the consent, (and are attached as appendix 2) Additional conditions may be attached if special circumstances apply to the Consent being granted by the Council. The Consent shall be issued within 21 days of the decision.

The conditions attached to the Consent form part of the approval to carry out street trading in the District. They **MUST** be complied with at all times and failure to do so could lead to the Consent being either revoked or not renewed.

Consent holders are therefore requested to familiarise themselves with the terms and conditions attached to Street Trading Consent and comply with the requirements.

10. Issue of Street Trading Consents

A Street Trading Consent for any particular site will be issued for a maximum period of one year. Shorter term consents may be issued on a daily, weekly or monthly basis. The licence must specify the street, days and times that the licence holder can trade and the items that can be sold. These particular consents will expire, unless renewed, on a date specified in the consent.

In all cases when a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases, the application will be required to go through the full consideration process outlined in these guidelines.

11. Representation to the Licensing Committee

The Council's Licensing Sub-Committees have delegated authority to consider applications and hear objections and appeals in relation to licensing matters.

The role of the Licensing Sub-Committees as regards Street Trading Consents is to hear representations from applicants in cases where the application has received objections against the application.

On receipt of a written representation, arrangements will be made to have the application heard at the next available meeting of the Licensing sub Committee.

Once arrangements have been made for the representation to be heard by the Licensing Sub-Committee the applicant will be advised in writing of the date, time and place where the representation will be heard; the person making the application is expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Licensing Sub-Committee will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.

The decision of the Licensing Sub-Committee will be confirmed in writing to the applicant within five working days of the meeting at which the application was considered.

The Licensing Sub-Committee will always adhere to the rules of natural justice when it is considering an application to ensure that all persons get a fair hearing.

12. **Refusal of Applications**

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the refusal of Street Trading Consents. If a person aggrieved by a decision of the Council he or she may seek a Judicial Review of the decision.

13. **General Information on Street Trading Consents**

Reimbursement of Fees: 50% of the application fee will be refunded if your application is refused by the Licensing Sub-Committee.

Persons under the age of 17 years: The Council will not grant a Street Trading Consent to persons under the age of 17 years.

Access by the Council and Police Officers: Consent holders should allow access to Authorised Officers of the Council and Police Officers at all reasonable times.

Street Trading Consents: The conditions attached to all Street Trading consents stipulate that a consent holder shall not assign, sub-let or part with his interest or possession of Street Trading Consent.

Variance of conditions: The Council may at any time vary the conditions of a Street Trading Consent.

The consent granted is specific to the person to whom it is issued and is **non-transferable and there can be no sub-letting**.

Ice Cream Vans Any ice cream van trading within Epping Forest District Council will require a Street Trading Consent. The Consent will allow trading to take place throughout the whole District, however the van can only remain static in any one location for a maximum of 20 minutes.

14. **Enforcement of Street Trading**

The Council will actively enforce the provisions of the Street Trading legislation within its area in a fair and consistent manner.

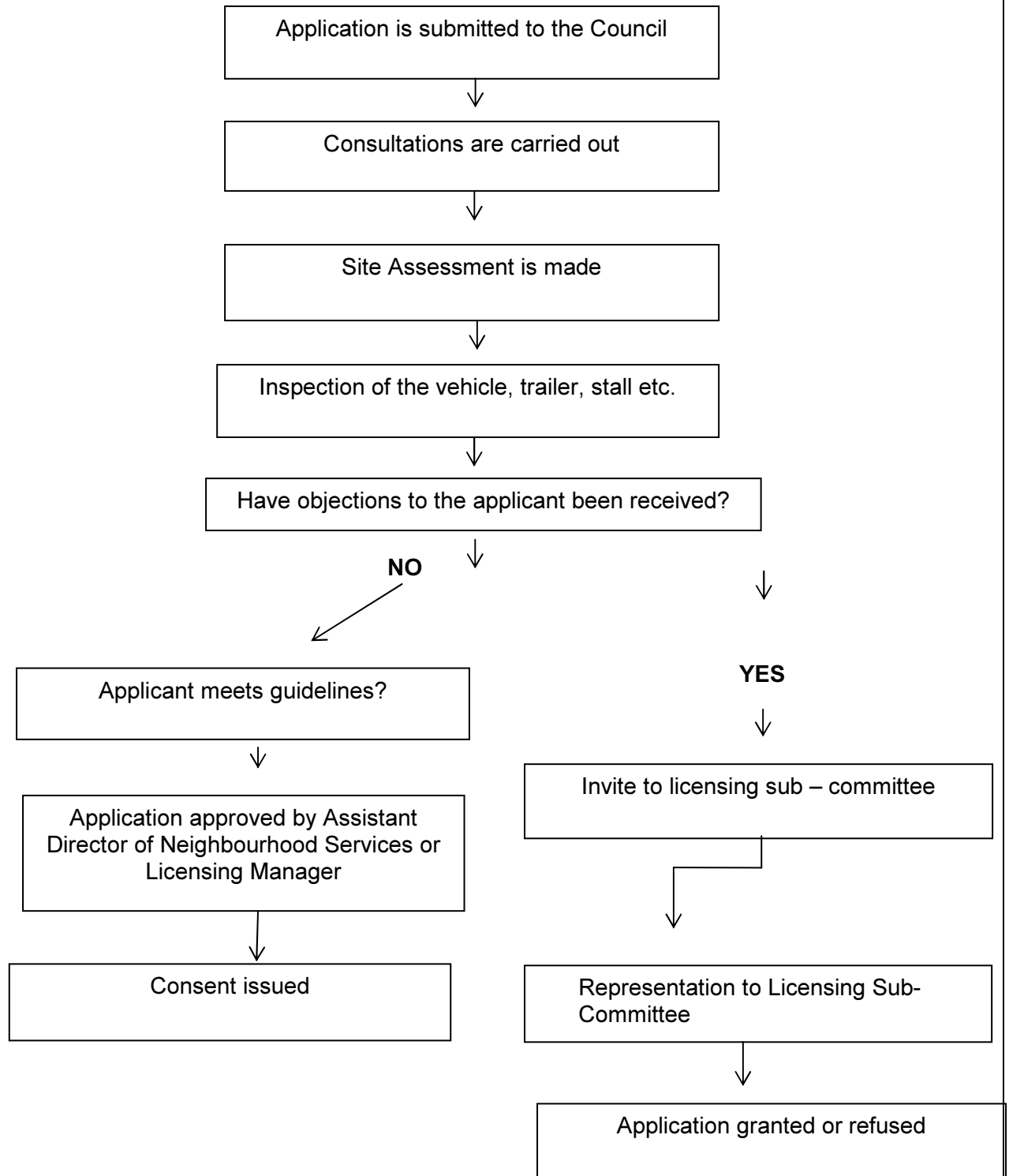
15. **Complaints against the Service**

The Council has a Corporate Complaints Procedure, copies of which are available from the Council Offices or on the Council's website.

APPENDIX 1

PROCEDURE FOR DETERMINING STREET TRADING CONSENT APPLICATIONS

The application and approval procedure comprises of the following stages:



APENDIX 2

LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONSENT



1. **CONSENT HOLDER:**
 2. **LOCATION:**
 3. **DESCRIPTION OF FOOD:**
 4. **DURATION:**
 5. **COUNCIL ON BEHALF OF THE COUNCIL** _____ - _____
-
1. This Consent is valid from _____ to _____ 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 etc Act 1974 The Food Safety Hygiene (England) Regulations 2013/2996 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 of the sale of food and drink 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.
 17. (Ice cream vendors) Vans may not be parked in any one location for more than 20 minutes and must not visit the same location more than twice a day.
-

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
 2. Indicate that planning permission has been granted or 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.

DELEGATION OF FUNCTIONS

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

Report to Licensing Committee

Report Reference: LCS-003-2014/15

Date of meeting: 8 October 2014



**Epping Forest
District Council**

Subject: Road Closures - Waiver of Fee for Charitable Events not from Town or Parish Councils.

Responsible Officer: Jim Nolan (01992 564083).

Democratic Services: Gary Woodhall (01992 564470).

Decision Required:

(1) To consider waiver of fees for Charitable events not run by the Town & Parish Councils.

Report

1. The Town & Police Clauses Act 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

At the meeting of Full Council on the 29 July 2014, Members decided that the District Council would waive the fee for road closure applications for Town & Parish Councils if they could demonstrate that the closure is for a charitable event. Subsequently the question was posed as to whether this applied to other applicants that were able to demonstrate that their event was for a charitable purpose.

It was agreed that the decision should be considered again by the Licensing Committee.

Other Options for Action:

Not to waive fee for other applicants.

Resource Implications:

No fee for processing the application .

Legal and Governance Implications:

None.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None.

Background Papers:

None.

Risk Management:

None.

Report to Licensing Committee

Report Reference: LCS-004-2014/15

Date of meeting: 8 October 2014



**Epping Forest
District Council**

Subject: Implementation of the Taxi Tariff Scheme.

Responsible Officer: Jim Nolan (01992 564083).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To note the implementation of the current scheme and to consider whether to make amendments; and

(2) To note the results of the introduction of the scheme and allow the scheme to run as it is until October 2015 with a view to make any amendments then if needed.

Report:

1. The taxi tariff was introduced in June 2014. Despite extensive consultations there was some resistance from some of the operators and a couple of concerns from members of the public, but generally the tariff was welcomed, a number of people complimented the council

2. The main complaint was that the Sunday tariff is too high after 10pm. If the authority was to consider any amendments to the tariff the licensing section would have to under-go another survey of the taxi trade and members of the public.

3. If members were minded to make adjustments at this stage the vehicles would need to be re-calibrated again at a cost to the trade. It was decided not to tender for the work to fit the meters in the vehicles but would allow drivers the freedom to get the meters fitted where they wished. Langston road would then undertake the measured mile and seal the meters. During this process it became apparent that there is only one individual that fits meters in Essex, therefore the process took a lot longer as drivers had to wait for this individual to fit the meters.

4. Before the scheme began there were 431 Hackney carriages and 23 Private hire vehicles. There are now approximately 362 Hackney Carriage Vehicles and 69 Private hire vehicles

5. Some operators have changed over to Private hire so they do not have the need of a meter

Resource Implications:

The cost of another newspaper advertisement and consultation.

Legal and Governance Implications:

None.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

None.

Background Papers:

Comments made about the scheme.
Epping Forest District Council tariff.

Risk Management:

No implications.

I Tariff Implementation Rpt

Taxi Tariff Feedback		
Name	Organisation	
Mark Geoghegan	Chigwell cars	said that they felt they would have a drop in trade. Concerned that a journey of up to 2 miles would be £4 but Efdc rate is £5.50 . He also stated that the Sunday tariff is too high
Khairul Khan	Licenced driver	Mr Khan was very happy with the implementation of the scheme but had concerns that come operators were charging less than the meter
Ms Hackett	Resident	felt the increase is too much, and that they could not afford the new tariff and she was not happy with the increase. She was also not happy with the Sunday increase
Kay Lundy	Resident	Ms Lundy found the increase too high. Her journey after 10 o'clock is too high now the tariff has been set she felt that she can no longer take a taxi.
Mr Jasbir Kanith	Licenced driver	Mr Kainth felt there should be a special rate, different from the 5-6 seater
Mr Sanu	Licenced driver	Very happy with new tariff
Ken Horlock	Operator	Mayflower taxis had reservations about the tariff and suggested the tariff and felt that rate 1 was reasonable, rate 2 should be no more than £3.70 for the first mile then 20p for every additional 176 yards. Rate 3 was reasonable and rate 4 should be no more than £4.50 for the first mile then 40p for every addtional 176 yards
Murray Rich	Licenced driver	Mr Rich is happy with the new tariff and feels that it is in line with inflation

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Report to Licensing Committee

Report Reference: LCS-005-2014/15

Date of meeting: 8 October 2014



**Epping Forest
District Council**

Subject: Public Hire Vehicle Licence Conditions

Responsible Officer: Jim Nolan (01992 564083).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To consider allowing the use of MPV style vehicles as public hire vehicles;**
- (2) To consider what conditions, if any, should be attached to the use of MPV's and to amend the Council's standard conditions accordingly;**
- (3) To consider the use of vehicles having accommodation for less than four passengers as public hire vehicles;**
- (4) Following on from recommendation 3 above, to consider the minimum number of passengers/doors such a public hire vehicle may be licensed to carry; and**
- (5) To review the rules concerning advertising on public hire vehicles.**

Report:

1. At the last meeting of the Licensing Committee on 9 April 2014 a report was requested on new vehicles and new technologies associated with the taxi trade, including implications for the use of people carriers, three door vehicles and electric vehicles.

2. A situation has arisen concerning advertising on vehicles which is outlined in the report, additionally Members are asked to take this opportunity to review the public hire vehicle conditions in general and where appropriate to suggest updates to them. A copy of the current conditions is attached.

People Carriers (MPV's)

3. These are vehicles that are designed to carry between five and eight people and typically have an extra row of seats to the rear of the driver. These vehicles currently do not comply with our licensing conditions for vehicles because they do not have:

"A minimum of four doors, each adjacent to a seat ..."

4. The use of these vehicles is increasing in the public hire trade and is chiefly led by public demand. There are, however, safety issues to be considered, the main one being that passengers in the rear row of seats have to move a seat in front of them before they can exit the vehicle. This may cause a delay in an emergency situation.

5. Opinions in the public hire and safety communities are mixed as to the degree of risk associated with this. Some Local Authorities feel that the risk is acceptable, some that these vehicles should be adapted by removal of one of the seats - see picture below.



The above configuration commonly has two, not three seats in the rear row.

6. Even with this configuration it could be argued that two of the passengers are not seated adjacent to a door.

7. Some Councils have a condition which specifies the minimum gap through which a passenger may pass to exit the vehicle the usual figure being 300mm. There are, presumably, vehicles whose side doors open wide enough to accommodate this.

8. The Department for Transport (DfT) in their "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" state:

"it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers)".

9. In response to the DfT consultation "Taxi and Private Hire Vehicles – Consultation on Draft Best Practice Guidance", the Royal Society for the Prevention of Accidents (RoSPA) commented on the suitability of MPV's as follows:

"The most common enquiry that RoSPA receives from licensing authorities concerns the use of People Carriers (MPVs) that have more than 3 rear seats as taxis or PHVs. RoSPA and many licensing authorities are concerned that some models of MPV are not suitable for carrying as many passengers as there are seats. Passengers should be able to exit the vehicle without having to climb over or move a seat. Therefore, RoSPA supports the policy of many Licensing Authorities of limiting the number of seats in MPVs that are used as taxis or private hire vehicles to provide passengers in the rear with safe access to and from the vehicle."

10. Irrespective of the seating configuration it is essential that there must be a door on each side of the passenger compartment to allow emergency egress in the event of a side impact collision.

11. It can be seen that opinion is mixed as to the suitability of these vehicles. Members are asked to consider the suitability of the vehicles and if found to be suitable to decide on any conditions which shall be attached to their use.

Vehicles Carrying Less Than Four Passengers

12. There are now a number of vehicles on the market which are designed to carry less than four passengers. There are various configurations available the most common being a four door vehicle with a driver and passenger seat in the front but with only two seats in the rear.

13. Presently these vehicles cannot be licensed because they do not comply with our licensing condition which states that a licensed vehicle must have "accommodation for not less than four passengers". A recent application of such a vehicle was refused by Officers but granted on appeal to Members.

14. There are no reasonable safety concerns associated with the use of such a vehicle and the trade have stated that there is a niche for them because many are electrically powered. Whilst this Council does not have any restriction on the use of electrically powered vehicles the restriction on the minimum number of seats may inadvertently preclude the use of many examples of this type of vehicle.

15. In addition to the above there are vehicles available which can carry up to three passengers but which only have two doors. See picture below:



16. Members are asked to consider the use of this type of vehicle as a public hire vehicle.

17. The removal of this condition completely would allow the possibility of two and three seater cars being used as public hire vehicles, Members may wish to consider the implications of this.

Advertising on Vehicles

18. It has come to officers attention that some drivers are starting to advertise on the roofs of their vehicles (see picture below).



19. This contravenes our current licensing conditions which state that Hackney Carriages shall have an illuminated sign bearing the word taxi and that Private Hire vehicles must not have any sign on the roof. In addition third party advertising is permitted on the doors and internally on the back of the seat headrests of all public hire vehicles subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

Resource Implications:

None.

Legal and Governance Implications:

Regulation of Public Hire Vehicles.

Safer, Cleaner and Greener Implications:

Possible exclusion of some low emission vehicles from the public hire fleet.

Consultation Undertaken:

None.

Background Papers:

None.

Risk Management:

None.