



### **Licensing Committee Wednesday, 14th October, 2015**

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, 14th October, 2015  
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](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors K Angold-Stephens (Chairman), N Bedford, A Boyce, K Chana, D Dorrell, R Gadsby, P Keska, A Lion, H Mann, R Morgan, B Rolfe, M Sartin, G Shiell, B Surtees and T Thomas

**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. MINUTES OF THE LICENSING COMMITTEE (Pages 5 - 8)**

To confirm the minutes of the Licensing Committee meeting held on 8 April 2015.

#### **4. MINUTES OF THE LICENSING SUB-COMMITTEES**

Copies of the minutes from the following Sub-Committee meetings will be available for the relevant Chairmen to sign off:

(a) 30 March 2015;

- (b) 28 April 2015;
- (c) 20 May 2015;
- (d) 14 July 2015;
- (e) 4 August 2015;
- (f) 18 August 2015;
- (g) 24 August 2015; and
- (h) 8 September 2015.

**5. SAFEGUARDING IN RELATION TO LICENSING**

(Director of Neighbourhoods) To receive a presentation on safeguarding in relation to Licensing from Officers of the Safer Communities team.

**6. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005 (Pages 9 - 10)**

(Director of Neighbourhoods) To consider the attached report (LCS-001-2015/16).

**7. GAMBLING ACT POLICY (Pages 11 - 12)**

(Director of Neighbourhoods) To consider the attached report (LCS-002-2015/16).

**8. PUBLIC HIRE REGULATIONS - WORKING PARTY (Pages 13 - 14)**

(Director of Neighbourhoods) To consider the attached report (LCS-003-2015/16).

**9. ROAD CLOSURES - WAIVER OF FEE FOR TOWN OR PARISH COUNCILS FOR EVENTS TO BE HELD ON REMEMBRANCE SUNDAY EACH YEAR (Pages 15 - 16)**

(Director of Neighbourhoods) To consider the attached report (LCS-004-2015/16).

**10. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES**

(Director of Neighbourhoods) 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.

**11. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE**

(Director of Neighbourhoods) To highlight any further training considered necessary for the members tasked with discharging the Council's Licensing function.

**12. MATTERS ARISING**

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

**13. ANY OTHER BUSINESS**

(Director of Governance) 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.

**14. DATE OF NEXT MEETING**

(Director of Governance) The next meeting of the Licensing Committee has been scheduled for 14 April 2016 at 2.30pm in the Council Chamber.

**This page is intentionally left blank**

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Licensing Committee	<b>Date:</b>	Wednesday, 8 April 2015
<b>Place:</b>	Committee Room 2, Civic Offices, High Street, Epping	<b>Time:</b>	2.30 - 3.25 pm
<b>Members Present:</b>	Councillors K Angold-Stephens (Chairman), K Adams, K Chana, D Dorrell, P Keska, A Lion, R Morgan, Mrs M Sartin, Mrs G Shiell and Mrs T Thomas		
<b>Other Councillors:</b>	Councillors G Waller		
<b>Apologies:</b>	A Boyce, Mrs R Gadsby, J Hart and H Mann		
<b>Officers Present:</b>	J Nolan (Assistant Director (Neighbourhood Services)), K Tuckey (Licensing Manager) and A Hendry (Democratic Services Officer)		

---

### 15. Declarations of Interest

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

### 16. Minutes of the Licensing Committee

#### Resolved:

That the minutes of the meeting held on 8 October 2014 be taken as read and signed by the Chairman as a correct record.

It was noted that officers were working on the role of MPVs in the taxi licence scheme. They were consulting other authorities about this and would bring it to a future meeting.

### 17. 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) 07 October 2014;
- (b) 27 October 2014;
- (c) 29 October 2014;
- (d) 11 November 2014;
- (e) 04 December 2014;
- (f) 08 December 2014;
- (g) 09 December 2014;
- (h) 13 January 2015;
- (i) 10 February 2015;
- (j) 19 February 2015; and

(k) 10 March 2015.

## 18. Applications Received under the Licensing Act 2003

### RESOLVED:

The Committee noted the applications received by the Licensing Section between 1st April 2014 and 23<sup>rd</sup> March 2015.

## 19. Exclusion of Public and Press

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

Agenda Item No	Subject	Exempt Information Paragraph Number
7	Public Hire Review	2

## 20. Public Hire Review

The Assistant Director, Neighbourhood Services, Mr Nolan presented the report which looked at the regime for the licensing of public hire vehicles, drivers and operators. Over the past year various problems had been identified and it was also noted that even some of the taxi trade were confused by our regulations. Some of the problems noted were what appeared to be some inconsistencies in the decisions of the sub-committees; a lack of clear guidance to Members regarding their powers, liabilities and responsibilities; a feeling amongst the trade that EFDC was not rigorous enough in the application of its public hire licensing regime; some conditions were unclear; and the attitude of some applicants and licensees towards staff was very poor.

It was also noted that:

- some of the trade thought that we were a soft touch;
- that our medical rules were unclear and that we relied on the honesty of the drivers;
- our conditions were old and out of date;
- officers noted that things would be changing for hackney carriages in London soon and that we could learn from these changes;
- because of the recent events in Rotherham drivers should be made aware of, and trained in, at least the basics of safeguarding issues;
- our staff should not have to put up with abuse from the public and applicants;
- our interview rooms now have recording equipment and so do the phones;
- some applicants think that our officers were powerless and that they could go straight to a sub-committee and by-pass them.

Officers have looked into the regime of other authorities and had ascertained that by far the best system was the one employed by the Public Carriage Office in London. They have detailed staff and inspection manuals and were a good base that we could use.

Mr Nolan suggested that a small working group be set up to look into the background of this report back to a future committee meeting. They could also use some guidance from members from their experience on Sub-committees. Officers could and should provide more and better training for members especially on taxis and taxi drivers as this made up the bulk of applications that they dealt with; but they would also need the input of members in this.

Councillor Morgan agreed with the premise of the report and asked why had there been more trouble over the past year. He also agreed with the suggestion of creating a working group to look into this and to provide more guidance and training on what they should be doing and wondered if it would be possible for officers to give their views on the applications. Mr Nolan replied that it may be possible to do this in open session when the applicant would have a right of reply.

Councillor Lion said it was an excellent report. They have sometimes given the benefit of doubt to applicants and would welcome some more guidance. He would like to know what the proportion was of unsound decision to enable them to see this in context. He welcomed the setting up a working group to look at this. He also noted that in London there was a lot of advertising being carried on taxi cabs, both inside and out and this too would be something to be considered.

Councillor Sartin agreed with the suggestion for a working group. She added that she did not know where the applicants came from as they did not have their addresses. Officers have also, in the past, asked for a report from an applicant's GP and noted that he had not come back to them with any information. Members used to get some information before hand which they did not get now. Now, they have things read out to them at the meeting, which did not make it easy to take in without it being written down. Mr Nolan said that the working group would look into what information could be given to members. They could look to give the sub-committee copies of what was being read out at the meeting and take it back at the end of the meeting.

Councillor Keska wanted to know if magistrates were tougher than the Sub-committees in considering applications. Councillor Morgan said that they were, as their rules were more up to date and tougher. Mr Nolan said that they would find out how other authorities did this. To help in their deliberations he would also like a legal officer to sit on the working group.

Councillor Dorrell commented that it was inevitable that sub-committees made some inconsistent decisions and the tighter that the rules were made the less discretion that they had. Mr Nolan said that each case had to be treated on its own merit. Councillor Dorrell added that any bad behaviour on an applicant's part should be brought to the attention of the sub-committee. Could we also have an internal review process to look at how a sub-committee comes to their decisions? Councillor Adams added that they needed to get up to speed as a group and needed more training.

Councillor Angold-Stephens said that maybe they could have anonymised reviews for information on decisions of a sub-committee. However it would also be helpful to have a member of that sub-committee (chairman) to talk them through their thinking when they took that decision.

Councillor Sartin noted that they would need to know more about the applicant before they could question them, such as their address and who they would be working for. Ms Tuckey added that officers would like some references from the people they claimed would be employing them. They would like some sort of evidence on this. Councillor Angold-Stephens agreed that they needed evidence, could this be added to the letter inviting them to the committee meeting?

Councillor Keska asked if the sub-committee could defer an application for more information. He was told that they could. He then asked if they could refuse an application on the grounds of the applicant's behaviour to the staff. Mr Nolan said a sub-committee could but not the staff.

The Chairman noted that the committee were generally in favour of setting up the proposed working group and said it should be made up of the minimum number of officers and members and asked for volunteers from the member side. Councillors Morgan, Sartin, Lion and Angold-Stephens indicated that they would like to be members of the working group. This was agreed by the meeting.

**RESOLVED:**

- (1) That a working group be set up to review the current public Hire Licensing Regime; and
- (2) That Councillors Angold-Stephens, Lion, Morgan and Sartin be appointed to the membership of this working group.

**21. Inclusion of Public and Press**

**RESOLVED:**

That the public and press be invited back into the meeting for the remaining items of business.

**22. Review of Current and Future Training Needs for the Committee**

The Committee noted that this would be something for the working group to review. Basic training would be needed for all members and it would be helpful to have a legal officer there.

It was noted that Ms Tuckey attended the Essex Licensing Officer group who had access to specialist training to officers and members.

**23. Matters Arising**

Councillor Sartin asked about the extra meetings that were cropping up, was this because of the time frame and when they were submitted. She was told it was controlled by the set time frames that they were governed by.

Councillor Lion asked about evening meetings and was told that they could be called if there was a good reason to do so.

**24. Date of Next Meeting**

The Committee noted the date for the next scheduled meeting.

**CHAIRMAN**



## Report to the Licensing Committee

**Report reference:** LCS-001-2015/16

**Date of meeting:** 14 October 2015

**Subject:** Licensing Statistics

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

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



**Epping Forest  
District Council**

---

### Recommendations:

- (1) To note the report of licensing applications received by the Council.

### Report:

#### Applications Received

1. 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 23rd March 2015 to 30 September 2015

#### Applications Received Under the Licensing Act 2003

Number of new applications	5
Number of renewals	135
Change of designated premises supervisor/variation	48
Number of applications considered by the sub-committee	5
Number of applications granted subject to conditions	5
Number of applications refused	0
Number of appeals to Magistrates	0
Number of revocations	0
Temporary event notices	96
Late Temporary event notices	5

#### Application received online - EU directive

Temporary event notices	30
-------------------------	----

#### Reviews

Application	0
-------------	---

#### Personal licence applications

Number of applications received	85
Number of applications granted under delegated authority	85
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	5

## **Report to the Licensing Committee**

**Report reference: LCS-002-2015/16**

**Date of meeting: 14 October 2015**



**Epping Forest  
District Council**

**Portfolio: Safer Greener Transport**

**Subject: Gambling Act Policy**

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

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

---

### **Recommendations**

**(1) To note forthcoming changes to the Gambling Act Guidance.**

#### **Report:**

1. Licensing authorities are required to develop, consult on, and publish a statement of their licensing policy. The statement must set out the principles that they propose to apply in exercising their functions under the Gambling Act 2005.

2. To help the process, the Gambling Commission is required to issue guidance to licensing authorities on the manner in which they are to exercise their functions, and the principles to be applied by them in exercising them. Licensing authorities are required to have regard to this guidance under the Gambling Act 2005.

3. New guidance on Local Authorities Gambling Act policy statements is about to be published but is not available at the time of writing this report.

4. If the guidance is published in time then a verbal update will be given to the meeting.

**This page is intentionally left blank**

## ***Report to the Licensing Committee***

***Report reference: LCS-003-2015/16***

***Date of meeting: 14 October 2015***



**Epping Forest  
District Council**

**Portfolio: Safer Greener Transport**

**Subject: Public Hire Regulations – Working Party.**

**Responsible Officer: Jim Nolan (01992 564083).**

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

---

### **Recommendations**

**(1) To consider the recommendations of the working party.**

### **Report:**

1. Following a report to the last full Licensing Committee regarding public hire regulations, a Member/Officer Sub-Group was set up to consider the if the current regulations were fit for purpose and what if any changes should be made.
2. The Sub-Group considered a proposed revised set of regulations based on the London public carriage model.
3. The Sub-Group met on the 9 October 2015 and a summary of their findings will be circulated at the meeting.

**This page is intentionally left blank**

## Report to the Licensing Committee



Epping Forest  
District Council

**Report Reference: LCS-004-2015/16**  
**Date of meeting: 14 October 2015**

**Subject: Road Closures - Waiver of fee for Town or Parish Councils for events to be held on Remembrance Sunday each year.**

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

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

---

### Decision Required:

**(1) To consider the waiving of fees for Road Closures for the Town & Parish Councils for events to be held on Remembrance Sunday every year.**

### 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

It has been drawn the attention of the Council that Essex Police can no longer support the Parish & Town Councils for events that they hold on Remembrance Sunday around the district. A letter from Essex Police was only received late in September resulting in the Parish & Town councils not having the opportunity to make application to the district council. The Council requires that applicants give at least three months' notice, to enable a full consultation to be carried out. Until now the Parish & Town councils had no need to make applications for road closures because Essex Police assisted with the closures using their own powers.

The District Council currently charges a fee of £170 for a road closure.

### Other Options for Action:

To not waive the fee for the Town & Parish Councils on Remembrance Sunday.

### Resource Implications:

No fee for processing applications received

### Legal and Governance Implications:

None.

### Safer, Cleaner and Greener Implications:

None.

**Consultation Undertaken:**

None.

**Background Papers:**

None.

**Risk Management:**

No risks to the Council identified.