

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Licensing Panel **Date:** 2 December 2004

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 10.05 a.m. - 1.10 p.m.

**Members Present:** Councillors Mrs M Sartin (Chairman), M Cohen (Vice-Chairman), D Kelly, L Martin, R Morgan, Ms K Rush, B Sandler, Mrs P Smith.

**Other Councillors:** -

**Apologies:** Councillor Mrs R Gadsby, P McMillan, T Richardson.

**Advisory Officers Present:** J Nolan (Environmental Services), L Cole (Legal Services), G J Woodhall (Research & Democratic Services).

**Other Officers Present:** M Sullivan, K Tuckey (Environmental Services), A Hendry (Research & Democratic Services).

---

### **23. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting of the Committee held on 14 October 2004 be taken as read and signed by the Chairman as a correct record of the meeting.

### **24. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor L Martin declared a personal interest in item (6) of the agenda (Private Hire Driver's Licence Application – Mr S Bowers), by virtue of the applicant living in the vicinity of the member. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon.

(b) Pursuant to the Council's Code of Member Conduct, Councillor B Sandler declared a personal interest in item (11) of the agenda (Hackney Carriage Driver's Licence Application – Mr S G Smith), by virtue of having been a customer of the applicant in the past. The officer had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon.

### **25. PROCEDURE FOR CONDUCT OF BUSINESS**

The Panel noted the agreed procedure for the conduct of business, and the terms of reference.

**26. EXCLUSION OF PUBLIC AND PRESS****RESOLVED:**

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

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph No</b>
6	Private Hire Driver's Licence Application – Mr S Bowers	4
7	Hackney Carriage Driver's Licence Application – Mr M Kapnisis	4
8	Hackney Carriage Driver's Licence Application – Mr M Hussain	4
9	Hackney Carriage Driver's Licence Application – Ms H Estrada	4
10	Hackney Carriage Driver's Licence Application – Mr B Stewart	4
11	Hackney Carriage Driver's Licence Application – Mr S G Smith	4
12	Private Hire Plate Exemption Application – Mr G Jackson	4

**27. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE – MR S BOWERS**

The Panel considered an application by Mr S Bowers for a Private Hire Driver's Licence. Members noted that Mr Bowers did not meet the Council's Licensing criteria in that his Criminal Records Bureau details had revealed relevant offences under the conviction criteria and, as a result, the Head of Environmental Services could not issue the Licence under delegated authority. The Chairman welcomed the applicant, and introduced the members and officers present. The Head of Environmental Services informed the Panel of the circumstances under which the licence could not be issued under delegated authority.

The applicant made a short statement to the Panel in support of his application, before the Chairman requested that the applicant leave the Chamber whilst the Panel debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Panel's decision.

**RESOLVED:**

That a Hackney Carriage Driver's Licence be granted to Mr S Bowers, subject to the Council's standard terms and conditions.

**28. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A HACKNEY CARRIAGE DRIVERS' LICENCE – MR M KAPNISIS**

The Panel considered an application by Mr M Kapnisis for a Hackney Carriage Driver's Licence. Members noted that Mr Kapnisis did not meet the Council's Licensing criteria in that his Criminal Records Bureau details had revealed relevant offences under the conviction criteria and, as a result, the Head of Environmental Services could not issue the Licence under delegated authority. The Chairman welcomed the applicant, and introduced the members and officers present. The Head of Environmental Services informed the Panel of the circumstances under which the licence could not be issued under delegated authority.

The applicant made a short statement to the Panel in support of his application, before answering a number of questions from members of the Panel. The Chairman requested that the applicant leave the Chamber whilst the Panel debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Panel's decision.

**RESOLVED:**

That the application by Mr M Kapnisis for a Hackney Carriage Driver's Licence be refused as he does not meet the Council's Licensing Criteria in that his record from the Criminal Records Bureau reveals relevant offences under the conviction criteria.

**29. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE – MR M HUSSAIN**

The Panel considered an application from Mr M Hussain for a Hackney Carriage Driver's Licence. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Panel. The Chairman welcomed the applicant, and introduced the members and officers present. The Head of Environmental Services informed the Panel of the circumstances under which the licence could not be issued under delegated authority.

The applicant made a short statement to the Panel in support of his application, before answering a number of questions from members of the Panel. The Chairman requested that the applicant leave the Chamber whilst the Panel debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Panel's decision.

**RESOLVED:**

That a Hackney Carriage Driver's Licence be granted to Mr M Hussain, subject to the Council's standard terms and conditions.

**30. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A HACKNEY CARRIAGE DRIVER’S LICENCE – MR H ESTRADA**

The Panel considered an application from Mr H Estrada for a Hackney Carriage Driver’s Licence. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Panel. The Chairman welcomed the applicant, and introduced the members and officers present. The Head of Environmental Services informed the Panel of the circumstances under which the licence could not be issued under delegated authority.

The applicant made a short statement to the Panel in support of the application, before answering a number of questions from members of the Panel. The Chairman requested that the applicant leave the Chamber whilst the Panel debated the application in private. The Chairman invited the applicant back into the Chamber and informed him of the Panel’s decision.

**RESOLVED:**

That the application for a Hackney Carriage Driver’s Licence by Mr H Estrada be deferred pending further information.

**31. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A HACKNEY CARRIAGE DRIVER’S LICENCE – MR B STEWART**

The Panel considered an application by Mr B Stewart for a Hackney Carriage Driver’s Licence. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Panel. The Chairman welcomed the applicant, and introduced the members and officers present. The Head of Environmental Services informed the Panel of the circumstances under which the licence could not be issued under delegated authority.

The applicant made a short statement to the Panel in support of his application, before answering a number of questions from members of the Panel. The Chairman requested that the applicant leave the Chamber whilst the Panel debated his application in private. The Chairman invited the applicant back into the Chamber and informed her of the Panel’s decision. Following consideration of this item, Councillor R Morgan left the meeting as he had a prior engagement to attend in respect of his duties as Chairman of the Council.

**RESOLVED:**

That the application by Mr B Stewart for a Hackney Carriage Driver’s Licence be refused as he does not meet the Council’s Licensing Criteria in that his record from the Criminal Records Bureau reveals relevant offences under the conviction criteria.

**32. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE – MR S G SMITH**

The Panel considered an application by Mr S G Smith for a Hackney Carriage Driver's Licence. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Panel. The Chairman welcomed the applicant, and introduced the members and officers present. The Head of Environmental Services informed the Panel of the circumstances under which the licence could not be issued under delegated authority.

The applicant made a short statement to the Panel in support of his application, before answering a number of questions from members of the Panel. The Chairman requested that the applicant leave the Chamber whilst the Panel debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Panel's decision.

**RESOLVED:**

That the application for a Hackney Carriage Driver's Licence by Mr S G Smith be deferred pending further information.

**33. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE EXEMPTION TO DISPLAY PLATE – MR G JACKSON**

The Panel considered an application by Mr G Jackson for a Private Hire Driver's Licence exemption to display a plate. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Panel. The Chairman welcomed the applicant, and introduced the members and officers present. The Head of Environmental Services informed the Panel of the circumstances under which the licence could not be issued under delegated authority.

The applicant made a short statement to the Panel in support of his application, before answering a number of questions from members of the Panel. The Chairman requested that the applicant leave the Chamber whilst the Panel debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Panel's decision. Following the determination of this application, the Panel took a short five minute break and reconvened at 12.15 p.m.

**RESOLVED:**

That a Private Hire Driver's Licence exemption to display a plate be granted to Mr G Jackson, subject to the Council's standard terms and conditions

**34. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – APPLICATION TO TRADE IN A DESIGNATED STREET**

The Panel considered an application from Mrs J Hart for a Street Trading Consent to sell food from a site on the slip road off Rectory Lane, at the junction with Borders Lane in Loughton. The Head of Environmental Services informed the Panel that the

applicant had requested for the licence to run from 7.00 a.m. to 3.00 p.m. on weekdays, and that the applicant wished to trade from a transit van. Letters of objection had been received from Loughton Town Council and the local Highways Authority, but no objection had been received from the local Police. Two character references had been received on behalf of Mrs Hart, and it had been requested by officers that should the Panel be minded to grant the application that it should be subject to the Council's standard terms and conditions.

Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Panel. The Chairman welcomed the applicant, introduced the members and officers present, and explained the procedure that would be followed for the determination of this application.

**(a) Presentation of Applicant's Case**

In a short statement to the Panel, the applicant stated that she was intending to offer sandwiches, sausage rolls, filled rolls, confectionary and hot drinks; there was no intention to offer any hot food. The Panel was informed that the applicant expected her main trade to come from the students at the nearby Epping Forest College and E17 Acting School.

**(b) Questions for the Applicant from the Panel**

In response to questions from the Panel, the applicant stated that she had not investigated any other possible locations within the vicinity. There was not a lot of parking space available at the proposed location, but the applicant reiterated that it was not her intention to attract passing trade, only the students from the nearby colleges. There would be no 'A' boards advertising the business and, if necessary, the applicant offered to not serve any lorry drivers or only trade during term-time.

The applicant confirmed that she would be the only employee of the business during the hours of operation and that it was her intention to begin serving at 7.30 a.m. The Panel queried whether there would be any students to serve at 7.30 a.m. and the applicant suggested that she could arrive at the location at 7.30 a.m. and begin serving at 8.00 a.m. It was pointed out by members of the Panel that people wishing to privately sell their cars also used the proposed location. The applicant responded that she would probably be in position before the cars arrived, or that she could move slightly further up the slip road if allowed.

In response to questions from the panel regarding waste disposal, the applicant stated that her intention was to provide litter bins and encourage her customers to use them. The rubbish would be removed daily from the site and disposed of by the applicant in her domestic waste. With regards to the disposal of wastewater, the applicant initially stated that she would have her own water on board and it was her intention to dispose of it upon the highway. However, when the applicant was informed that wastewater could not be disposed of in this manner, the applicant offered to remove the wastewater from the site and dispose of it at home. The Chairman reminded the Panel that this issue could be dealt with by conditions upon the consent.

The applicant informed that Panel that she had previously worked in a snack bar at a bakery, and had also run a snack van before the birth of her children.

**(c) Questions for the Applicant from the Objectors**

In response to questions from the representative of the local Highways authority, the applicant stated that she could not prevent drivers from stopping on the main road, Rectory Lane, and causing congestion.

**(d) Presentation of the Objector's Case**

In a short statement to the Panel, the representative of the local Highways Authority stated that there were three main reasons for objecting to the application. Firstly, it was intended to block off Borders Lane at the library and convert it to a cycle path. Secondly, it was felt that the applicant would attract lorries and as the road had a five tonne weight limit this could cause potential damage to the road structure. Thirdly, the applicant's location could potentially block the nearby footpath close to the library and cause a hazard to pedestrians.

**(e) Questions for the Objectors from the Panel**

In response to questions from the Panel, the representative of the local Highways Authority informed the Panel that Borders Lane would be blocked off by December 2005, but that this would not prevent cars from stopping on Rectory Lane to use the applicant's business. It was also stated that when Borders Lane had been blocked off, any cars that stopped could have problems regaining the highway at Rectory Lane. It was agreed that bollards could be placed along Rectory lane to prevent drivers from using the grass verge to park.

**(f) Applicant's Closing Statement**

In a short closing statement, the applicant reiterated that her proposed trading location would not be a nuisance to anyone else, and requested that the Panel look kindly upon her application to allow her business an opportunity to flourish.

**(g) Panel's Consideration of the Application**

The Chairman requested that the participants leave the Chamber whilst the Panel debated the application in private.

The Panel felt that, although the business idea was good, the proposal had not been properly planned. This had been evident from the responses given by the applicant regarding the disposal of litter and wastewater, and as the applicant proposed to trade in a predominantly residential area, there was the prospect of complaints from local residents in relation to litter. The Panel also agreed that the proposed trading location was unsuitable. There would be a potential danger to pedestrians trying to proceed along the footpath from the Library if a number of students congregated to use the business, and the possibility of increased traffic congestion at the junction of Borders Lane and Rectory Lane. However, the Panel did concede that once Borders Lane had been blocked and converted into a cycle path then the applicant would have a stronger case. The Panel upheld the objections of the Town Council and felt that the proposal was not compatible with the location of the Library.

The Chairman invited the participants back into the Chamber and informed them of the Panel's decision.

**RESOLVED:**

(1) That the application by Mrs J Hart to trade in the designated consent street on the slip road off Rectory Lane at the junction with Borders Lane in Loughton be refused upon the grounds of:

(a) potentially causing further traffic congestion at the junction between Borders Lane and Rectory Lane; and

(b) potentially causing a hazard to pedestrians using the footpath adjacent to the nearby Library.

**CHAIRMAN**