



Licensing Committee Wednesday, 16th October, 2019

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

Council Chamber - Civic Offices
on **Wednesday, 16th October, 2019**
at **2.30 pm** .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

Adrian Hendry (Democratic Services)
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors R Morgan (Chairman), J Jennings (Vice-Chairman), I Hadley, S Heather, P Keska, A Lion, L Mead, S Neville, C P Pond, B Rolfe, M Sartin, P Stalker, D Stocker, D Sunger and J M Whitehouse

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

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

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 - 8)

To confirm the minutes of the Licensing Committee meeting held on 17th October 2018.

5. MINUTES OF THE LICENSING SUB-COMMITTEES

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

6. TAXI LICENCE AND ANIMAL WELFARE LICENCE FEES (Pages 9 - 10)

To consider the attached report.

7. ON LINE DISCLOSURE AND BARRING CHECKS (Pages 11 - 12)

To consider the attached report.

8. ROAD CLOSURES - WAIVER OF FEES FOR THE TOWN AND PARISH COUNCILS ON VE DAY CELEBRATIONS 2020 (Pages 13 - 14)

To consider the attached report.

9. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 (Pages 15 - 16)

To consider the attached report.

10. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

To review the proceedings of the Licensing Sub-Committee held during the preceding period and consider any issues of procedure, policy or organisation that have adversely affected the operation or management of meetings.

11. 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.

12. MATTERS ARISING

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

13. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for 01 April 2020 at 2.30pm in the Council Chamber.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Licensing Committee	Date:	Wednesday, 17 October 2018
Place:	Council Chamber - Civic Offices	Time:	2.30 - 2.50 pm
Members Present:	Councillors R Morgan (Chairman), J Jennings (Vice-Chairman), L Hughes, P Keska, S Neville, C P Pond, B Rolfe, M Sartin and D Stocker		
Other Councillors:	Councillors		
Apologies:	N Bedford, I Hadley, S Heather, L Mead and J M Whitehouse		
Officers Present:	J Nolan (Service Director (Commercial & Regulatory Services)), K Tuckey (Licensing Manager) and A Hendry (Senior Democratic Services Officer)		

1. **Declarations of Interest**

There were no declarations of interest pursuant to the Members Code of Conduct.

2. **Any Other Business**

No other business had been raised.

3. **Minutes of the Licensing Committee**

RESOLVED:

That the minutes of the meeting held on 18 April 2018 be taken as read and signed by the Chairman as a correct record subject the alteration of minute item 17, final paragraph to read "...Perhaps the committee should reconsider this..."

4. **Minutes of the Licensing Sub-Committees**

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) 03 April 2018;
- b) 23 April 2018;
- c) 16 May 2018;
- d) 20 June 2018;
- e) 23 July 2018;
- f) 07 August 2018; and
- g) 23 August 2018.

5. **Applications Received under the Licensing Act 2003**

The Committee noted the number of applications received and determinations of those applications from 4th April 2018 to 03rd October 2018.

Councillor Sartin asked if there was any statistics on how many taxi licenses we issued per year. Ms Tuckey, the Licensing Manager said that they could provide figures on how many new and how many renewals they had per year.

Councillor Morgan noted that a taxi appeal was mentioned in the last minutes, could an update be given on the outcome of this. The Licensing Manager said that a licence revocation had been appealed in the summer. The appellant had wanted only a suspension and not a revocation, which he got until November; when he could reapply again. Councillor Morgan asked if there had been any costs made. He was told that the appellant had been ordered to pay the Council's costs and was fined as well.

6. Licensing Act 2003 Statement of Policy - Periodic Review

The Service Director Commercial and Regulatory Services, Mr Nolan introduced the revised Licensing Act Statement of Policy. The Licensing Act 2003 required that Licensing authorities revised their policy statements at defined intervals. A new draft policy was prepared and a consultation exercise was undertaken. He noted that there were no major changes proposed for this revision and there were only a few responses. Responses to the consultation was receive from three parties, Essex Police, The Village Halls and Community Buildings Advisor and the Rural Communities Council of Essex. Their amendment were accepted and incorporated into the final draft.

Councillor Neville asked about paragraph 1.39 of the guidance which referred to 'a statutory timescale' that 'was imposed' was there a document we could point to where this came from and in 1.40 it mentions 'other parties' who were they? The Licensing Manager said that in the letter they sent out on consultation on the 150mtr radius set out an explanatory note on this. This information was also on our website. We can signpost this in the guidance.

Councillor Sartin asked if members of the Committee could have copies of that letter for information. The Licensing manager said that she would email them a copy.

Councillor Sartin then asked if the added Police conditions could restrain us in any way. Mr Nolan said that no, they could not, as it was just advice for us and was not binding.

RESOLVED:

That the Licensing Committee recommend to Council the revised Licensing Act Statement of Policy for adoption.

7. Joint Meeting of Licensing Sub-Committee Chairmen

The Chairman of the Licensing Committee reported back on the recent meeting of the joint chairmen of the Licensing Sub-committees held in September 2018.

It was agreed that as part of good practice Licensing Sub-Committees' had to be consistent in their decisions and that this seemed to be going well at present.

Officers had also informed them of a TENS application that was more than it first appeared. Having thought of it as a small 'Zen Fest' no objections had been raised either from officers or local residents. However, officers found out that it was to be a music festival and the organisers were very new to this type of thing. This resulted in Licensing officers having to instruct the organisers of their duties and responsibilities

and in the end having two officers attend the festival to ensure their compliance. In the end the festival was not a great success and no problems were had.

It was also noted that at a recent Essex Licensing Forum our sub-committees were held up as examples of good practice.

Also, Mr Nolan noted that a new White Paper on Taxis was going through Parliament at present to revamp the taxi licensing legislation. When this was made law we would have to revise our taxi licensing rules.

8. Review of Licensing Sub-Committee Procedures

There were no matters to be discussed under this item.

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

It was noted that after the next set of elections there would need to be more training arranged for any new members and as a refresher for current members. One members had still not been trained and Ms Tuckey would be doing this soon, if any member wanted a refresher they could sit in on this training. They just needed to get in touch with her.

It was noted that this year we had Roger Butterfield taking the members on a one day course. Members were happy with the new trainer saying that he presented a different type of training course and perspective from the previous trainer, James Button. They suggested that we should alternate between the two.

10. Matters Arising

(1) It was noted that at the Resources Select Committee the previous night, Members had asked about statutory charges. Mr Nolan said that the Council was not allowed by law to make a profit but just cover its costs. He related that Uttlesford District Council had charged more and this had resulted in them having to pay it back, the bill coming to more than a million pounds.

(2) Officers were asked if they now had permission to review the DVLA checks, they were told that this was not a problem anymore and that they did now have access to the data.

11. Date of Next Meeting

The meeting noted the date for their next meeting, 24th April 2019.

CHAIRMAN

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Report to Licensing Committee

Date of meeting: 16th October 2019

Subject: Taxi Licence & Animal Welfare Licence fees



**Epping Forest
District Council**

Officer contact for further information: Sally Devine - Regulatory Service Manager

Committee Secretary: Adrian Hendry

Recommendations:

To note an uplift in the fees

Report:

Animal licensing:

New Animal Welfare Licensing Regulations were introduced in October 2018 to update and replace section 1 of the Pet Animals Act 1951. The new Regulations require a robust inspection and reporting regime and require inspecting officers to be qualified to NVQ Level 3 by October 2021. As a result the licensing team have introduced new inspection processes for all premises such as Animal Boarding Establishments, Home Boarding, Riding Schools & Pet Shops and officers will start the NVQ training this November.

The Regulations allow the licensing authority to recover all reasonable, costs without making a profit, for the administration of the licensing function which includes processing applications; carrying out inspections; producing reports and setting licence conditions; anticipated enforcement activity, officer training, general governance and anticipated submission of data requests to the Secretary of State. In setting the fees we are guided by the LGA Guidance on locally set licence fees and the Procedural Guidance Notes and Practical Guide to Fee Setting that support the Animal Welfare Regulations. The Procedural Guidance states that the licence fee should be in two parts, charging separately for the cost of application and enforcement.

It is apparent that the officer time spent in administering this licensing function is considerably more than previously anticipated and the existing charges of £250 plus vet fee do not reflect the true cost to the Council. A benchmarking exercise and cost recovery calculation has been carried out based on officer time and associated costs, in accordance with Government guidance and the new fees below will be recommended to Cabinet as part of the Council's overall fees and charges schedule for 2020/21. The fees will be reviewed annually.

Proposed Fee for Animal Welfare Licence for 2020/21	
Application fee and renewal fee (all except home boarding)	£329
Grant of Licence	£36
Total Fee	£365
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Application fee and renewal fee (home boarding)	£223

Grant of Licence (animal boarding)	£30
Total Fee	£253
Licence and other replacement cost	£10
Variation and transfer fees administrative	£43
Variation involving inspection	£132

Taxi Licensing:

The Service Manager & Licensing Team Manager have carried out a benchmarking exercise and a cost recovery calculation based on officer time and associated costs for proposed Taxi Licence fees for 20/21. Comparing these calculated figures against the existing taxi fees, with an annual inflation factor applied, the results are generally comparable and do not justify a full consultation to the trade on what would be marginal adjustments. The current licence fees for 2019/20 will therefore continue to be applied for 20/21 with the appropriate inflationary increase applied. The report to Cabinet will propose that the fees and charges for all other activities falling within the Licensing Service for 2020/21 will be the existing fees for 2019/20 with the general uplift applied.

Resource Implications: None

Administration of the licensing function is carried out within existing staff resources. The legislation allows local authorities to cover their reasonable costs without making a profit.

Legal and Governance Implications: None

Safer, Cleaner and Greener Implications:

The Licensing Team ensures that the Council meets its licensing objectives to prevent crime and disorder; protect public safety, prevent public nuisance and protect children from harm under the Licensing Act 2003 which links closely to the Councils overarching corporate objective to keep the district safe. It is appropriate that the Service is resourced adequately and that the reasonable costs are recovered from the businesses that benefit from the service.

Background Papers:

None

Impact Assessments:

Risk Management: N/A

Equality and Diversity: N/A

Report to Licensing Committee

Date of meeting: 16th October 2019

Subject: On Line Disclosure and Barring Checks



**Epping Forest
District Council**

Officer contact for further information: Kim Tuckey, Licensing Team Manager, ext.4034

Committee Secretary: Adrian Hendry, ext.4246

Recommendations/Decisions Required:

To amend the current taxi licence conditions to include the requirement for the applicant to subscribe to the DBS Update service and to give consent to access by Council licensing officers

Report:

1. The Licensing Team currently carries out a Disclosure & Barring check (previously known as criminal record checks) on all applicants for taxi licences as part of its licensing responsibility to protect public safety. As an enhanced check is required it must be applied for by the local authority and not the individual, the cost of which is paid initially by the Council and then recovered from the driver's licence fee. The process is repeated at renewal, typically every 3 years.
2. The online process has now been streamlined to make it simpler and less time consuming to update the existing DBS records. Following an informal discussion with our Licensing Portfolio Holder it is now suggested that all applicants are required, as part of their licence condition, to register for the online Update Service and agree to allow the Council access to check the certificate at any time. The cost to the driver is currently £13 a year.
3. The advantages to the Council are that the Licensing Team will no longer need to process a further DBS application at licence renewal; the on-line check provides immediate information where the current system may take several weeks; and, assuming there are no significant administrative changes to the licensee details, officers can check the status of a taxi drivers DBS certificate at anytime during the licence period, not just at a new application.
4. The advantage to the taxi driver is that he/she can simply update the DBS records annually without having to make a further detailed paper application to the Council.
5. If Members agree, a new condition will be added (by way of an amendment) to the Council's Taxi Driver licence conditions, to require the applicant, within 28 days, to subscribe to the DBS Update Service and to give consent to access by Council licensing officers.

Resource Implications:

The proposed changes will reduce officer time in processing renewal of DBS certificates to be paid directly by the applicant without involving the Council

Legal and Governance Implications:

The requirement for enhanced DBS checks are in accordance with the Council's Statement of Licensing Policy to comply with its responsibilities as the licensing authority under the Taxi licensing Legislation.

Safer, Cleaner and Greener Implications: paperless working environment

The Licensing Team ensures that the Council meets its licensing objectives to prevent crime and disorder; protect public safety, prevent public nuisance and protect children from harm under the Taxi Licensing legislation which links closely to the Councils overarching corporate objective to keep the district safe. A streamlined on-line system of updating DBS records will ensure the information is readily accessible and current.

Consultation Undertaken: N/A

Safeguarding

To ensure public safety which is one of the objectives of the Council in its role as licensing authority

Background Papers: N/A

Impact Assessments:

Risk Management:

Equality and Diversity: N/A

Report to Licensing Committee

Date of meeting: 16th October 2016



**Epping Forest
District Council**

Subject: Road Closures-Waiver of fee for the Town and Parish Councils on VE Day Celebrations 2020

Officer contact for further information: Kim Tuckey- Licensing Manager, ext.4034

Committee Secretary: Adrian Hendry, ext. 4246

Decision Required:

To consider waiver of fees for Road Closures for Town and Parish Councils for the 75th anniversary celebrations of VE day: May 2020 bank holiday weekend.

Report

1. Epping Town Council have requested that the fees charged by the Council for permitting Temporary Road Closures be waived for the 75th anniversary celebrations of VE Day to coincide with the May 2020 bank holiday weekend.
2. Local Authorities have powers under the Town and Police Act 1847 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.
3. In October 2015 a similar report was presented to Licensing Committee to discuss waiving fees for road closures for events on Remembrance Sundays, as at the time the police withdrew their support/assistance due to lack of resources. It was decided then to waive the fee for Parish and Town Councils and that there would be a 'blanket approval' for road closures for such events each year. Licensing Committee had already approved, in April 2014, to waive the Road Closure fees for any charitable or community events run by a Town or Parish Council for the benefit of the local community.
4. If members are minded to waive the fee in the same way as Remembrance Sunday events it is important to note that all applicants requesting such a Road Closure must still make a valid application to the Council's Licensing Team including submission of all the relevant documents, including risk assessments, public liability insurance and a road traffic management assessment. Consent to a Road Closure will only be given once the applicant has carried out the necessary consultation with the responsible authorities.
5. Members may also wish to consider whether to apply the same waiver to applications by members of the public for a similar road closure application in support of these celebrations.

Reasons for Proposed Decision

To consider the request from the Town Council

Other Options for Action: Not to waive to fee for the Town & Parish Councils on VE day

Resource Implications: No fee to the Council for processing Road Closure applications, currently £185

Legal and Governance Implications: None

Safer, Cleaner and Greener Implications: None

Consultation Undertaken: None

Background Papers: None

Impact Assessments:

Risk Management None

Equality and Diversity None

Report to Licensing Committee

Date of meeting: 16th October



Subject: Licensing Statistics

Officer contact for further information Kim Tuckey Licensing Manager

Democratic Services Officer: Adrian Hendry (01992 – 564246)

Recommendations:

That members note the report of licensing applications received by the Council.

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 3rd October 2018 to 25th September 2019

Applications received under the Licensing Act 2003

Number of new applications	20
Number of renewals	339
Change of designated premises supervisor/variation	87
Number of applications considered by the sub-committee	18
Number of applications granted subject to conditions	18
Number of applications refused	1
Number of appeals to Magistrates	1
Number of revocations	0
Temporary event notices	1
Late Temporary event notices	201
	56

Application received online - EU directive

Temporary event notices	170
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Reviews

Application	1
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Personal licence applications

Number of applications received	114
Number of applications granted under delegated authority	114
Number of applications refused	0
Number of appeals to Magistrates	0

Gambling Act 2005

Betting office applications granted	0
Club gaming permit granted	4
Notifications for 2 gaming machines	4