

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

<b>Committee:</b>	Licensing Committee	<b>Date:</b>	Tuesday, 1 November 2022
<b>Place:</b>	Council Chamber - Civic Offices	<b>Time:</b>	7.00 - 7.42 pm
<b>Members Present:</b>	Councillors R Morgan (Chairman), S Heather, P Keska, A Lion, L Mead and Caroline Pond		
<b>Members Present (Virtually):</b>	-		
<b>Other Councillors:</b>	Councillors K Williamson		
<b>Other Councillors (Virtual):</b>	-		
<b>Apologies:</b>	J Jennings, I Hadley, B Rolfe, M Sartin, P Stalker, D Stocker, D Sunger and J M Whitehouse		
<b>Officers Present:</b>	A Hendry (Democratic Services Officer), D King (Licensing Manager) and S Mitchell (PR Website Editor)		
<b>Officers Present (Virtually):</b>	J Leither (Democratic Services Officer)		

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### **1. Webcasting Introduction**

The Chairman reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

The Chairman then introduced the Portfolio Holder for the Licensing Section, Councillor Ken Williamson who was attending the meeting.

### **2. Declarations of Interest**

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

### **3. Any Other Business**

The Committee noted that there was no additional business for consideration at the meeting.

#### 4. Minutes of the Licensing Committee

##### RESOLVED:

That the minutes of the meeting held on 21 March 2022 be taken as read and signed by the Chairman as a correct record.

#### 5. Minutes of the Licensing Sub-Committees

The minutes of the following meetings of the Licensing Sub-Committee be taken as read and signed by their Chairmen as a correct record:

05 April 2022;

19 April 2022;

07 June 2022;

02 August 2022;

06 September 2022;

25 October 2022.

#### 6. Licensing Statistics

The Committee noted that from now on these statistics will only be given at the end of the year, at their March meetings.

#### 7. Pavement Licensing

The Licensing Team Manager, D King introduced the report for information on Pavement Licensing. He noted that Pavement licensing were introduced in 2020 through emergency legislation in response to the COVID pandemic. Its intent was a simplified and fast track route for pubs, restaurants, and cafes to obtain a temporary permission to place furniture including outdoor tables and seating on the highway, allowing them to increase their outdoor capacity safely, quickly and at a low cost.

The regime was first extended in 2021 and was extended again on 20th July until 30th September 2023.

A Bill proposes to make pavement licensing a permanent fixture subject to the following amendments:

- Amend the fee councils can charge applicants, increasing it from £100 to £350 for premises which already hold a pavement licence, and £500 for new applicants.
- Extend the public consultation period and council determination period from 7 days to 14 days.
- Extend the maximum duration of pavement licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority.
- Provide that pavement Licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
- Prohibit a local authority from granting a tables and chairs licence under the old regime (Highways Act 1980) if a pavement permit is capable of being granted under this legislation.
- Insert a new Enforcement schedule providing powers to the local authority to remove furniture if a premise is not abiding by its pavement licence conditions and hours.

Once the Bill has gone through Parliament, then officers will bring in an updated report to members.

Councillor Lion asked if there were any restrictions on the size of the area licensed in front of the premises, as sometimes these could extend up to the road. He was told that there were no restrictions as such; but officers did consult with the police and other officers and consider the area at the premises. They also have a standard that requires a certain amount room to be left for passers-by.

Councillor Lion asked if these licences were reviewed periodically as some of these licences that had been established for some time, were drifting outwards. He was told that this summer they had written to their licence holders; and they only had about 20 of them, noting that some premises had private forecourts they could use without having a licence; and told them that they would extend their licences as long as they had not extended the area they were licenced for. If there were any particular concerns with a premises, flag it up to officers and they would check it out.

Councillor Keska asked if there were differences in charges for just one or a number of premises, for say a chain restaurant. He was told that presently it was £100 for each premises.

**RESOLVED:**

That the report on Pavement Licences was noted.

**8. Live Music Act**

The Licensing Team Manager, D King introduced the report for information on the Live Music Act. The purpose of this report was to update Members on the exemptions introduced under The Live Music Act 2012 and the further deregulation introduced under The Legislative Reform (Entertainment Licensing) Order 2014, that came into force on 6th April 2015.

When the licensing Act 2003 was first introduced it contained several exemptions where a premises licence would not be required for the provision of regulated entertainment.

However, it was believed by many in the music industry that the imposition of a licence and the onerous conditions sometimes placed on them, deterred many venues from hosting live music entertainment.

It was suggested that nearly every critically acclaimed band from the last half century owed their success to performing in pubs, bars and clubs throughout the country and the introduction of the Licensing Act 2003 had unwittingly had the effect of shutting down hundreds of live music venues and in doing so had hampered grass roots music and was seen as a barrier to emerging talent.

Lobbying by the music industry and its supporters led to a review by the Department of Culture Media and Sport and the subsequent deregulation under the Live Music Act 2012 The Legislative Reform (Entertainment Licensing) Order 2014.

As a result, changes under the Act and subsequent reform order, ended in substantive deregulation as detailed in the report.

Councillor Williamson asked if there was any control over the volume. He was told that there was not, but if any complaints were received then officers would investigate and if necessary, review the licence.

Councillor Lion noted that there was a recent case of a pub in close proximity of residents. He noted that their Licence could be reviewed, but could this be sorted when we were first granting the licence? He was told that because of the regulations it was an automatic entitlement, but it could then be reviewed if needed. It should be noted that we must licence music if the application was for after 11pm. Councillor Lion noted that this could cause issues with Licensing Sub-Committees, and we may need to explain to the public that we were not in a position to impose conditions. Mr King replied that this was confusing, and he would gladly work with the committee to come up with some explanatory wording and maybe put something on the website that we could direct residents to.

Councillor Keska added that this was a very useful document for members that sat on sub-committees, as they all needed this information.

#### **RESOLVED:**

The Committee noted the report on the Live Music Act.

### **9. Road Closures/Street Parties**

The Licensing Team Manager, D King introduced the report for information on the arrangements for road closures and street parties. The UK had a long history of organised street parties to celebrate national events and this year residents were encouraged to come together as part of the official Platinum Jubilee celebrations and to organise and host street parties across the bank holiday weekend.

To facilitate this, local authorities were asked to encourage these events by promoting them through their communication channels and by facilitating any necessary road closures etc.

In March this year a proposal was put to the Licensing Committee to streamline the existing road closure process and make it more accessible for residents. This was agreed and the following changes were implemented:

- Waive the £194 fee for community/charitable events. This was in line with the previous decision on 29<sup>th</sup> July 2014 and in respect of VE Day celebrations.
- 6-week application period - there are no legal deadlines, and whilst applicants should be encouraged to submit applications at the earliest stage, we can adopt a minimum 4 week notice cut off period. However, where objections are received this may not allow sufficient time for the Licensing Sub-Committee to determine the application and therefore, they may have to be refused outright.
- The Councils Licensing Team to undertake consultation with Essex Highways. The applicant is responsible for notifying neighbours, businesses, Town Parish Council and anyone who will be affected by the road closure.
- Risk Assessments – remove the need for risk assessments to be submitted at application stage and substitute with the following advice; *If your event is for 500 people or less, we won't normally ask for a risk assessment to be submitted as part of the application. However, you should ensure that you*

*consider all the risks involved and document these. This will help you to identify any particular areas where problems may occur and that you have addressed them. Documenting this process and demonstrating that you've prepared to mitigate risks offers you protection if something happens at your event. Please refer to the 'Guide to Street Party and Planning' for further guidance. You can get further advice from the Health and Safety Executive at [www.hse.gov.uk](http://www.hse.gov.uk)*

- Removal of the requirement for public liability insurance. There is no requirement from central government to have public liability insurance and many councils don't insist on this. However, applicants are advised that if they wish to obtain insurance for their own peace of mind, information about public liability insurance is available on third party websites including; the Streets Alive, [streetparty.org.uk](http://streetparty.org.uk) and the Big Lunch etc.

This recommendation is in line with Governments guidance to organising a street party [Your guide to organising a street party - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Following the sad passing of Her Majesty The Queen, it has now been confirmed that His Majesty King Charles The III's coronation will take place on Saturday 6th May 2023.

At this time, it was not known if the proceeding Friday or following Monday will be made a bank holiday. Irrespective of a bank holiday or not it is anticipated that residents will again be encouraged to celebrate this momentous occasion and accordingly local authorities will be expected to make the process as easy as possible.

Given the success of the process adopted for Her Majesty The Queens Jubilee, it was proposed that the same application process be adopted for His Majesty King Charles The III's coronation. This was agreed by the Committee.

Councillor Morgan asked if the fees would remain the same. Mr King said he did not know at this time and was looking into this.

#### **RESOLVED:**

1. That the current procedures for local authority involvement in the authorisation for road closures and street parties were noted; and
2. That this process remains in place for the coming Kings Coronation in May 2023.

#### **10. Taxi Tariff**

The Committee noted that there had not been a fare tariff increase since 2014 and taking into consideration current fuel prices, cost of living, inflation and EFDC's low ranking both nationally and locally compared with other local authority's taxi tariffs, it was recommended that the four options laid out in the report be considered and one agreed.

The current fee tariff has not been reviewed for the last 8 years and was scheduled to be reviewed as part of the wider taxi policy review. However, due to the ongoing

unprecedented fuel and cost of living increases, it has been necessary to bring that review forward to support our licensed taxi trade.

Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, any charge made by a Hackney carriage, must not exceed the table of fares published by the licensing authority, irrespective of how that journey was arranged.

Before any published fares can be increased the Council must undertake consultation with the trade and public consultation by way of placing a public notice in a local newspaper. The consultation period must last no less than 14 days.

The meeting wondered about helping taxi drivers move across to electric vehicles. They noted that the trade were pointed towards the council's environmental agenda but there was one major barrier to this and that was the cost to the driver.

Councillor Keska proposed that the pricing structure should be looked at every 12 months. This was agreed by the committee.

Councillor Lion proposed that that the Committee endorses Option 3 of the report, (increased in tariff for the first 1760 yards (1 mile) across tariffs rates 1,2,3 and 4 by £1.00 and by £0.30 for each additional unit of 176 yards or part thereof or period of 40 seconds). This was seconded by Councillor Keska and agreed by the committee.

It was noted that once the informal consultation had been undertaken the Council could then consider responses and determine how it wishes to proceed. Also, that setting Hackney Carriage fares was a function of the Executive and therefore could not be undertaken by a regulatory committee or full Council.

**RESOLVED:**

1. That Option 3 detailed in the report was endorsed by the Licensing Committee; and
2. That the pricing structure should be reviewed every 12 months.

**11. Review of Licensing Sub-Committee Procedures**

The Committee noted that sub-committee meetings were now being staggered through the day so that applicants and objectors did not have to wait too long for their case to be heard. This would begin from 8<sup>th</sup> November and officers would welcome feedback from members on how this was working.

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

It was noted that full training would be needed after the May elections for any new members and as a refresher for existing members.

**13. Matters Arising**

There were no matters arising.

**14. Date of Next Meeting**

The Committee noted the date for their next meeting, 22<sup>nd</sup> March 2023.

**CHAIRMAN**