

Committee Agenda



**Epping Forest
District Council**

Licensing Sub-Committee Thursday, 7th June, 2007

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 10.00 am

Democratic Services Officer A Hendry (Direct Line 01992 564246)
Email: ahendry@eppingforestdc.gov.uk

Members:

Councillors Mrs R Gadsby, P McMillan, Mrs P Smith and J Wyatt

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

1. ELECTION OF CHAIRMAN

Under the terms of reference for the Licensing Committee each Sub-Committee is required to elect a Chairman on an ad hoc basis for the duration of the meeting.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

4. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 5 - 10)

5. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
6.	Application for a Hackney Carriage Driver's Licence Mr A Hussain	1

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE – MR A HUSSAIN (Pages 11 - 16)

(Head of Environmental Services). To consider the attached application.

7. PUBLIC AND PRESS

That the Public and Press be allowed back into the meeting for the remaining items of business.

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION TO TRADE IN A DESIGNATED CONSENT STREET - REBELS DINER, HONEY LANE, WALTHAM ABBEY. (Pages 17 - 28)

(Head of Environmental Services). To consider the attached application.

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Agenda Item 4

PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

LICENSING COMMITTEE – TERMS OF REFERENCE

(1) The full Committee shall comprise 11 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.

... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub-Committee shall elect a Chairman on an ad-hoc basis.

(3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.

(4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.

(5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.

... (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).

(7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS
LICENSING COMMITTEE**

Licensing Act 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS
LICENSING COMMITTEE**

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Game Licences Act 1860
Gaming Act 1968
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Lotteries & Amusements Act 1976
Pet Animals Acts 1951 & 1981
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

Part 3(2) – Responsibility for Functions

PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUB-COMMITTEES

All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

4. Attendance of the Public

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

5.1 There are two elements to natural justice:

(a) Fairness

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
 - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
 - (ii) The Chairman will outline the procedure to be followed.

- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

***Report to Licensing Subcommittee
Date of meeting: 7 June 2007***

Subject: Local Government (Miscellaneous Provision)
Act 1976 - Application for a Hackney Carriage Driver's
Licence – Mr A Hussain

Officer contact for further information: Jim Nolan
4083

Committee Secretary: Zoe Folley 4532



Decision Required:

To consider an application from Mr A Hussain for a Hackney Carriage Drivers' Licence.

Report:

The above-mentioned application for a Hackney Carriage Drivers Licence has been received. The application cannot be determined under delegated authority rules because the applicant's CRB check and DVLA licence have revealed offences that do not allow officers to grant this Licence under delegated authority. Further details will be given at the meeting.

Background Papers:

List of papers attached:

1. Statement of Appeal made by Applicant
2. Copy of Applicants Driving Licence

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report to Licensing Subcommittee
Date of meeting: 7 June 2007

Subject: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION TO TRADE IN A DESIGNATED CONSENT STREET

Officer contact for further information: Jim Nolan
4083

Committee Secretary: Zoe Folley 4532



Decision Required:

To consider the attached application for a street trading consent for the sale of food at Rebels Diner Honey Lane Waltham Abbey.

Report:

For the purposes of street trading, all streets within the District have been designated consent streets, which means that anyone wishing to trade must obtain a consent from the Council.

An application for such a consent, attached, has been received from Mr R Holland trading as Rebels Diner, Honey Lane, Waltham Abbey and is attached at appendix 1.

Following consultation with Members, Officers, the Highways Authority, the Police and the publication of a notice of intention by in the local newspaper, objections to the application were received from Cllr Mrs Stavrou, ECC Highways, Waltham Abbey Town Council and one local resident. In addition an observation was received from the Police. Copies of the objections are attached at Appendix 2.

Objections having been received, officers do not have delegated authority to grant the consent.

If the application is granted then officers request that it be subject to the Council's standard terms and conditions.

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LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982: PART III



Environmental
Health

APPLICATION FOR STREET TRADING
IN A DESIGNATED 'CONSENT' STREET
(Renewal)

In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982

I ROGER ANTHONY HOLLAND
(Please give full name):

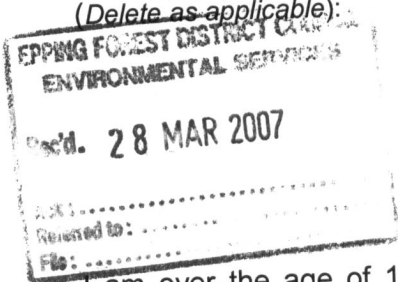
of: FLAT 5 CONNEMARA COURT GROOM ROAD
TURNFORD HERTS Post Code: EN10 6BA

hereby apply for a Street Trading Consent to sell: FAST FOOD BURGERS/SAUSAGES
(Description of goods): ETC

At: (Location): HONEY LANE WALTHAM ABBLEY
in each week on: -

Mondays	from	<u>6-30 pm</u>	to	<u>5 AM</u>
Tuesdays	from	<u>..</u>	to	<u>..</u>
Wednesdays	from	<u>..</u>	to	<u>..</u>
Thursdays	from	<u>..</u>	to	<u>..</u>
Fridays	from	<u>..</u>	to	<u>..</u>
Saturdays	from	<u>..</u>	to	<u>..</u>
Sundays	from	<u>..</u>	to	<u>..</u>

I wish to trade from a stationary:
(Delete as applicable):



TYPE of VEHICLE	SIZE
VAN	
CART	
BARROW	
OTHER	<u>TOWED Burger VAN</u>

I am over the age of 17 years. I understand that the fee does not include any element in respect of the collection of refuse by the Council; therefore, I undertake to remove refuse and cleanse the street during and on completion of each day's trading and comply with all conditions attached to a Consent.

Signed: R A Holland Date: 24/3/07



WALTHAM ABBEY TOWN COUNCIL

TOWN HALL, WALTHAM ABBEY, ESSEX, EN9 1DE

E-Mail: Townclerk@walthamabbey-tc.gov.uk

TEL: 01992 714949

FAX: 01992 716234

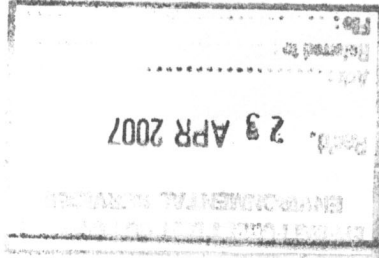
YOUR REF.

OUR REF.

RKJ/BAH/A16

R. K. JAMES Cert H. E. (LCA) IPSM
Town Clerk and
Chief Financial Officer

20th April 2007



Dear Mrs Tuckey,

Local Government (Miscellaneous Provisions) Act 1982 Street Trading
Rebels Diner, Honey Lane, Waltham Abbey

Further to your letter regarding renewal of the Street Trading Consent for the above.

I am instructed by my Members to say that they object to the renewal for the following reasons;

- A traffic hazard is being created by the number of heavy goods vehicles parking on both sides of the road and reducing the width of the carriageway at this busy point between motorway junctions.
- Litter from the operation attracts rodents and is creating a health hazard.
- Inappropriate activity in the Green Belt area.

Member's trust these issues will be considered by the Licensing Panel.

Yours sincerely,


Richard James Cert H.E. (LCA) IPSM
Town Clerk

Epping Forest District Council
Civic Offices
Epping
Essex CM16 4BZ

For the attention of Mrs K Tuckey – Senior Licensing Officer

West Area Office
Warwick House
Roydon Road
Harlow CM19 5DX

Telephone: 01279 642561
Fax 01279 642600
E-mail: highways.westarea@essexcc.gov.uk



Essex County Council
Highways and
Transportation Services

Davina Millership
Area Highways Manager

FAX MESSAGE

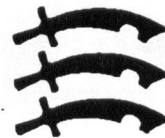
To: Environmental Services, Epping Forest DC
For the attention of: Kim Tuckey
Destination fax no: 01992 561016
From: Trevor Baker, Acting District Manager (Epping district)
Number of pages: 3 inc. this one
Date: Friday 20 April 2007

MESSAGE:

RE: Street Trading Consent -- Rebels Diner, A121 Honey Lane

As per my earlier e-mail, please find attached ECC letter of objection.

Regards, Trevor



Essex County Council

Your Ref:
Our Ref: TJB/PC.25(D6) 101319
Date: 20 April 2007

Epping Forest District Council
Environmental Services
Civic Offices
High Street
Epping
Essex
CM16 4BZ

Tony Ciaburro
Service Director for Highways & Transportation

Davina Millership
Area Highways Manager
West Area Office
Warwick House
Roydon Road
Harlow CM19 5DX

FAO: Mrs K Tuckey
By e-mail and fax: 01992 561016

Dear Mrs Tuckey

**Street Trading Consent (Renewal) –
Rebels Diner, A121 Honey Lane, Waltham Abbey**

I refer to your recent correspondence concerning the above.

Please be aware that Essex County Council as the Highway Authority wishes to raise an objection to the granting of a renewal of a Street Trading Consent at this location.

The grounds for this being:

- The indiscriminate parking of vehicles, especially Heavy Goods Vehicles, attracted to the facility significantly impedes the safe passage of traffic in the immediate vicinity.
- The lawful use of private accesses on to the highway in the vicinity is severely restricted both in terms of physical obstruction and the obstruction of sight lines.
- There is no safe provision for persons to cross the highway. The site of the facility is on a busy stretch of principal road where driver attention is being distracted by the parking on both sides, oncoming vehicles and vehicles manoeuvring. Pedestrians therefore should not be encouraged to cross at this location.
- Ongoing occurrences of vehicle damage to footways caused by the parking of vehicles thereon.

Cont/d.....



INVESTOR IN PEOPLE

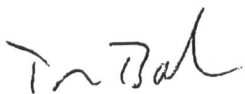


2002-2003
Adoption
2005-2006
Integrated Children's Services

I trust you will take note of this objection and advise if the above needs to be elaborated upon at some future date.

Whilst writing, I would also bring to your attention a planning application for the nearby Skillet Hill Farm, the access for which is situated along this section of road, which has recently been submitted to your authority. The application seeks to formally convert the farm in to a "truck stop" facility including I understand, changes to the existing access. Whilst you may feel that this is not something that can be submitted to your members as part of the renewal process, it is wise for you at least to be aware of the possible implications.

Yours sincerely



 Area Highways Manager

Please reply to Trevor Baker

Telephone: 01279 642500 Fax: 01279 642600

Internet: www.essexcc.gov.uk

Email: highways.westarea@essexcc.gov.uk

From: Kim Tuckey
To: Stavrou, Syd
Subject: Re: Rebels Diner

Hi Syd

Re

>>> "Syd Stavrou" <sydstavrou@lycos.com> 23/04/2007 07:18:31 >>>

F.A.O. Mrs. K Tuckey

Street Trading Consent (Renewal)
Rebels Diner, A121 Honey Lane, Waltham Abbey

I have been asked by residents to object to the above application on Health & Safety, Hygiene and Highways Safety concerns. Please note the file accordingly and advise me of the date of the hearing.

Many thanks
Cllr. Syd Stavrou
High Beach Ward

Love Games? Gamesville is Waiting for You...
Free Online Games, Fat Cash \$ Prizes
Plus Bingo, Solitaire, Poker & Much More!
<http://www.gamesville.com>

Jan Taylor
Upshire Hall Lodge
Honey Lane
Waltham Abbey
Essex
EN9 3QT
01992 767152
07842121014
janicetaylor89@aol.com



Ms Kim Tucky Licencing Department
EFDC
Civic offices
Epping
Essex

24th March 2007

Re: Burgher Van

Once again I register my complaints against the burgher van that trades in Honey Lane a stones throw from my house.

My garden is a haven for rats I am continually putting down poison as soon as one lot go another family move in, the Council rat man does supply poison but mainly we have to put poison down in the garden ourselves to keep on top of the problem.

The customers use my garden and grass verges as a toilet, and rubbish is continually being thrown in the fields behind the house.

The noise is unacceptable car radios, revelers talking and shouting and revving their engines all through the night.

To try and pull out on to Honey lane from our drive way is extremely dangerous, sometimes you have to get to the middle of the road before you can see both ways.

The heavy lorry's parking both sides of the road is continually damaging the pavements and manhole covers.

The lorry's make the road extremely hazardous to other road users which is already a very busy spot being between both exits and entry accesses to the M25.

Yours sincerely

Jan Taylor.

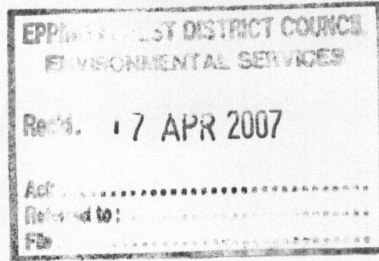
please notify me of the date of the hearing!



Waltham Abbey Police Station
35 Sun Street
WALTHAM ABBEY
Essex
EN9 1EL

Telephone 01992 652800
Website: www.essex.police.uk
Facsimile: 01279 625495

Mr J Gilbert
Head of Environmental Services
Epping Forest District Council
Civic Offices
High Street
Epping
Essex - CM16 4BZ



Our Ref:
Your Ref:

16th April, 2007

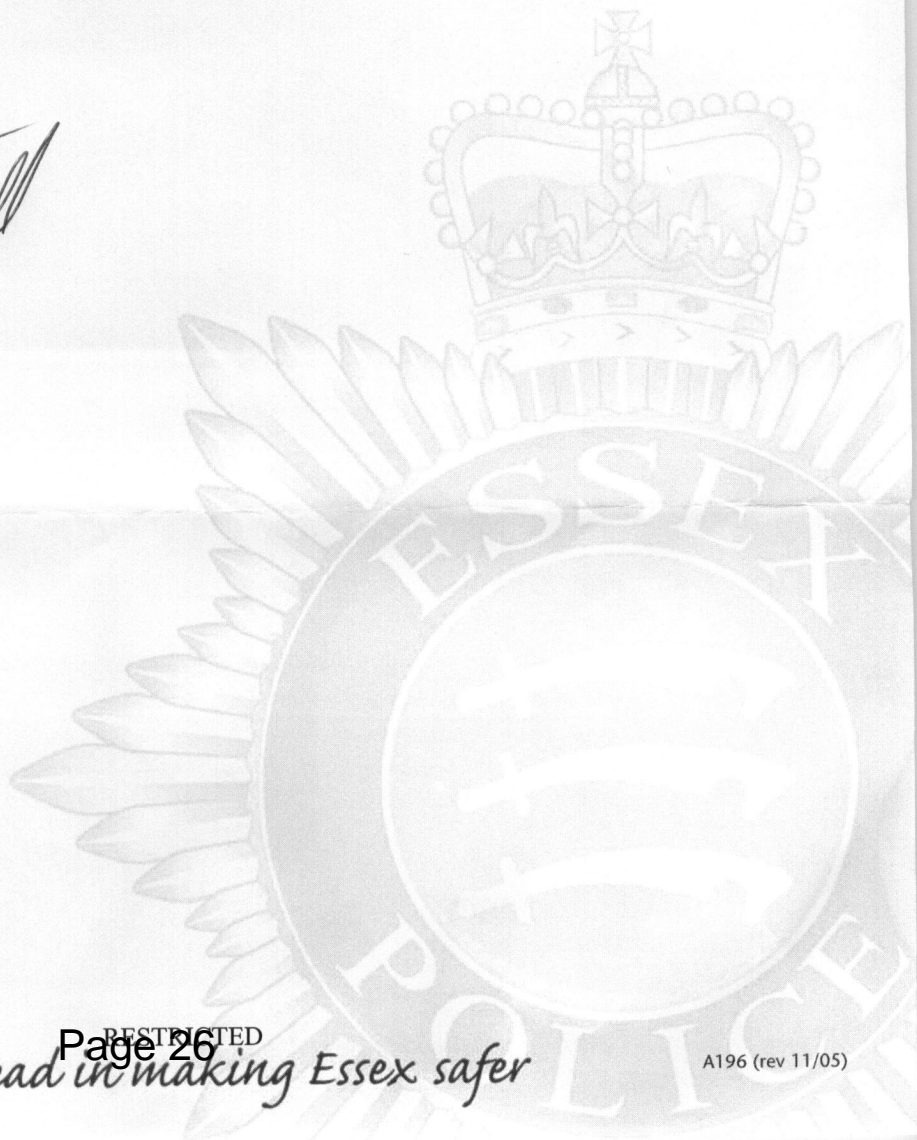
Dear Mr. J Gilbert

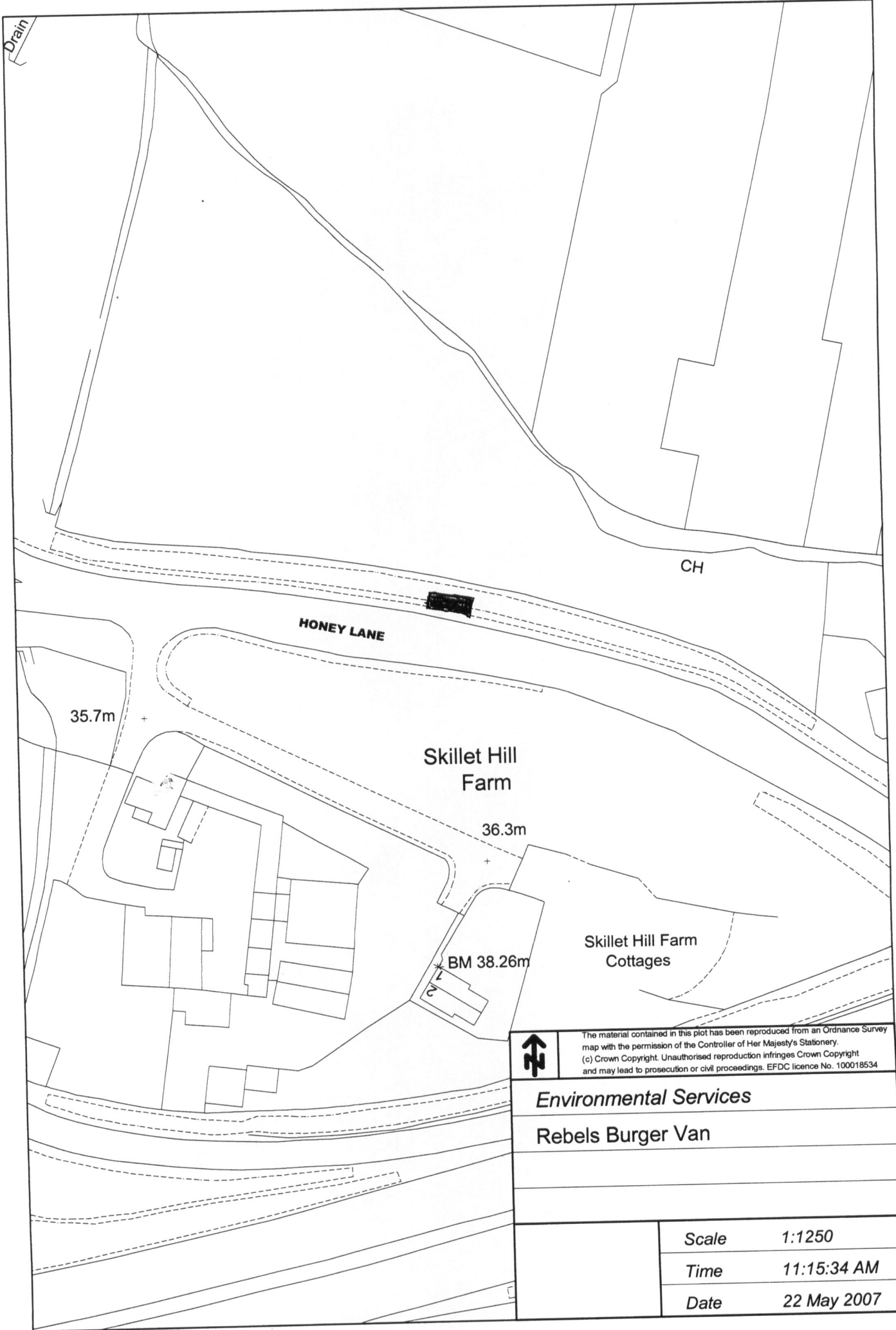
In relation to the street Trading renewal request for Honey Lane, Waltham Abbey I would like to make the following observation.


Whilst attending public meetings within the surrounding community concerns have been raised regarding the sitting of the burger van, the parking of customers and an increased risk of road traffic accidents. The accident statistics for that stretch of road are three non injury accidents and one slight injury accident from 1/1/2006 to 29/3/2007. However none of these four accidents were attributed to the presence of the burger van.

Yours sincerely

T Mitchell
Inspector 2482
Waltham Abbey






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Environmental Services	
Rebels Burger Van	
Scale	1:1250
Time	11:15:34 AM
Date	22 May 2007

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