

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

**Committee:** Licensing Committee **Date:** 14 October 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 2.05 - 3.10 pm

**Members Present:** Councillors Mrs P Brooks (Chairman), Mrs P Richardson (Vice-Chairman), K Angold-Stephens, K Chana, M Cohen, D Dodeja, Mrs R Gadsby, J Hart, Ms J Hedges, R Morgan, Mrs P Smith and J Wyatt

**Apologies:** Councillors Mrs S Clapp

**Officers Present:** A Mitchell (Assistant Director (Legal)), R Ferriera (Assistant Solicitor), K Tuckey (Senior Licensing Officer) and G J Woodhall (Democratic Services Officer)

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### **1. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared a personal interest in agenda item 6, Honey Lane Street Trading, by virtue of being a member of Waltham Abbey Town Council. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the issue.

### **2. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Committee.

### **3. MINUTES OF THE LICENSING COMMITTEE**

#### **RESOLVED:**

That the minutes of the meeting held on 15 April 2009 be taken as read and signed by the Chairman as a correct record.

### **4. 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:

- (i) 2 April 2009;
- (ii) 28 May 2009;
- (iii) 2 July 2009;
- (iv) 6 August 2009;
- (v) 3 September 2009; and

(vi) 1 October 2009.

## **5. HONEY LANE STREET TRADING**

The Assistant Solicitor presented a report concerning Street Trading on Honey Lane in Waltham Abbey.

The Assistant Solicitor reported that, following a request from the Town Council, the Committee had decided at its previous meeting to undertake a consultation with a view to making the whole of Honey Lane in Waltham Abbey a prohibited street under the Local Government (Miscellaneous Provisions) Act 1982. This would mean that no street trading of any type could take place along Honey Lane. A public notice had been placed in the local newspaper on 6 August, and by the end of the consultation period on 10 September 2009 there had been only a single response from Essex County Council stating that they had no objection. If the Committee was minded to continue then further public notices would be displayed in the local newspaper, with the order taking effect from 30 November.

The Committee queried whether the whole of Honey Lane would need to be made a prohibited street. It was felt that possibly only the area between the two motorway roundabouts, known as Skillet Hill, would need to be prohibited. However, it was confirmed that the whole of Honey Lane had been included in the Committee's previous decision, and that to further amend the area to be covered would necessitate beginning the process again. The Committee felt that the order should make reference that it included the area known as Skillet Hill. The Assistant Solicitor confirmed that a similar process would need to be followed if the prohibited street status was to be revoked.

### **RESOLVED:**

That the whole of Honey Lane, including that area known as Skillet Hill, be made a prohibited street under the Local Government (Miscellaneous Provisions) Act 1982 with effect from 30 November.

## **6. CONSULTATION UNDERTAKEN WITH TAXIS IN THE DISTRICT AND QUALITY PARTNERSHIP**

The Assistant Director (Legal) presented a report on the consultation undertaken regarding taxis in the District and the Quality Taxi Partnership. The Committee were informed that the Quality Taxi Partnership had been set up by the County Council to share good practice amongst District Councils, as well as provide funding for initiatives that would improve the service for the public. Periodic meetings would review the District Council's working practices, and consequently it had been recommended that the Council join the Partnership.

The Assistant Director stated that since the last meeting of the Committee, further research had been carried out in respect of introducing a Knowledge Test within the District for new Hackney Carriage and Private Hire Vehicle Drivers. A software package called Diamond had been recommended by other Councils, and it was felt that tests could be administered in the IT Training Room, which would reduce costs as up to eight candidates could be tested at the same time. It was expected that a new member of staff would be required to cover the extra work, but it was expected that a temporary member of staff would be initially employed in case the number of applications began to fall. It was estimated that the charge for each test would be £30, with a £17.50 charge for re-tests. Go Skills had issued a DVD called "This Time Every Time" which encouraged drivers to consider the needs of their passengers,

especially when dealing with disabled people. It was proposed that this be shown to Drivers when they attended to take their test.

The Assistant Director reported that all the operators who had previously indicated they operated wheelchair accessible taxis had been written to with an offer to place details of their service on the Council's website. Only two such operators had taken up the Council's offer. In respect of Green issues, enforcement action had been taken against the holders of taxi licences who had not had interim checks carried out on their vehicles, ensuring that not only were the vehicles safe but running efficiently. There were no plans to stipulate any further conditions regarding emissions for those vehicles used for private hire or hackney carriage fares.

The Committee were generally in favour of implementing Knowledge Tests and joining the Quality Taxi Partnership, but felt that the current DVLA test was sufficient for measuring driving competency. The Committee acknowledged that there would be a substantial number of cross border fares into London, but accepted that it was only practicable to test new drivers for knowledge of the Epping Forest District. The Committee was reassured that there were no security issues in using the IT Training Room to administer the test provided the applicants were escorted and supervised by Licensing Officers. It was felt that the implementation of a knowledge test would discourage applications from drivers who felt that Epping Forest was an easy place to get a licence and had no intention of working in the District.

The Committee felt that the offer to operators with vehicles adapted for wheelchairs should be extended such that they would be advertised at the Council Information outlets across the District and not just the website. It was also felt that the same opportunities should be offered to those companies that operated vehicles with low carbon emissions. The Committee queried why the re-test fee had not been set at the same level as the test fee, and felt that the workload should initially be absorbed by the existing staff before reviewing whether extra staff were required.

The Assistant Director responded that the re-test fee could be adjusted to £30 but it was always intended to review the income levels and whether the charges would require adjustment. The Committee were informed that there had been a lot of work involved in setting up these initiatives, hence the possible request for an extra member of staff.

**RESOLVED:**

- (1) That, as set up by Essex County Council, the Quality Taxi Partnership be joined by the Council;
- (2) That a Knowledge Test be introduced for Hackney Carriage or Private Hire Vehicle Drivers licensed for the first time;
- (3) That the requirement for all Hackney Carriage or Private Hire Vehicle Drivers licensed for the first time to also view the Go Skills DVD "This Time Every Time" when they undertake their Knowledge Test be noted;
- (4) That no conditions be imposed on vehicles in relation to Green issues;
- (5) That only two taxi companies took advantage of the Council's offer to put their details on the Council website if they had a specially adapted vehicle for wheelchairs be noted;

(6) That the same opportunity be offered to those taxi companies which operated vehicles with reduced carbon emissions, namely that they could advertise on the Council's website; and

(7) That this information be displayed at the Council's Information outlets across the District as well as the Council's website, regarding vehicles with either wheelchair access and/or reduced carbon emissions.

## **7. GAMBLING ACT - STATEMENT OF PRINCIPLES**

The Assistant Director (Legal) presented a report requesting approval for the amended Statement of Principles in respect of the Gambling Act 2005.

The Assistant Director reported that the Gambling Act 2005 made the Council responsible for issuing various permissions, permits and notices relating to the use of premises for gambling within the District. The Act required licensing authorities to make decisions after having taken note of the three licensing objectives, the Act, Gambling Commission guidance, regulations, and its own policy document referred to in the Act as a Statement of Principles. The Statement of Principles had to set out the criteria that the Council would apply when exercising its functions under the Act. The current Statement had been in place for three years and required reviewing. Very few amendments had actually been made as part of the review, mainly to take account of the new Government guidance. It was emphasised that under the current guidance to Councils from the Gambling Commission, Small Society Lotteries were generally not licensed.

### **RESOLVED:**

That the Gambling Act 2005 Statement of Principles be approved.

## **8. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003**

The Assistant Director Legal Services reported that in respect of Premises License Applications or Variations, there had been 6 new applications, 60 renewals, 33 Change of Designated Premises Supervisor applications, and 1 application for variation received. Of these, 33 applications had been granted under delegated authority, whilst 1 had been considered by the Sub-Committee and granted subject to conditions. One application had been reviewed. In addition, 88 Temporary Event Notices had also been granted, and 31 Personal Licence applications had been received and granted under delegated authority. There had been one appeal to the Magistrates' Court during the period.

### **RESOLVED:**

That the report to the Licensing Committee regarding the current situation in respect of the applications received under the Licensing Act 2003 be noted.

## **9. APPLICATIONS RECEIVED UNDER THE GAMBLING ACT 2005**

The Assistant Director Legal Services reported upon the applications received under the Gambling Act 2005. The Committee were informed that six notifications had been received for two gaming machines.

### **RESOLVED:**

That the report to the Licensing Committee regarding the current situation in

respect of the applications received under the Licensing Act 2005 be noted.

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

When reviewing the proceedings of the Licensing Sub-Committees held during the preceding period, there were no problems of policy, procedure or organisation identified by the Committee that had adversely affected the running of the Sub-Committee meetings. It was observed that a number of the Hackney Carriage or Private Hire Licence applications from applicants that resided a distance from the District were being refused.

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

The Committee considered whether any further training was necessary for those tasked with discharging the Council's Licensing function. The Committee was reminded that any new Members must be trained following their appointment at the Annual Council. This training would be organised by the Assistant Director (Legal) and Senior Licensing Officer at the beginning of each municipal year.

The Committee noted that Councillor Chana had been appointed as a replacement for Councillor Rolfe, following his elevation to the Cabinet as Portfolio Holder for Leisure & Wellbeing. Councillor Chana had previously been a member of the Licensing Committee and trained, so it was felt that the Councillor did not necessarily need to repeat the training, unless he felt that it would be of use to him.

**12. MATTERS ARISING**

There were no matters arising for the Committee to consider in respect of the Council's Licensing function.

**13. DATE OF NEXT MEETING**

The Committee noted that the next meeting had been scheduled for 14 April 2010 at 2.00pm in the Council Chamber.

**CHAIRMAN**