

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Committee **Date:** Wednesday, 13 April 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 2.00 - 3.16 pm

Members Present: Councillors Mrs P Brooks (Chairman), K Angold-Stephens, D Dodeja, J Knapman, L Leonard, B Rolfe, Mrs M Sartin and Mrs P Smith

Other Councillors:

Apologies: A Lion, K Chana, Mrs R Gadsby, Ms J Hedges, Mrs M McEwen, R Morgan and D Wixley

Officers Present: A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer) and A Hendry (Democratic Services Officer)

16. Declarations of Interest

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

17. Minutes of the Licensing Committee

RESOLVED:

That the minutes of the meeting held on 13 October 2010 be taken as read and signed by the Chairman as a correct record.

18. 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:

- (a) 5 October 2010;
- (b) 2 November 2010;
- (c) 7 December 2010;
- (d) 17 January 2011;
- (e) 1 February 2011; and
- (f) 1 March 2011.

19. 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, 286 renewals, 39 Change of Designated Premises Supervisor applications, and variation received. Of these, 6 applications had been granted under delegated authority, whilst 1 had been considered by the Sub-Committee and granted subject to conditions. No application

had been revoked, 115 Temporary Event Notices had also been granted, and 35 Personal Licence applications had been received and granted under delegated authority. There had been no appeals to the Magistrates Court during the period.

In respect of the Gambling Act 2005, 3 club gaming permits had been granted, whilst 1 notifications had been received for two gaming machines.

RESOLVED:

That the report to the Licensing Committee regarding the applications received under both the Licensing Act 2003 and the Gambling Act 2005 be noted.

20. Licensing - Taxi Knowledge Procedure

The Committee agreed with the officer's recommendation, that it made more sense for an applicant for a taxi licence or a renewal to take the taxi knowledge test after a Licensing Sub-committee had considered their case.

RESOLVED:

That the Taxi Knowledge Test be undertaken only after the applicant had been considered by a Licensing Sub-Committee.

21. Licensing Pavement Licences

The Council had asked the Licensing Committee to review the issuing of Pavement Licences. This Committee had reviewed and recommended to the Council that the council issue licenses with standard conditions and that a fee of £250 per annum for premises with five or more tables or £150 per annum for premises with less than five tables be charged. However, on discussing this recommendation, the Council expressed some concerns as to the proposed levels of the fees and the report was referred back to the Licensing Committee.

The Committee noted the fees were set at the full recovery value. They were set this high because of the amount of work involved by officers. The procedures set out in the Act in regards to the granting of a licence and appeal procedures are time consuming and it would not be possible to accommodate this work within the licensing section without further assistance. The original report recommended a fee level that would cover staff and other costs. However, if the council decided not to issue licences for this, then it would have to be in accordance with its policy, with the policy being amended to reflect this.

The Committee were minded to support the recommendations not to issue pavement licences, but would like it kept under review, with the policy being reviewed after one year.

RESOLVED:

- (1) That the Licensing Committee recommends that the Council does not issue pavement licences; and
- (2) That this is kept under review for one year and a further report is brought back to the Licensing Committee in a year's time.

22. Sexual Entertainment venues and Sex Establishment Licensing Policy

The Committee noted that at its meeting on 13 October 2010, they considered the draft policy for the regulation of sex cinemas, sex shops and sexual entertainment venues and agreed that the draft policy should go out to consultation. Three replies were received.

Loughton Town Council along with Moreton, Bobbingworth and the Lavers Parish Council and Epping Town Council had made submissions to the consultation, but only Loughton Town Council suggested any amendments.

The first observation from the Town Council referred to the advertising requirements for the notice and the fact that it appears that a time limit had been omitted. In fact some additional words had been inserted and so paragraph 4.2, second sentence, should read:

“The notice shall be displayed for a period of 21 days beginning with the date the application was made”.

The Town Council had suggested an amendment to paragraph 8.1 of the policy so that the Authority when considering the application would not only look at the locality at the time of the application but should have regard to any outstanding/unexecuted planning application; for instance a for a school.

The Town Council had pointed out that paragraph 8.2 (c) and (f) are a duplication of the same point. And there were no specific conditions relating to Sex Cinemas.

Councillor Sartin pointed out that paragraph 1.3.2 needed the word ‘of’ added to it, so that it read “...will take account ‘of’ the legal...” this was agreed.

Councillor Sartin asked if CRB checks were carried out on all applicants and was assured that they were.

The Committee noted that officers would consult all places of worship within the area.

Councillor Knapman was concerned that under paragraph 8.2 the authority would have a general policy presumption against the granting of licences. The wording should be changed to make it more permissible, as opposed to being a general policy against granting.

Councillor Sartin proposed the following wording “The authority give strong consideration to the appropriateness to granting licences in our area” and this was agreed.

The Committee also agreed to remove the delegated authority from officers and wished each application to go to a sub-committee for a decision.

RESOLVED:

The Committee recommend to Council that:

1. That Council adopts the draft Sexual Entertainment Venues and Sex Establishment Licensing Policy with the appropriate amendments after consideration of representations received; and
2. The standard conditions set out in the Policy being imposed on the relevant licenses, unless the Licensing Sub-committee agree that they may be waived or varied in whole or in part, be agreed.

23. Taxi Quality Partnership Meeting

The Committee noted the report on the latest Taxi Quality Partnership meeting held on 2nd September 2010 and 4th April 2011. They noted that there were still some problems with the taxi rank at Loughton Station and that legal advice was currently being sought.

They also noted that the Licensing Service had been funded again this year and £1,000 was given to EFDC by Essex County Council QTP to supply booklets and maps for licensed drivers.

RESOLVED:

That the report on the Taxi Quality Partnership Meetings be noted.

24. Review of Licensing Conditions for Taxis

The Committee noted that a number of minor changes had been proposed after the officer review of the Licensing Conditions for Taxis. The Government are proposing to introduce a number of conditions for taxis and officers did not want to pre-empt this by suggesting any major changes.

It was noted that:

- Officers could ask for any unsuitable adverts placed on headrests to be removed;
- The Committee wanted the word 'regular' inserted instead of 'periodic' in paragraph two of the report;
- They would like the taxi operators to inform their customers by text of the charge for a journey and who would be picking them up. Officers did not want to put this in the conditions as it would cost the operators money to put in such a system but they were willing to make them aware of such a system and leave it up to them. Members agreed that they did not want to add to the operators costs at this time;
- The Committee debated the merits of using central locking and concluded that it was a balance between safety (if carrying Children for instance) and security (to stop people skipping out without paying); and
- The matter of lost property came up and members wished to add a condition that the operators contact the customer if lost property was found.

RESOLVED:

- (1) That the proposed changes to the Taxi Licensing Conditions be agreed; and
- (2) That a consultation exercise be carried out with members of the trade and interested parties.

25. Review of Licensing Sub-Committee Procedures

The Committee had nothing to raise about its current procedures.

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

The Committee noted that there would be a two hour Licensing Training session to be held on Thursday, 26 May 2011, starting at 7.30pm. If members needed more information or could not make that date then one-to-one training could be arranged.

27. Matters Arising

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

28. Date of Next Meeting

The Committee noted the date for the next meeting.

As this was the last meeting for the year the Chairman thanked members and officers for their hard work throughout the year. The Chairman, in her turn was thanked on behalf of the Committee for her work during the year.

CHAIRMAN