

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

**Committee:** Licensing Committee **Date:** Wednesday, 11 April 2012

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 2.00 - 3.40 pm

**Members Present:** Councillors R Morgan (Chairman), K Angold-Stephens, A Boyce, K Chana, D Dodeja, Mrs R Gadsby, L Leonard, Mrs M McEwen, Mrs M Sartin, Mrs P Smith, D Wixley and G Waller

**Other Councillors:**

**Apologies:** A Lion and Mrs J Sutcliffe

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

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### **13. Declarations of Interest**

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

### **14. Any Other Business**

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

### **15. Minutes of the Licensing Committee**

**Resolved:**

That the minutes of the meeting held on 12 October 2011 be taken as read and signed by the Chairman as a correct record.

### **16. 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) 4 October 2011;
- (b) 8 November 2011;
- (c) 6 December 2011;
- (d) 10 January 2012;
- (e) 7 February 2012; and
- (f) 6 March 2012.

**17. Applications Received under the Licensing Act 2003 and Gambling Act**

The Assistant Director (Legal Services) reported that in respect of Premises License Applications or Variations, there had been 4 new applications, 313 renewals, 41 Change of Designated Premises Supervisor applications, and variation received. Of these, 4 had been considered by the Sub-Committee and granted subject to conditions. No application had been revoked, 191 Temporary Event Notices had also been granted, and 62 Personal Licence applications had been received and granted under delegated authority.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, 2 club gaming permits had been granted, whilst 9 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, from the period from 27 September 2011 to 12 March 2012, be noted.

**18. Installation of Meters in Hackney carriages and the Setting of Fares**

The Committee received a report for considering fixing fare tariffs and requiring all hackney carriages to have a taximeter installed. This had resulted from a request by the Epping Forest Taxi Association representing some independent taxi drivers in the district. The Committee noted that a consultation had been carried out on the setting of a tariff and 131 respondents agreed that the Authority should set the fares; 51 were against the proposition.

Officers tabled a full report detailing the survey and the results achieved.

It was noted that a tariff fixed by an Authority may permit different rates to be charged at different times of the day and on Bank Holidays or other specified days. Notice of the fares must be published in a local newspaper and deposited at the Council's Offices for inspection. Any objections must be considered and the original or amended fare tariff would then come into effect. Charges would only apply to journeys that take place within the District.

The Committee noted that taximeters could be fitted through a garage or an independent dealer. However, the Council was looking to go out to tender for the fixing and calibrating of meters and find the best deal available. The cost and work on individual vehicles would be paid for by the vehicle proprietors.

Councillor Angold-Stephens noted that the taxi drivers wanted to see the meters installed. Councillor Boyce commented that it was a good idea for both the Authority and the drivers. Councillor Smith wanted to know what the cost would be to the drivers and any additional costs involved. The Assistant Director (Legal Services), Alison Mitchell, replied that the Council did not have the expertise to install and calibrate the meters and intended to put this out to contract. Therefore, officers could only know the full costs after the tendering process had been gone through. She was expecting the basic costs to be around £200 to £245 to purchase and have a meter fitted. The meter will then have to be calibrated on a regular basis. The successful

bidder would be the sole supplier with a contract period of about three years when it would be re- tendered to test the market.

Councillor Startin what the time frame would be for this. She was told that a report would be going to the next Licensing Committee along with one about progress made on taxi ranks. Tariff prices had not yet been considered.

Councillor Dodeja asked if mileage could be displayed on the meters. He was informed that it would depend on the sophistication of the meter installed; however, the price per mile would be set and the meters calibrated regularly.

Councillor McEwen asked how the council could enforce this if some taxis did not install a meter. Ms Mitchell said that all taxis were inspected half yearly, and that there would be a grace period given to install the meters.

Councillor Waller said there was an argument that introducing fixed prices reduces competition, especially with private hire vehicles. However, it was pointed out that the advantage of Hackney Carriages was that they could be hailed on the street, although private hire vehicle rates could be negotiated over the phone.

Referring to recommendation one of the report, Councillor Smith asked if taxis outside the district would have to have meters. She was told that only cabs licensed by EFDC would have to have them. Councillor Smith asked that this be made clearer in that recommendation as it was ambiguously worded at present. This was agreed.

Councillor Smith went on to say that we should be very clear about the timetable we should be working to for this. It should include the timescale for the tender period and allow for the statutory advertising period and the installation period. In order to spread out the time scale for installation, she suggested that it be implemented on the date of each taxi renewal of their licence. Officers agreed it should be a rolling process.

Councillor Angold-Stephen asked that the tender document should ask for a range of prices for different types of meters; giving us a range of options.

**RESOLVED:**

- (1) That the Senior Licensing Officer carries out a consultation with a view to recommending a fare tariff for journeys within the district for EFDC licensed Hackney Carriages;
- (2) That meters are fixed to Hackney Carriages licensed in this area and that they are inspected on a regular basis;
- (3) That a company is appointed through the Council's tendering process to carry out this work; and
- (4) That a further report be brought back to the next Licensing Committee reporting on progress made.

**19. Change to Order of the Agenda**

With the Committee's approval the meeting considered agenda item 10 'proposal for taxi ranks within Epping Forest District' next.

**20. Proposal for Taxi Ranks within Epping Forest District**

Along with the consultation for the installation of taxi meters the public were also consulted on the need for taxi ranks in any particular area of the District. The detailed

results of which were tabled in a separate report. The Committee noted that the majority of respondents (68%) were happy to see taxi ranks established in the district.

The Committee noted that in order to create a taxi rank on private land it must first obtain consent of the land owner. The main areas of private land identified were the areas outside stations or supermarkets. Where it would be on the public highway the consent of Essex County Council would be needed. Once agreement had been obtained it would need to be advertised in the local press.

Councillor Wixley asked if the area outside Sainsbury's at Loughton Station was public highway or did it belong to London Underground Limited. Officers confirmed that it had been adopted by the Highways Authority.

It was noted that only Hackney Carriages could use the taxi ranks and not Private Hire vehicles.

Councillor Wixley pointed out that the report stated that the taxi stands would have to be reviewed from time to time, but what exactly did 'time to time' mean? Officers said that the Committee could agree a policy.

The four or five most popular, viable, proposed locations would be investigated for availability, ownership and suitability for a taxi stand and reported back as soon as possible.

Councillor Gadsby said that the ward councillors would need to be consulted; also the amount of information in the tabled document was too much for the Committee to take in at this meeting and that time should be allowed for the members to consider the information.

Councillor Morgan summed up by saying that the Committee needed more time to consider the tabled consultation results report and officers needed to produce a more detailed report listing a few proposed sites with background information. This should be brought to a specially convened meeting, probably in August, where it could be considered in more detail. This report should also be circulated to the relevant ward councillors for their input.

**RESOLVED:**

- (1) That a special meeting be convened in the summer to consider a more detailed report on proposals for taxi ranks within Epping Forest District;
- (2) That, once sites had been identified, the local ward councillors be notified and their views sought; and
- (3) That the Senior Licensing Officer, or an officer acting on her behalf, to seek consent of the landowner if on private land or the Highways Agency if on Highways Land.

**21. Honey Lane Street Trading**

The Committee noted that in October 2009 the whole of Honey Lane was made a Prohibited Street. Since then a public house had allowed a burger van to trade from its car park, which constituted street trading and enforcement action was being considered. As Honey Lane was not a consent street the Council cannot give consent for it being placed there. There may be similar businesses which are being prevented from trading in this way. This was reported to the last Licensing Committee

and it was agreed that the matter go out to consultation to allow street trading other than between the two motorway accesses.

The consultation had now been carried out and the objections were mostly on road safety. However, Waltham Abbey Town Council agreed that a stretch of roadway from the cemetery to past the Woodbine would be acceptable for street trading. If that part of Honey Lane was re-designated it would not mean that anyone could start trading there. It would be necessary for a consent to be applied for, and if granted conditions could be placed on the consent. The consent would also have to be renewed each year.

On consideration of the application to re-designate Honey Lane as a consent street and the replies to the consultation carried out, the Committee decided that the plan put forward by Waltham Abbey Town Council should be adopted and that any application for a consent on adopted highway be referred to the Licensing Sub-committee.

**RESOLVED:**

- (1) That that part of Honey Lane shown on the plan submitted by the Waltham Abbey Town Council be re-designated as a Consent Street for the purposes of street trading;
- (2) That the Council adopts a policy on the grounds of road safety against issuing a street trading consent on any of that part of Honey Lane which is adopted public highway; and
- (3) That the Council agree that only the Licensing Sub-Committee should have the delegated authority to issue a consent for street trading on any of that part of Honey Lane which is adopted public highway.

## **22. Police Reform and Social Responsibility Act 2011**

The Committee noted that the Police Reform and Social Responsibility Act 2011 had received royal assent. The act amended and made changes to the Licensing Act 2003, with part of the act relating to licensing recently being brought into force and the remainder expected in about October 2012.

The main changes are that:

- The Licensing Authority would become a responsible authority in its own right in relation to premises and club applications without having to wait for a request for a review;
- Primary Care Trusts and Local Health Boards also join the list of Responsible Authorities who will be able to object on the basis of the four licensing objectives;
- And “Any other person” has replaced “interested parties”;
- The Licensing department must advertise applications in a way that comes to the attention of all persons it may affect (the Council’s website would satisfy this requirement);
- The vicinity test had been removed;
- Members would now have to consider if any conditions attached to a licence was “appropriate” rather than “necessary”. This is intended to reduce the evidential burden on Local Authorities;
- Environmental Health Officers could now object to an application for a Temporary Event Notice (TEN);
- Conditions could be applied to a TEN if considered appropriate;
- Provision has been made for late TEN’s applications – between 5 – 9 working days before the proposed event;

- TENs would be extended, allowing them to last up to 168 hours as opposed to the previous 98 hours; and
- There was also an increase in the number of days in a calendar year a single premises could be used for licensable activities from 15 days to 21 days (the number of applications that can be made by a premises remains 12 per year).

Other effects of the new Act would be to increase the fine for persistently selling alcohol to children and the closure notice had also been increased from 'up to 48 hours' to 336 hours.

The Licensing Authority may make an order prohibiting the supply of alcohol from premises in all or part of their area for any duration beginning at midnight and ending before 6am. This can only be made by full Council.

Alcohol Disorder Zones have been abolished.

A "late night levy" may be made to cover the cost of policing and other arrangements between midnight and 6am. At least 70% of the fees collected must be paid to the Police.

The Licensing Policy Statement would now be renewable every five years rather than the current three years. Ours would have to be renewed next year.

Further changes would not come in until next April and a further report will have to be submitted then.

As for calling a review for a premises, it would be that a lot of reviews would be triggered by complaints received. These would be assessed by Enforcement Officers and appropriate action taken.

Councillor Smith requested that a third recommendation be added to require a further report to be submitted to the Committee once details were known.

#### **RESOLVED:**

- (1) That the changes to the Licensing Act 2003 to be brought in by the Police Reform and Social Responsibility Act 2011 be noted;
- (2) To recommend to Council that the role of the Council as a Responsible Authority is delegated to the Director of Corporate Support Services and the Senior Licensing Officer; and
- (3) That a further report be submitted to the next Licensing Committee once further details were known.

### **23. Gambling Act 2005 - Statement of Principles**

It was noted that the Gambling Act 2005 required all licensing authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies.

The Committee considered the Council's amended statement and made the following comments:

- That it was difficult to define 'premises' under the act, as only one licence could be issued for any place;
- They noted that licensing objectives had been increased and enlarged;
- That the table of delegation was noted; and
- That two of the consultees listed in Appendix B had changed names.

**RESOLVED:**

- (1) That the amendments to the Statement of Principles were commented on and noted; and
- (2) That a consultation be undertaken with a view to a report being made to the next Licensing Committee.

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

The Committee had nothing to raise about its current procedures.

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

It was noted that new members would be trained in the new year.

**26. Matters Arising**

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

**27. Date of Next Meeting**

It was noted that a special meeting would be convened in the summer to consider a more detailed report on proposals for taxi ranks within Epping Forest District.

**CHAIRMAN**