

# Committee Agenda



## Epping Forest District Council

### **Licensing Committee Wednesday, 9th October, 2013**

You are invited to attend the next meeting of **Licensing Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 9th October, 2013  
at 2.00 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Gary Woodhall  
The Office of the Chief Executive  
Tel: 01992 564470  
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#### **Members:**

Councillors K Angold-Stephens (Chairman), P Spencer (Vice-Chairman), A Boyce, K Chana, Mrs R Gadsby, P Keska, L Leonard, H Mann, A Mitchell MBE, R Morgan, Mrs M Sartin, Mrs P Smith, Mrs T Thomas and Ms S Watson

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**PLEASE NOTE THE START TIME OF THE MEETING**

**Please note that there will be a presentation on the Scrap Metal Act 2013 at 2.00pm in the Council Chamber, before the meeting itself**

**1. APOLOGIES FOR ABSENCE**

(Assistant to the Chief Executive) To be announced at the meeting.

**2. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**3. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks notice of non-urgent items is required.

**4. MINUTES OF THE LICENSING COMMITTEE (Pages 5 - 16)**

To confirm the minutes of the following meetings of the Licensing Committee held on:

- (a) 10 April 2013; and
- (b) 10 September 2013.

**5. MINUTES OF THE LICENSING SUB-COMMITTEES**

Copies of the minutes from the Sub-Committee's meetings will be available for the relevant Chairmen to sign off.

**6. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005 (Pages 17 - 20)**

(Director of Corporate Support Services) To consider the attached report on the numbers of applications received and the determinations of those applications under the Licensing Act 2003 and the Gambling Act 2005.

**7. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 21 - 80)**

(Director of Corporate Support Services) To consider the attached report.

**8. STREET TRADING - ESTABLISHED MARKETS FEES (Pages 81 - 84)**

(Director of Corporate Support Services) To consider the attached report.

**9. TEMPORARY ROAD CLOSURE ORDERS (Pages 85 - 88)**

(Director of Corporate Support Services) To consider the attached report.

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

To review the proceedings of the Licensing Sub-Committee held during the preceding period and identify any problems of procedure, policy and organisation that have adversely affected the running of the meetings.

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

To highlight any further training considered necessary for the members tasked with discharging the Council's Licensing function.

**12. MATTERS ARISING**

To consider any further matters arising in respect of the Council's Licensing function, not covered elsewhere on the agenda.

**13. DATE OF NEXT MEETING**

The next meeting of the Licensing Committee has been scheduled for 9 April 2014 at 2.00pm in the Council Chamber.

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Committee **Date:** Wednesday, 10 April 2013

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 2.00 - 4.55 pm

**Members Present:** Councillors K Angold-Stephens (Chairman), A Boyce, K Chana, L Leonard, A Mitchell MBE, R Morgan, Ms G Shiell, Mrs P Smith, P Spencer, Mrs T Thomas and D Wixley

**Other Councillors:**

**Apologies:** A Lion and Mrs M Sartin

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

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### **21. Declarations of Interest**

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

### **22. Any Other Business**

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

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

That the minutes of the meeting held on 10 October 2012 be taken as read and signed by the Chairman as a correct record.

### **24. Change in order of the Agenda**

In order to help the Taxi Drivers that were in attendance, the meeting agreed to take items 8 (Hackney Carriage Fare Tariff) and 9 (Taxi Policies) next.

### **25. Hackney Carriage Fare Tariff**

The Committee noted the report on the introduction of a tariff to regulate fares charged for journeys by Hackney Carriage. On consideration of various problems caused by taxi's not having a standard fare structure, the Licensing Committee last year had asked that a consultation be carried out with a view to recommending a fare tariff for journeys within the District for EFDC licensed Hackney Carriages. This was duly done and resulted in this report. A table updating the table in the report under paragraph 6 was tabled. This table updated the tariffs charged by various local authorities around our area.

The Chairman said that he thought that the proposed charges put us in the mid range and that he generally agreed with the proposals set out in Annex 1 of the report.

Councillor Wixley commented that these were the maximum rates that did not have to be charged, drivers could charge less but not more.

The meeting noted that the taxis must have their meters running even when on a lower negotiated fare journey.

The Committee noted that taxi drivers had been consulted over the proposals and an informal meeting had been held between them and the Committee on 22 January 2013. They also noted the timetable for the implementation of the scheme set out in the report, culminating in the final report going to full council in November 2013.

The Chairman noted that the proposed 'rate 4' indicated was only for the larger passenger vehicles. He noted that the Committee had to agree the fares and rates which then had to go out to consultation, with the results coming back to this Committee's October meeting.

The Committee also noted that the licensing conditions on the vehicles and drivers licence would also have to be updated. Also, if agreed drivers would have to be given reasonable time to install meters after they were agreed by full council, and this would take it up to February 2014.

The Chairman noted that this was a complex process so they needed a framework to start with.

Councillor Smith said they were reasonably certain that the fares were in the right place and emphasised that we had to follow our consultation process to the letter. The Chairman added that the policy would have to be agreed first.

#### **RESOLVED:**

- 1) It was agreed that this Authority should set the fares charged for Hackney Carriages;
- 2) That the charges as set out in Appendix 1 of the report (on page 27 of the agenda) be agreed and this tariff was to be advertised and if no objections received be agreed and recommended to full council; and
- 3) That the conditions of the vehicle licence be amended to include that meters must be installed in Hackney Carriages.

## **26. Taxi Policies**

Alison Mitchell, the Assistant Director (Legal) introduced the report updating the current licensing conditions and to introduce a Licensing Policy Document as recommended by the Department of Transport's "Taxi and Private Hire Vehicle Licensing – Best Practice Guide".

This draft policy consolidated the Council's current policies regarding taxi licensing its practices and licensing conditions, into one policy document. The requirements for and regulation of the taxi meters was included in the draft document. The second part of the draft policy set out a new criminal records policy and a guide to councillors on granting a licence to assist members to ensure that there was a consistent approach to granting a licence and the applicants will know before the hearing what members will take into account when making a decision.

The Policy will be the subject of a public consultation, a copy of the document will be placed on the Council's website and the list of the proposed consultees was annexed to the draft policy.

Councillor Smith noted that officers had worked hard on bringing this all together. It was good to have these guidelines.

The Chairman asked if the taxi offices had to have public liability insurance as taxi operators. He was told they needed it only if members of the public came to their premises, it did not apply to the operators.

The Chairman added that Julie Chandler the Assistant Director (Community Services and Public Relations), had raised concerns about training on child protection awareness and asked if this could be looked at as in some cases taxis carried unaccompanied children. Alison Mitchell said that she would see if something could be added to the knowledge test and she would also have a word with Ms Chandler.

Councillor Wixley added that sometimes taxi drivers may spot problems with the children they carry. Again this could be checked with Ms Chandler.

Councillor Leonard said the document caused him some concern as there were a lot of minor changes which added up. Could the changes be listed on one document? The Chairman noted that the document could show the changes by highlighting or underlining them.

Councillor Smith said that it was easier to look at the policy afresh than too look back at the previous policy. This was a reasonably straightforward read and she would leave it as it was. The Chairman agreed saying he would read it as a new document.

Councillor Smith, referring to the Licensing Objectives for hackney carriage and private hire vehicles asked if they also included the operators and the licensing proprietor's conditions. She was told that they could be expanded.

Councillor Smith asked if the District's County Councillors and the Police and Crime Commissioner were included in the consultation list and was told that they would be added.

**RESOLVED:**

It was agreed that the draft Hackney Carriage and Private Hire Licensing Policy go on to consultation.

**27. Informal Meeting Minutes**

The Committee noted the minutes of the meeting held with representatives of the taxi trade held on 22 January 2013 and the minutes of the informal meeting of the Committee held on 4 March 2013.

The Chairman wanted to express the thanks of the Committee to all the officers for all their hard work in organising these extra meetings and the background work that went with it.

**RESOLVED:**

That the minutes of the meetings held on 22 January 2013 and 4 March 2013 be noted.

**28. 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) 6 November 2012;
- (b) 4 December 2012;
- (c) 8 January 2013;
- (d) 22 January 2013;
- (e) 5 February 2013; and
- (f) 5 March 2013.

**29. Applications Received under the Licensing Act 2003 and Gaming Act 2005**

The Committee noted the latest figures concerning the number of applications received since September 2012 to March 2013.

**RESOLVED:**

That the report of the licensing applications received by the council during the period 19 September 2012 to 22 March 2013 be noted.

**30. Licensing Policy Statement - Licensing Act 2003**

Alison Mitchell, the Assistant Director (Legal) introduced the report following the public consultation on the proposed new draft policy. A number of the consultation comments were incorporated into the new policy. The Committee noted that the Policy was being updated following changes to the licensing legislation. They noted that now anyone could object to an application but the objection had to be pertinent to the four licensing objectives, relevant and evidence based.

Councillor Smith noted that one of the comments made was for a nominated child welfare officer for each premises. She asked if licensing officers were trained in child protection matters and if not, could they be. The Senior Licensing Officer, Kim Tuckey, stated that they did attend a wide range of training courses including courses on child protection policies. When inspecting premises they have an eye out for possible child protection issues and could negotiate with the premises holder to be mindful of these conditions.

Councillor Spencer asked if the consultation document that went to Essex County Council was for the officers or the councillors. Ms Tuckey replied that it was usually sent to the Chief Executive to be handed down to who they thought should see it. The Chairman asked that the list of the consultees be updated and brought to a future meeting to check if the Committee were satisfied with it.

The Chairman commenting on the Statement of Licensing Policy asked if the “the” in paragraph 1.15 be changed to read “any” so that it read “...be balanced against the wider benefits to **any** community.” Ms Mitchell agreed to change it.

He also noted that paragraph 1.22 referred to the Primary Care Trust, but they did not exist any more. They now had a ‘Local Commissioning Clinical Board’ and a ‘Health and Wellbeing Board’. Officers to amend where necessary.

The Committee considered having staggered times for premises instead of having the words ‘longer hours’ in the policy. But, they decided against it as it would touch on having zoning areas and premises would not necessarily be granted longer hours as they would all have to be considered on their own merit.

The Chairman also noted that paragraphs 6.3 and 6.7 dealt with the same thing and officers should look at the wording.

**RESOLVED:**

That, subject to the Committee’s comments, the Committee recommends that the Council adopts the Statement of Licensing Policy.

**31. Review of Licensing Services Task and Finish Panel - Final Report**

The Chairman noted that this report had been discussed at last night’s Overview and Scrutiny Committee meeting.

Alison Mitchell, the Assistant Director (Legal) introduced the report noting that the Overview and Scrutiny Committee had asked for details on the costing.

Councillor Smith, the Chairman of the Task and Finish Panel, noted that it had opened up other avenues of exploration, such as the roles of the Licensing Officer which had not been flagged up enough. There was an implied duty on officers to mediate between applicants and objectors; this did not come through strongly enough at last night’s meeting. This work would have a large impact on resources.

Councillor Morgan noted that they had a long debate at the Overview and Scrutiny meeting. The report would now cost the Council over £60,000 in the first year. He noted that some elderly people would not want to travel in the evenings, solicitors would also charge extra for turning out in the evenings. It would help if some of the premises applications could be looked at during the day.

The Senior Democratic Services Officer, Simon Hill informed the meeting that three committees had a right to speak to the Task and Finish report before it went to full Council. They were the Overview and Scrutiny Committee, the Cabinet to consider the budgetary implications and the Licensing Committee.

Councillor Wixley had several concerns about who would be consulted, would Town and Parish Councillors be consulted now; the cost and security of officers staying for late night meetings (should they be given a taxi home); if a meeting was to continue the next day – would it be held in the evening or during the day? He had his doubts about this report.

Councillor Morgan added that member travelling costs had not been taken into consideration.

The Senior Licensing Officer, Kim Tuckey, noted that she had to arrange a number extra meetings over the last few months and to do this she was dependant on the consultation period. This report raises the possibility of five extra meetings per month. As officers they would have to do a lot of background work on each case.

Councillor Boyce thought that the few members that had started this process regarded licensing as the same as planning, which it was not. It was more constrained in what it could do. If an application was refused on uncertain grounds then it would be appealed. This was also adding a lot more meetings for officers and members.

The Chairman noted that the democratic benefit was to enable working councillors to attend meetings as well as objectors who could not attend daytime meetings. But, most objectors were elderly and would not want to come out in the evenings. There was lot of work to be done on the consultations and any new staff would not be up to speed for some time. Ms Tuckey agreed, saying that it was not just the law on nightclubs they needed to know about, but the Acts for all the other various applications. An officer would need to have about six months training to be competent in the basics.

Councillor Wixley asked if members for evening meetings should be trained in the evenings; and could they attend the full Licensing Committee that meets during the day. Also, what happens if a member of a Panel that has to be continued from the previous evening could not attend the next day's meeting?

Councillor Smith also noted that case law was prejudicial against ward members considering applications that involved their own wards.

Councillor Morgan proposed that the Licensing Committee did not accept the recommendations in the report as they were not appropriate and the costs were too prohibitive. This was seconded and agreed unanimously by the Committee.

**RESOLVED:**

That the Licensing Committee did not accept the recommendations of the Review of Licensing Services Task and Finish Panel on the grounds that they were inappropriate and the costs were prohibitive.

**32. Cumulative Impact Report**

Alison Mitchell, the Assistant Director (Legal) introduced the report on whether an assessment should be conducted into the cumulative impact of licensed premises on the four licensing objectives in some areas of the district.

The Committee decided that it was not practical to impose this on licensing officers at present and that this report should be postponed to the end of the year or early next year.

**RESOLVED:**

To postpone this report to later on in the year or early next year.

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

The Committee had nothing to raise about its current procedures.

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

It was noted that new members would be trained in the new year and that existing members should have a refresher course on licensing regulations and an overview of the recent updates.

**35. Matters Arising**

Councillor Smith commented that the licensing officers needed to be commended for carrying out the splendid service that they gave members. This was endorsed by the rest of the Committee.

**36. Date of Next Meeting**

The next meeting date for this Committee was noted.

**CHAIRMAN**

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Once an application had been received, the local authority must consult with any other local authority (if an application had been made or licence issued to the same applicant), the Environment Agency and the Police.

The meeting also noted the proposed fees set out in the supplementary report and the tabled sheets on how the figures had been calculated.

Councillor Smith asked if the Town and Parish councils qualified as local authorities to be consulted. Ms Mitchell said that as they were not looking at the site but the person; the Town or Parish Councils would be unlikely to give us the type of information set out in the Act and were not consultees mentioned in the legislation. However, officers could circulate this information to the local Councils for their information. Councillor Angold-Stephens noted that the sites would come under planning regulations.

Councillor Sartin asked if they would like to have separate collector's licences from each authority's area that they collected from. Ms Kitts, the Licensing Compliance Officer said that yes, they would. They should have an appropriate badge displayed on their collection vehicle.

Councillor Sartin then asked if they submitted an application would it be down to officer delegation to decide or would it come to the committee. Ms Mitchell replied that if there were no objections then officers would decide, if there were an objection then it would go to a Sub-Committee.

The Committee then discussed whether or not a householder was responsible for checking if a collector had an appropriate licence. It was noted that if any material was found fly-tipped and the offending material could be traced to a household then they could be prosecuted even if they gave it to a passing collector.

Councillor Morgan asked what kind of 'grandfather rights' did existing yards have and how far back would officers have to check for previous prosecutions. Ms Mitchell said that existing sites have to apply by 15<sup>th</sup> October. New applicants would have to apply by 1<sup>st</sup> October.

Councillor Mitchell asked if cash payments could still be used. She was told that there was a requirement that all transactions were recorded so that they could be traced back and should be made either by cheque or by electronic means.

Councillor Mitchell then asked if officers could carry out surprise inspections. Ms Kitts said that they could carry out unannounced inspections if warranted, but usually they were announced.

Councillor Spencer asked if draft guidance had been produced for all neighbouring authorities. He was told that Essex had produced a template for all authorities in Essex, so they should all be basically the same, with minor local amendments.

Councillor Mann asked if each company got an official council receipt book. Ms Kitts replied that they had a draft template that they could use. It was noted that a lot of people keep electronic records, such as spread sheets, that can be inspected by officers.

Councillor Angold-Stephens asked if regular yearly inspections would be carried out. He was told by Ms Mitchell that officers had put in one for the first year and then after would carry out an inspection if required.

Councillor Chana asked if inspections would be announced or unannounced. He was told that to start with they would be announced, but if we had any complaints then they would just turn up. Councillor Chana added that there should be at least one unannounced inspection and the meeting agreed this.

**AGREED:** that an unannounced inspection should be factored into our inspection programme.

The Committee expressed their concern about the manpower needed to administer this and noted that extra staff had been taken on. Ms Mitchell explained that she had kept our charges low to cover only one inspection a year, however if members wanted more than one inspection then the charges would have to rise correspondingly. She noted that if a problem was reported then an inspection would be arranged regardless. Also it should be noted that we were prohibited from making a profit from our charges. Although it should also be noted that we would make a loss in any case, as we cannot charge for enforcement.

Councillor Sartin proposed that the charges be raised to over the price of two inspections over the licensing period. This was agreed by the Committee.

**AGREED:** that the price of a licence be increased to cover the cost of two inspections.

The Committee debated whether an official Council receipt book should be supplied to the successful applicants but decided that as they did not handle any cash payments that it was not necessary. However, they recommended that this be kept under review.

Councillor Leonard wanted to know what the penalties would be for dealers that did not follow the rules. Ms Mitchell said that there were different rates for different offences. Councillor Boyce noted that there would always be an element of cash transaction that could not be traced.

Councillor Smith asked if the Committee members could have some training on this, the human rights aspects and the overarching policy for when these cases came to a sub-committee hearing. Ms Kitts said that this could be arranged.

**AGREED:** to arrange training for members on the Scrap Metal Dealers Act 2013.

Councillor Morgan asked who the dealers were registered with at present and was told that it was with the Environment Agency.

Councillor Sartin wanted to have a list of the six current sites registered at present in our district. Ms Mitchell said she would provide this.

The Committee on reviewing the draft policy wanted an extra item added to section 6, listing the circumstances in which members might refuse an application.

**AGREED:** to add a paragraph to section six of the policy on reasons for refusal of a licence.

Councillor Smith wanted the officer's efforts in producing this policy document acknowledged and the appreciation of the Licensing Committee recorded. This was agreed by the meeting.

**RESOLVED:**

That the Committee:

- (1) Noted the licensing requirements of the Scrap Metal Dealers Act 2013;
- (2) Agreed that the draft guidance subject to the amendments made, be the subject of a consultation;
- (3) Revised the licence fees for submission to the Council for approval;
- (4) Recommend to Council that Officers and the Sub-Committees were granted the necessary delegations as specified in the draft guidance so that these are in place at the commencement of the Act in October; and
- (5) Recommend to Council that the Director of Corporate Support Services and the Director of Environment and Street Scene be given delegated authority to authorize officers to carry out inspections of the sites and vehicles used and conduct investigations and to issue prosecutions that may arise under the Act.

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

Councillor Morgan noted that a lot of extra meetings were being organised. Could officers send each member a list of what meetings they were scheduled to do in the near future.

**AGREED:** The Democratic Services Officer to supply a list to each member indicating which meeting they were assigned to.

Councillor Angold-Stephens noted that although there were a lot of extra meetings, it should be noted that this summer the Council had received only half the number of applications than they did last year. However, as they were restricted to hearing only one application per meeting and officers had to notify all residents within a 150 metre radius; this had contributed to the exceptional increase in the number of meetings. However, it was still too early to draw any firm conclusions. There were also concerns about costs such as the cost for the GIS service and for members travelling time.

It was also noted that officers were keeping a note of the numbers of the members of the public who attended these meetings.

**4. Date of Next Meeting**

He date of the next meeting was noted.

**CHAIRMAN**

## **Report to Full Licensing Committee**

**Report reference:**

**Date of meeting: 9<sup>th</sup> October 2013**

**Portfolio: Safer Greener Highways**

**Subject: Licensing Statistics**

**Responsible Officer: Kim Tuckey  
01992 56-4034**

**Democratic Services: Gary Woodhall  
01992 56-4470**



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### **Recommendations:**

**(1) That members note the report of licensing applications received by the Council.**

### **Purpose of Report:**

To report as required by statute the applications received by the Licensing Section

### **Applications received**

Under the Licensing Act 2003 and the Gambling Act 2005, officers are required to report on numbers of applications received and the determinations of those applications. The following table outlines the applications received from 19<sup>th</sup> September 2012 to 24<sup>th</sup> September 2013.

Applications received under the Licensing Act 2003:

### **Premises licence applications/variations**

Number of new applications	15
Number of renewals	359
Change of designated premises supervisor/variation	21
Number of applications considered by the sub-committee	13
Number of applications granted subject to conditions	13
Number of applications refused	0
Number of appeals to Magistrates	0
Number of revocations	0

### **Application received online- EU directive**

Application received for Temporary Events	5 (EU)
Temporary event notices	151
Late TENS	5

### **Reviews**

Application	0
Reviews refused	0

## **Personal licence applications**

Number of applications received	94
Number of applications granted under delegated authority	94
Number of applications refused	0
Number of appeals to Magistrates	0

## **Gambling Act 2005**

Betting office applications granted	0
Club gaming permit granted	2
Notifications for 2 gaming machines	4

## **Additional statistics information**

The Licensing Services Task and Finish Panel was established by the Overview and Scrutiny Committee in September 2012. Its primary objective was to undertake a review of the proposal that licence applications in respect of premises were considered in a similar way to planning applications.

The Task and Finish Panel reviewed the operation of the Licensing Sub-Committees and the way in which notification of applications were advertised. The intention was to involve local people in the decision making process.

The recommendations of the Panel were the subject of a report to the Overview and Scrutiny Committee on 9<sup>th</sup> April 2013. The recommendations were approved by Full Council on 20<sup>th</sup> June.

It was agreed that the licensing department would carry out the following for a period of nine months:

- The notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of application premises
- The envelopes should state "Important – Notice of Licensing Consultation"
- That the draft sample letter informing the occupiers of the application which was considered by the Panel be used when notifying residents
- That evening meetings were undertaken
- That after a trial period a review of the new procedure would take place in 6 months.

Licensing Committee members have asked for an update and figures have been provided for the period 1<sup>st</sup> June until 24<sup>th</sup> September 2013. These will be updated for the meeting of the Constitution and Member Services Panel on 19<sup>th</sup> November 2013 and then to Overview and Scrutiny Committee on 26<sup>th</sup> November 2013.

From the 1<sup>st</sup> June 2013 to date there have been ten applications heard in nine evening meetings.

The costs for the new procedures are as follows:

## Consultation

GIS time in identifying properties within 150 metres	£258.60
Printing/envelopes	£347.14
Temporary Officer appointed to support the new consultation procedure	£3148.21

## Evening Committees

Legal officer	£532.98
Committee officer plus 2 Licensing officers	£1598.94

Total to date £5885.87

The information below is provided by Democratic Services detailing the length of time the meetings took and how many people attended in 2013:

Date	Length of Meeting	Numbers in Attendance (including applicants and their representatives)
6 June	2hours 32mins	5
20 June	45 mins	2
18 July	35 min	3
24 July	1hour 23 mins	4
15 Aug	cancelled	2
5 <sup>th</sup> sept	33 mins	3
11 sept	1 hour	3
12 sept	55 mins	2
16 Sept	1hrs 55 mins	7
24 <sup>th</sup> Sept	3hrs	6

There are currently nine pending applications that will need to go to the Licensing Sub-Committee.

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## Report to Licensing Committee

**Date of meeting: 8<sup>th</sup> October 2013**



**Epping Forest  
District Council**

**Subject: Hackney Carriage and Private Hire Licensing Policy**

**Responsible Officer: Alison Mitchell 01992 56-4017**

**Democratic Services: Gary Woodhall 01992 56-4470**

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### **Decisions Required:**

**(1) That, subject to any amendments agreed, the Committee recommend to the Council that the Hackney Carriage and Private Hire Licensing Policy:**

**(a) be adopted in full; or**

**(b) if the Committee decides not to set fares for journeys in Hackney Carriages, that the policy be adopted without reference to the taxi meters; and**

**(2) That if it is agreed to install meters in Hackney Carriages, the Fares shown in the table attached to this report be put out to public consultation and if no replies are received that they are adopted and come into effect on 1 April 2014.**

### **Report:**

#### **BACKGROUND**

1. At its meeting held on the 11 April 2012, Licensing Committee members decided the Council should set a fare tariff for journeys undertaken within the district in a Hackney Carriage and that meters should be fixed into the vehicles. The current licensing conditions need to be amended to take this change into account.

2. The Department of Transport has issued a "Taxi and Private Hire Vehicle Licensing - Best Practice Guide" The Guidance recommends that the Council adopts a policy in respect of taxi meters and other matters mentioned in the Guidance which will inform its decision making.

3. At its meeting on 10<sup>th</sup> April 2013, the Licensing Committee agreed that a draft policy be put out to consultation to take account of the proposed fare tariff and the guidance.

#### **DRAFT POLICY**

##### **Need for the Policy**

4. The Guidance states that "The aim of the local authority licensing of the taxi and PHV trades is to protect the public. Local Licensing Authorities will also be aware that the public should have reasonable access to taxi and PHV services because of the part they play in local transport provision". The purpose of the draft policy is to set out and inform the trade of the Council's requirements. It will also allow members of the public to know what it may expect of the trade.

##### **Consultation**

5. The draft policy document was sent to the people and bodies listed in Appendix I of the draft policy and a copy placed on the Council's website. The April 2013 Committee report gave an outline of the draft policy. The Council has received a number of representations

which mentioned typographical errors which have been corrected in the version of the policy attached to this report.

### **Licensing Objectives**

6. The Committee will note the suggested licensing objectives set out in paragraph 3 of the draft policy. There are no formal licensing objectives specified in taxi licensing legislation as there is with the Licensing Act 2003 or the Gambling Act 2005. The licensing objectives have been selected by considering the requirements of the taxi licensing legislation. There were no comments made on these objectives by any of those making representations. If members agree these objectives it will be the Council's policy to consider all applications taking these into account.

### **Criminal Records Policy**

7. The Guidance recognises that a criminal record check is an important measure especially for those working with the young and the vulnerable. It recommends that in order to achieve consistency and thus avoid legal challenge local authorities should have a clear policy for the consideration of criminal records. A draft policy has been included as appendix 8 of the policy document.

8. This draft policy will be particularly relevant when an application in respect of a licence is being decided. If adopted, the members of the sub-committee will be required to have regard to the criminal records policy and must be guided by it, unless there are good reasons not to.

9. The draft policy distinguishes minor traffic offences and major traffic offences. There is annexed to this report information issued by the Department of Transport which sets out the various types of traffic offences, the penalty points which are attached to each and how long the endorsement stays on the licences. This information is attached to assist members in considering the types of offences which members consider to be in either category and whether they consider the time limits mentioned in the draft policy are reasonable.

10. The Rehabilitation of Offenders Act 1974 and the associated regulations permit members to take account of criminal convictions when making a decision as to whether a person is a fit and proper person to hold a driver's licence after the period when a conviction is otherwise regarded as 'spent'.

11. The information below as to the periods after which an offence may be considered 'spent' under the Rehabilitation of Offenders Act is included so that members can consider the seriousness attached to these offences under other legislation and assist in deciding whether the time limits specified in the draft policy is reasonable.

12. No representations were received regarding the Criminal Records policy.

### **Hackney Carriage Vehicles/Private Hire Vehicles, Drivers and Operators.**

13. This section of the draft policy sets out the procedure and matters which licensing officers take into account when assessing the applications. This procedure has been approved in the past by members either as part of the licensing conditions or committee decisions.

### **LICENCE CONDITIONS**

#### **Hackney Carriage Proprietor's Licence**

14. The licence conditions have been amended to add the requirement for a taxi meter to be fitted. This condition will be removed if the members decide not to fix a tariff. There have been representations made in favour and against this proposal. An earlier report of this committee has asked members to decide whether to adopt meters.

### **Private Hire Vehicle Licence**

15. These have been updated but not substantially changed.

### **Hackney Carriage Driver's Licence**

16. These conditions refer to the introduction of a fare tariff and meters and require the drivers to use the meters in respect of journeys undertaken in the district. These provisions will be deleted if the members decide not to introduce the tariff. There are other Minor amendments.

17. One of the replies to the consultation suggested that drivers should have a large photograph and their badge number displayed in the taxi. This is to ensure that the person driving is the same person as that shown on his badge. Currently there is a small photograph on the driver's badge of a similar size as the Council's staff identification badges..

### **Private Hire Driver's Licence and Operator's Licence.**

18. Again these have been amended but the amendments are minor or reflect the current practice. The comment made with regards to providing a larger sized photo in the taxi mentioned in paragraph 14 would also apply to private hire drivers.

### **Conclusion**

19. Members are requested to review the draft policy and recommend that the Council adopts this policy with any agreed amendments.

### **FARE TARIFFS**

20. On 10<sup>th</sup> April members resolved

*(1) It was agreed that this Authority should set the fares charged for Hackney Carriages;*

*(2) That the charges as set out in Appendix 1 of the report be agreed and this tariff was to be advertised and if no objections received be agreed and recommended to full council; and*

*(3) That the conditions of the vehicle licence be amended to include that meters must be installed in Hackney Carriages.*

21. A copy of the Fare Tariff is set out below for information.

22. If the Committee agree to meters being installed the tariff will be advertised in January 2014 with a view to introducing a tariff in April 2014. If representations are received then the tariff will be referred back to members. When the tariff is agreed the owners of the Hackney Carriages will have to arrange for the meters to be fitted.

### **Resource Implications:**

The fare tariff will have to be advertised in the local paper

### **Legal and Governance Implications:**

Town and Police Clauses Act 1847 and 1889

Local Government (Miscellaneous Provisions) Act 1976

Human Rights Act – Article 6 - right to a fair hearing

**Safer, Cleaner and Greener Implications:**

The aim of the local authority licensing of the taxi and PHV trades is to protect the public.

**Consultation Undertaken:**

It is proposed that the draft policy be put out to consultation

**Background Papers:**

The existing licence conditions

**Impact Assessments:****Risk Management**

That Hackney Carriage drivers and owners will be disadvantaged by the fact that the tariff may be higher than the fare charged by Private Hire Vehicle drivers but it is open to charge a lower fare. The meters will be inspected and to ensure that they are correctly calibrated.

**Equality and Diversity**

The policy will have equal impact on the applicants and will assist in applications by setting out the Council's requirements.

**TABLE OF FARES FOR HACKNEY CARRIAGES  
FROM**

**Annex 1**

**Rates 1, 2 and 3** apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for Rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) part thereof 400 seconds	Each additional unit of 176 yds (160.9m) or part thereof or period of 40 seconds
<p style="text-align: center;"><b>Rate 1</b></p> <p>For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive</p>	£3.50	£0.20
<p style="text-align: center;"><b>Rate 2</b></p> <p>For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays</p>	£3.70	£0.30
<p style="text-align: center;"><b>Rate 3</b></p> <p>For hiring on Christmas Day, Boxing Day, New Year's Day and after 6.00pm on Christmas Eve and New Year's Eve</p>	£4.10	£0.40
<p style="text-align: center;"><b>Rate 4</b></p> <p>For Hiring on Christmas day, Boxing Day, New Years Day and after 6.00pm on Christmas Eve and New years Eve</p>	£5.50	£0.50

**Assistance Dogs – No Charge**

All other dogs, carried at driver's discretion – No Charge

**Fouling of the vehicle** at the discretion of the driver, up to £70.00

These fares do not include any 'toll or congestion' charge.

All fares are inclusive of VAT

Airport bookings, West End & out of area bookings to be agreed by the operator and passenger before the journey commences.

**Complaints should be made to the Taxi Licensing Officer (01992 564034)  
Quoting the vehicle registration mark/licence number or the driver's badge number.**

Summary of above charges

- Rate 1      Up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter charged at a rate of £2.00 per mile in 20p increments. Waiting time is £18 per hour, in 20p increments
- Rate 2      Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime
- Rate 3      Double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night time/Sunday hour.

## Replies to the Consultation

Name of Consultee	Comment	Reply
Inspector Mark Jordan - Police	Expressed concern that the Private Hire Vehicles were not required to use a taximeter	The legislation only permits the Council to regulate Hackney Carriage Vehicles in this way.
Neil Sjoberg – The Epping Sports Club	The club often send minors home in taxis. Cabs should contain a large sized photo of the driver with reference number	At present taxi drivers wear badges of a similar size as the EFDC staff identification badges.
Ian Shaw	<p>1. Concerned that the Council does not limit the numbers of taxis and this results in higher fares being charged</p> <p>2. If a fare tariff is introduced for hackney carriages this will bring about a two tier system and hackney carriage drivers will lose trade.</p> <p>3. The result will be that drivers will transfer over to private hire. Requests that the council introduce a dual licence</p>	<p>1. Government Guidance is against introducing a limit on numbers. There are requirements to carry out wide consultations and the policy can be challenged at any time.</p> <p>2. The legislation does not permit a Council to set tariffs for private hire. It is open to the hackney carriage drivers to agree a lesser fare than that shown on the meter.</p> <p>3. Most hackney carriage drivers operate by being hailed or by pre-booking. As it is possible to agree a lower fare than the tariff there seems little advantage.</p>
Nina M Coulthard St Michaels and All Angels Church	Revd Coultard has asked that the amendment to policies are marked in bold.	This will be done in future.
Cllr Chris Pond	Objected to the fitting of meters in cabs	The Council previously consulted on Fare Tariffs and a report was made to members in April 2013
Vivienne Messenger Planning Committee Clerk for Loughton Town Council	<p>1. Objected to require cabs to be fitted with meters.</p> <p>2. The Committee considered that the objectives of fitting meters could be met by requiring drivers to exhibit a table of maximum fares and publish them on the District's website.</p>	The Council previously consulted on Fare Tariffs and a report was made to members in April 2013



## Penalty points (endorsements) from GOV.UK

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### Part 2 Endorsement codes and penalty points

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Each endorsement has a special code and is given 'penalty points' on a scale from 1 to 11. You get more points for more serious offences.

The table shows the offence codes that can be put on your driving licence. It also shows how many penalty points you can get for them. Some offences may also involve a disqualification.

Offence codes and penalty points must stay on your driving licence for 4 or 11 years depending on the offence.

#### Accident offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

#### Disqualified driver

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

#### Careless driving

Codes CD10 to CD30 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9

Code	Offence	Penalty points
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving licence for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

### Construction and use offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc	3

## Reckless/dangerous driving

These codes must stay on a driving licence for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

## Drink or drugs

Codes DR10 to DR30 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11

Codes DR40 to DR70 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

Code DR80 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

Code DR90 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
DR90	In charge of a vehicle when unfit through drugs	10

### Insurance offences

Code IN10 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

### Licence offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6

### Miscellaneous offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

## Motorway offences

Code MW10 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

## Pedestrian crossings

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

## Speed limits

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

## Traffic direction and signs

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3

Code	Offence	Penalty points
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

### Special code

Code TT99 must stay on a driving licence for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

### Theft or unauthorised taking

Code UT50 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

### 'Mutual recognition' codes

You'll get an 'MR' code on your licence if you're disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. Your disqualification period will also be valid in GB and will stay on your licence for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified

Code	Offence
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

### Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your licence if you have helped someone to do this.

### Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

### Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

Last updated: 14 February 2013

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## Penalty points (endorsements) from GOV.UK

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### Part 3 How long endorsements stay on your driving licence

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An endorsement must stay on your driving licence for the following periods of time:

#### 4 years from date of conviction

If the offence is for:

- reckless/dangerous driving - shown on the licence as DD40, DD60 and DD80
- offences resulting in disqualification
- disqualification from holding a full driving licence until a driving test has been passed

**Example** Date of conviction 28 May 2004 – the endorsement must stay on the licence until 28 May 2008.

#### 4 years from the date of offence

In **all other cases** endorsements stay on your licence for 4 years from the date of offence.

**Example** Date of offence 10 June 2005 – the endorsement must stay on the licence until 10 June 2009.

#### 11 years from date of conviction

If the offence is:

- drink driving or drug driving - shown on the licence as DR10, DR20, DR30, DR80 and DR90
- causing death by careless driving while under the influence of drink or drugs – shown on the licence as CD40, CD50 and CD60
- causing death by careless driving, then failing to provide a specimen for analysis – shown on the licence as CD70

**Example** Date of conviction 3 December 2002 - the endorsement must stay on the licence until 3 December 2013.

## How long will it take before my caution or conviction becomes spent?

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. It is calculated from the date of conviction or the date the caution is administered. The rehabilitation periods are shown in the table below.

<b>Sentence Disposal</b>	<b>Rehabilitation period for adults (18 or over at the time of conviction or time the disposal is administered)</b>	<b>Rehabilitation period for young people (under 18 at time of conviction or time the disposal is administered)</b>
Imprisonment or detention in a young offender institution for over 30 months (2 ½ years)	Never spent	Never spent
Imprisonment or detention in a young offender institution over 6 months but not exceeding 30 months (2 ½ years)	10 years	5 years
Imprisonment up to 6 months	7 years	3 ½ years
Fine	5 years	2½ years
Community Sentence	5 years	2½ years
Conditional discharge	3 months	3 months
Simple Caution, Reprimand Final Warning	Spent immediately	Spent immediately
<b><i>Some sentences carry variable rehabilitation periods. The main ones are as follows:</i></b>		
Compensation Order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Bind Over	The period of the order, or a minimum of 12 months (whichever is longer)	The period of the order, or a minimum of 12 months (whichever is longer)
Attendance Centre Order	A period ending one year after the order expires	A period ending one year after the order expires
Hospital Order	Five years, or a period ending two years after the order expires (whichever is the longer)	Five years, or a period ending two years after the order expires (whichever is the longer)

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## Sarah Kits

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**From:** Peter Jones  
**Sent:** 07 May 2013 08:15  
**To:** Licensing  
**Cc:** Marc Jordan  
**Subject:** FW: Hackney Carriage & Private Hire Licensing Policy - Consultation [NOT PROTECTIVELY MARKED]

Good Morning,

I have been asked to feed the below back to you. Insp Jordan is concerned that private hire vehicles are not going to use a taximeter.

Many Thanks

### *Peter Jones ABII (7706)*

Epping & Brentwood Licensing Officer  
West LPA

 Tel. 01279 625405 or 101 (Ext. 318175)

 Fax. 01279 625440 (Int. 318335)



 [www.essex.police.uk](http://www.essex.police.uk)

 Epping Police Station  
230 High Street  
Epping  
CM16 4AP

To find out what is happening in your neighbourhood and all about your local neighbourhood policing team visit [www.essex.police.uk/yourarea](http://www.essex.police.uk/yourarea) and enter your postcode.

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**From:** Marc Jordan  
**Sent:** 03 May 2013 14:30  
**To:** Peter Jones  
**Subject:** RE: Hackney Carriage & Private Hire Licensing Policy - Consultation [NOT PROTECTIVELY MARKED]

Peter,

Baring in mind our NTE problems I am a little concerned that private hire vehicles are not required to use a taximeter.

Can this be fed back

Regards

**Marc Jordan**

Inspector 70392 Jordan  
Loughton, Epping, Waltham Abbey & Ongar  
Neighbourhood Policing Team Inspector  
Loughton Police Station  
ext 313120

101 'Essex Police new non-emergency telephone number'  
follow @InspMarcJordan on twitter for latest news and stories

If you are calling from outside Essex Police please dial 0300 333 4444 or 101 and key in the above extension number when asked.

My Neighbourhood Constable is Pc 71045 Leigh Munden, who's yours?? To find out and also know what is happening in your neighbourhood and all about your local neighbourhood policing team visit [www.essex.police.uk/my\\_neighbourhood.aspx](http://www.essex.police.uk/my_neighbourhood.aspx) and enter your postcode

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**From:** Peter Jones  
**Sent:** 02 May 2013 12:27  
**To:** Ed Wells  
**Cc:** Marc Jordan; Russell Welch; Simon Dear  
**Subject:** FW: Hackney Carriage & Private Hire Licensing Policy - Consultation [NOT PROTECTIVELY MARKED]

Gents,

I have received the below regarding Taxies in EFD. Please read, and if you have any points to raise please do so either through me or direct to EFDC. I have attached an email showing a few comments I have made.

Many Thanks

***Peter Jones ABII (7706)***

Epping & Brentwood Licensing Officer  
West LPA

 Tel. 01279 625405 or 101 (Ext. 318175)

 Fax. 01279 625440 (Int. 318335)



 [www.essex.police.uk](http://www.essex.police.uk)

 Epping Police Station  
230 High Street  
Epping  
CM16 4AP

To find out what is happening in your neighbourhood and all about your local neighbourhood policing team visit [www.essex.police.uk/yourarea](http://www.essex.police.uk/yourarea) and enter your postcode.

## Sarah Kits

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**From:** ian shaw  
**Sent:** 08 May 2013 18:22  
**To:** Licensing  
**Subject:** hackney carriage & private hire consultation

As an existing licensed hackney carriage driver for over 10 years now licence number H112 i have to say it epping forest taxi licensing that have caused this issue of to many licensed taxi's with no where to operate from when i first applied for my taxi licence i had to provide details of which taxi office i was going to be working for before i was granted my licence it now seems that as long as you pay the licensing fees the council is happy to licence unlimited numbers of taxis with no office to work from creating the problem of the public being at best over charged and at worst ripped off buy some taxi drivers as it seems they can charge what they like.

Why i agree this cant go on and things have to change i feel that having every taxi fitted with a meter and the tariff set by the council you will create a two tear system as private hire drivers will be free to set their own tariffs and this will be unfair to the hackney carriage drives who will loose trade to the private hire operators.

For this reason many drivers and offices are thinking of changing over to private hire to stay in business but as i understand the licensing rules if i wish to go private hire i will have to surrender my hackney carriage badge which i don't really wish to do as i then would have to re apply as a new driver if i wished to work for another office as a hackney carriage driver so i think having a duel licence to allow me to operate either a hackney carriage taxi or a private hire car would be a good idea as this is the case in many other council licensed areas.

yours sincerely

I Shaw H112

## Sarah Kits

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**From:** Contact Us  
**Sent:** 20 May 2013 10:46  
**To:** Licensing  
**Subject:** FW: Information request from your website

Good Morning. This enquiry came in via Contact us. Forwarded on for your attention. Regards, Michael Murray

-----Original Message-----

**From:** neil Sjoberg [mailto:  
**Sent:** 19 May 2013 20:55  
**To:** Contact Us  
**Subject:** Information request from your website

[Your name] neil Sjoberg

[Your email]

[Phone number]

[Subject of Enquiry] Hackney can consulkatation [Describe your request] That cabs should contain a large sized photo of driver with reference number and name so passengers can be sure they are being driven by a registered driver(not someone borrowing his cab) and rember the driver in case of futuire need.

We often send minors home from a round of golf on their own in a taxi after parental request. It would be nice to know who they are going with.

[Your Postal Address] The Epping Golf Course Flux Lane Eppin g CM16 7NJ

Epping Forest District Council - <http://www.eppingforestdc.gov.uk/index.php/contact-us>

Client: 79.79.155.234 - Mozilla/5.0 (compatible; MSIE 9.0; Windows NT 6.1; Win64; x64; Trident/5.0)

## Sarah Kits

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**From:** Nina Coulthard  
**Sent:** 13 June 2013 20:17  
**To:** Licensing  
**Subject:** Hackney Carriage and Private Hire licensing policy

Dear Mrs Tuckey

Thank you for your invitation to view and comment on the above policy document, which I have read and found it to be very comprehensive and thorough. I have no other comments in respect of its content. It would, however, have been helpful for those of us not already familiar with the previous document, when being asked to consider an **amended** document, to have the amendments highlighted. I had no way of knowing what had been changed.

It may also be worth noting that the list of churches consulted seems to include a number of duplications (e.g. Restore Community Church and Waltham Abbey are both in twice) and some notable omissions (e.g. Loughton Methodist Church). I am sure local church leaders would be willing and able to help you with your data base of churches.

Yours sincerely

Nina M Coulthard (Revd)  
St Michael and All Angels Church Loughton

## Sarah Kits

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**From:** Cllr Chris Pond  
**Sent:** 25 June 2013 14:35  
**To:** Licensing  
**Subject:** Consultation re meters

*From: Cllr Chris Pond, Essex County Council, Loughton (Central) Division*

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Dear Sirs

As county councillor for Loughton Central, I object to the parts of the proposals which require meters in cabs

1. Meters work by measuring distance and time. This transfers the risk and cost of traffic congestion, which is endemic in Loughton Central, from cab proprietor/driver to customer, and whereas I appreciate taxi drivers have a living to make, making taxi travel more expensive will tend to diminish, not increase, their business, and will be an added burden on customers, many of whom are elderly.
2. The proposal will involve owner-drivers in unnecessary expense and trouble in fitting meters and will advantage firms rather than owner-drivers
3. The time and trouble for checking and recalibrating meters is an unnecessary burden on enterprise and on public officials

I believe the objectives of fitting meters could be met by requiring drivers to exhibit a table of common fares in each licensed vehicle and to publish this on the Council's website.

Yours sincerely  
Chris Pond

## Sarah Kits

---

**From:** Vivienne Messenger  
**Sent:** 25 June 2013 15:58  
**To:** Sarah Kits  
**Subject:** June - EFDC Hackney Carriage & Private Hire meter consultation  
**Attachments:** June - EFDC Hackney Carriage & Private Hire meter consultation.pdf

Dear Sarah

Please see attached reply to EFDC's Hackney Carriage and Private Hire Licensing Policy – Consultation on meters. Would you please confirm receipt if this letter attached?

Many thanks

Vivienne

Vivienne Messenger  
Planning Committee Clerk / Admin Team  
Loughton Town Council  
1 Buckingham Court, Rectory Lane, Loughton, Essex IG10 2QZ  
Tel: 020 8508 4200  
Fax: 020 8508 4400  
E-mail [contact@loughton-tc.gov.uk](mailto:contact@loughton-tc.gov.uk)  
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Our Ref: L.1.1/VRM



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Town Clerk: Enid K Walsh

Ms Sarah Kits  
Licensing Section  
Epping Forest District Council  
Civic Offices  
Epping  
CM16 4BZ

25 June 2013

e-mail: [vivienne.messenger@loughton-tc.gov.uk](mailto:vivienne.messenger@loughton-tc.gov.uk)  
ext 207

Dear Ms Kits

**Re: Epping Forest District Council – Hackney Carriage and Private Hire Licensing Policy – Consultation**

During discussion on this item at the Planning and Licensing Committee's meeting on 17 June 2013, members present were doubtful about the costs and benefits of meters to taxi customers and drivers, as there was no indication in the consultation on how meter fares would compare to the existing fare tariffs.

Consequently the Town Council's Planning and Licensing Committee objects to the proposal to require cabs to be fitted with meters on the following grounds:

1. The proposal to fit meters calibrated by distance and time transfers the risk and cost of traffic congestion, endemic in Loughton, from cab proprietor to customer. These customers are often elderly and/or infirm and should not be disadvantaged.
2. The proposal will involve owner-drivers in unnecessary expense and trouble in fitting meters and advantages large firms rather than small concerns.
3. The time and trouble for checking and recalibrating meters is an unnecessary burden on enterprise and on public officials.

The Committee believes the objectives of fitting meters could be met by requiring drivers to exhibit a table of maximum fares in each licensed vehicle and to publish the same on Epping Forest District Council's website.

Yours sincerely

*Vivienne Messenger*

Vivienne Messenger  
Planning Committee Clerk



# **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

**(Including Licence Conditions)**

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## **1. INTRODUCTION**

- 1.1 The purpose of licensing of the Hackney Carriage and Private Hire Vehicle ('PVH') trades is to protect the public. Epping Forest District Council ('the Council') is also aware that the public should have access to Hackney Carriages and PVH because of the part they play in local transport provision and the economy of the District.
- 1.2 In preparation of this policy the Council has had regard to:
- The Department of Transport Best Practice Guide, and
  - Existing legislation
  - The Provision of Services Regulations 2009 ,to ensure requirements are:
    - (i) non-discriminatory;
    - (ii) justified by an overriding reason relating to the public interest;
    - (iii) proportionate to that public interest objective;
    - (iv) clear and unambiguous;
    - (v) objective;
    - (vi) made public in advance, and
    - (vii) transparent and accessible

## **2. CONSULTATION**

- 2.1 The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations who they consider may be interested in commenting on this policy before finalising and publishing this policy statement. The list of persons this Authority consulted is attached as appendix 1 to this statement.
- 2.2 The policy was approved at a meeting of the Full Council on ????, details are available in the Civic Offices and on the website.
- 2.3 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:
- Name: Senior Licensing Officer  
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ  
E-mail: [Licensing@eppingforestdc.gov.uk](mailto:Licensing@eppingforestdc.gov.uk)
- 2.4 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

## **3. LICENSING OBJECTIVES**

- 3.1 The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to protecting the public by promoting the following objectives:
- To ensure that safe, comfortable, reliable and accessible Hackney Carriage and Private Hire Vehicles are available for all who require them

- To ensure that all licensed drivers and Private Hire Operators are fit and proper persons
  - To provide clarity for licensees with respect to the Council's requirements and the decision making process
  - To promote a professional and respected Hackney Carriage and Private Hire trade
- 3.2 These objectives will be taken into account by the Council when making decisions.

#### **4. DECISION MAKING IN RESPECT OF APPLICATIONS**

- 4.1 The decision making powers of the Council may be carried out either by the Licensing sub-committee or by one or more officers acting under delegated authority. An indication of which applications will be heard by the sub-committee is shown in Appendix 4. The Council will in deciding these cases give priority to the safety of the public and their property.
- 4.2 When making a decision in respect of an application for a licence to drive a Hackney Carriage and/or Private Hire vehicle or to operate a Private Hire Vehicle the Council will take account of its Criminal Records Policy set out in Appendix 8.
- 4.3 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

#### **5. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES**

##### **Legislative background**

- 5.1 Section 47(2) of the Town Police Clauses Act 1847 permits a District Council to require that a Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a Private Hire Vehicle licence provided the Council is satisfied that the vehicle is

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe; and
- Comfortable;
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

## **Licence Conditions**

- 5.2 The conditions of the Hackney Carriage Proprietors licence is attached as appendix 2 and the Private Hire Vehicle licence as appendix 3. If there is a breach of these licence conditions the matter may be referred to the Council's Licensing sub-committee for consideration or in the case of a serious or urgent breach the appropriate officers have delegated authority to decide whether to suspend or revoke a licence.

## **Vehicle Testing**

- 5.3 Prior to the grant of a new vehicle licence the vehicle must have been tested by the Council's authorised testing station.

## **Age Limits**

- 5.4 Vehicles under the age of five years then will require six monthly testing at the Council's authorised testing station, whereas those over five years must be tested at four monthly intervals.
- 5.5 Failure to have interim tests carried out in accordance with this policy is likely to result in the suspension of the licence and repeated offenders may be prosecuted in the magistrates' court

## **Vehicle Identification**

- 5.6 The requirement for roof and other signs are specified in the licensing conditions.

## **Insurance**

- 5.7 The Council requires proof that the vehicle is insured prior to the issue of a new licence or on renewal and may require the Proprietor to provide it with details of insurance at any time whilst there is a current licence.

## **Duration**

- 5.8 Licences for vehicles can be granted by the Authority for up to one year.

## **Executive Status – For Private Hire Vehicles only**

- 5.9 The Authority has a duty of care to ensure that all residents, professional clients and general customers travelling in private hire vehicles are safe and secure at all times and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and forbid the use of tinted windows.
- 5.10 The Council is prepared to recognise a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be permitted.
- 5.11 The vehicle must be a high quality, executive or prestigious vehicle and must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

- 5.12 The applicant must satisfy the Council that they intend to operate the vehicle for work of an executive or corporate nature and that they are required not to display plates. Two letters of reference not more than one month old are required when making the application and on each renewal of the licence.

## **6. TAXI FARES**

- 6.1 All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company prior to the grant of the licence.
- 6.2 If a hackney carriage is used under a contract for private hire, the driver cannot charge more than the fixed rate in the authorised fare table. As a result the driver must have the meter running at the correct tariff whenever they have passengers in the vehicle. The produced tariffs are for maximum fares and drivers have the discretion to charge less than the displayed price.

## **7. DRIVERS**

### **Legislative background**

- 7.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that “a district council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”

### **Council’s requirements**

- 7.2 Prior to issuing a new licence the Council requires:
- A Medical Certificate;
  - A search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
  - The applicant must have passed the Council’s Knowledge Test;
  - For those not holding an EU passport, evidence will need to be provided of the applicant’s right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council’s website.

### **Driving Experience**

- 7.3 The Council requires that an applicant must have passed his or her driving test at least three years prior to the application. This is to ensure that the driver has the necessary skills and experience to be a licensed driver.
- 7.4 If an applicant considers that an exception should be made then the sub-committee will consider the application taking account of the driving history of the applicant, whether the applicant has been employed as a driver, the type of work to be undertaken and any other matter which the applicant considers relevant to demonstrate his or her experience.

## **Duration**

7.5 The Council usually issues a licence for a period of one year.

## **Renewals**

7.6 When an application is made to renew the Council will require:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- a current doctor's certificate every five years for applicants of 45 years and over and every year at renewal for those applicants of 65 years and over;
- a copy of the driver's current driving licence;
- For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council's website.

7.7 Serious or frequent complaints about a driver will be taken into account when considering any renewal of a driver's licence.

## **8. PHV OPERATORS**

### **Legislative Background**

8.1 Section 55 of the Local Government (Miscellaneous) Provisions Act 1976 states that the Council shall grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

### **Application**

8.2. In order for an operator to prove that they are fit and proper they must provide evidence of:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- references

8.3 Proof of Public Liability Insurance must also be provided.

### **Insurance**

8.4 The Council may require the Proprietor to provide it with details of public liability insurance at any time whilst there is a current licence.

### **Premises**

- 8.5 In order to ensure that accurate regulation and realistic enforcement is undertaken by the Council, a licence shall not be granted to any applicant whose operating centre or intended operating centre is outside of Epping Forest district unless that applicant is renewing a licence which was previously granted by the Council at a time when their operating centre was located outside the district. A landline telephone number will be required to which bookings can be made. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings

## **9. LICENSING CONDITIONS**

- 9.1 All Hackney Carriage Vehicle licences will be issued subject to the conditions specified in Schedule 5, those for Private Hire Vehicle Drivers licences those set out in Schedule 6 and those for Private hire Vehicle Operators in Schedule 7.
- 9.2 The Council will take into account any failure to comply with these conditions when deciding whether a licence should be revoked, suspended or renewed.

## **10. ENFORCEMENT**

- 10.1 Officers from the Licensing Service and Environment and Street Scene will aim to undertake enforcement fairly, providing advice where appropriate to ensure that drivers and proprietors fully understand the relevant legislation and conditions. Enforcement may be carried out in conjunction with other authorised bodies such as VOSA and police officers
- 10.2 Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently. Complaints received and warnings issued in relation to existing drivers and operators will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued or complaint received during this period, the original warning / complaint will be kept on file from the date of the most recent warning.

## APPENDIX 1

### LIST OF CONSULTEES

<b>Solicitors</b>	Gagan Mohindra
Attwater & Liell Solicitors	Richard Morgan
Berwin Leighton Paisner Solicitors	Stephen Murray
Curwens Solicitors	John Philip
Foskett Marr Gadsby & Head	Caroline Pond
Whiskers LLP	Brian Rolfe
Hammonds solicitors	Brian Sandler
Jarmans Solicitors	Mary Sartin
	Glynis Shiell
<b>Breweries</b>	Penny Smith
Mitchells & Butlers	Peter Spencer
McMullen & Sons	David Stallan
Star pubs & bars (was Scottish & Newcastle retail)	Syd Stavrou
Greene King	Tracey Thomas
Spirit group brewery	Haluk Ulkun
	Gary Waller
<b>EFDC Councillors</b>	Lesley Wagland
Kenneth Angold-Stephens	Sylvia Watson
Ken Avey	Antony Watts
Richard Bassett	Elizabeth Webster
Anthony Boyce	Chris Whitbread
Heather Brady	Janet H Whitehouse
Will Breare-Hall	Jon Whitehouse
Gavin Chambers	David Wixley
Kewal Chana	Neville Wright
Tony Church	John Wyatt
Tessa Cochrane	
Richard Cohen	<b>Chief Executive/Deputy Executive</b>
Colin Finn	Glen Chipp
Ricki Gadsby	Derek MacNab
Leon Girling	
Peter Gode	<b>EDFC Senior Officers</b>
Anne Grigg	Mike Tipping
James Hart	Nigel Richardson
Derek Jacobs	John Preston
Sue Jones	Kassandra Polyzoides
Helen Kane	Paul Pledger
Paul Keska	Bob Palmer
John Knapman	Coleen O'Boyle
Yolonda Knight	Jim Nolan
Jeane Lea	David Newton
Lance Leonard	Alison Mitchell
Alan Lion	Paula Maginnis
Harvey Mann	Peter Maddock
John Markham	Graham Lunnun
Maggie McEwen	John Kershaw
Ann Mitchell	Alan Hall
	John Gilbert

<b>EFDC Senior Officers Cont.</b>
Qasim Durrani
Mike Chapman
Janet Twinn
Roger Wilson
Julie Chandler
<b>MP'S</b>
MP- Eric Pickles
MP- Eleanor Laing
MP - Robert Halfon
<b>Town Councils</b>
Loughton - Mrs Enid Walsh -
Ongar - Aimi Middlehurst
Waltham Abbey - Kathryn Richmond
Epping - Ash Tadjrishi
<b>Parish Councils</b>
Abbess, Beauchamp and Berners Roding
Willingale - Mr E Fenwick
Theydon Mount - Anne Brewitt
Theydon Garnon - Mrs D Corsi
Theydon Bois - Sally Crone
Stapleford Tawney - Wendy Heard
Stapleford Abbots - Mr Jeffrey Blatt
Stanford Rivers - Mrs K Hayden
Sheering - Mr D Harris
Roydon - Mrs J Ballard
North Weald - Clerk
Nazeing - Mr B Blunden
Moreton, Bobbingworth & Lavers - L. Peters
Matching - Mr Ernie Fenwick
Lambourne - Mrs R Spiller
High Ongar - DeborahTonkiss
Fyfield - Louise Vandermark
Epping Upland - Mrs V Evans
Chigwell - Kay Canning
Buckhurst Hill - Clerk
<b>Town Centre Partnerships</b>
Loughton High Road - Doreen Corsi
- Peter Sheen
Buckhurst Hill - Peter Angel
Epping - Barbara Ford
- Barry Seager
Loughton Broadway - Dave Stannard
Ongar Town Forum - Martyn Pattie
Waltham Abbey - Norma Green
<b>Responsible Authorities</b>
Epping Police Station - Peter Jones

Pollution & Public Health – Richard Gardiner
Public Health - Steven Harcher
Head of Child Protection ECC
Health and Safety Executive
Trading Standards
Essex Fire and Rescue
Planning - David Baker
Environment Agency
Licensing Administration, public health NHS
<b>Taxi Operators</b>
Ongar Cars
Sadlers Taxi's
Bassett Cars
VIP Cars
Abbey Cars
Elite cars
Chigwell Cars
Lawlor Cars Services
Mayflower Cars
Sadlers Taxi
Advance Cars
Olympic Taxis
EFTA
<b>Churches</b>
St Stephen's Church
St. Thomas More & St Edward Catholic Church
Church of the Immaculate Conception RC
Church Of The Assumption
St. Michael's Church
Epping Forest Youth for Christ
St. Nicholas Church
St. Thomas More Church
Harlow Magistrates Court
Trinity Church
Restore Community Church
St. John's Church
St. Edmund's Church
St. Mary's Church
Loughton Baptist Church
Holy Trinity Church
St John the Baptist Church, Epping
St Elizabeth Church, Buckhurst Hill
St. Winifreds Church of England
St. Mary's Church Chigwell
Restore Community Church
The Salvation Army
Lea Valley Church A.O.G
Life Church Epping - Pastor Lee Carmichael
Epping Forest Community Church

<b>Churches Cont.</b>
Chigwell & Hainault Synagogue
St Mary's Church
Waltham Abbey Church
St Mary the virgin
Holy Innocents
St Michael and All Angels
All Saints Church
Epping Elm Church
Buckhurst Hill Baptist Church
St James' Church
Fyfield Benefice Essex
St. James United Reformed Church
St. Mary the Virgin
St. Peters Church
The Forest Hill Evangelical Church
St. Helens Catholic Church
All Saints & St Giles Church
Loughton Synagogue
Theydon Bois Baptist Church
Epping Green Chapel
Epping District Team Ministry
Epping Methodist Church
St. Paul's Church
St. Johns Church
Waltham Abbey, Holy Cross and St Lawrence
St Thomas Upshire
All Saints
Federation of Synagogues
Chigwell & Hainault Synagogue
Kingdom Hall Of Jehovah's Witnesses
St Martin's Chipping Ongar & St Peter's Shelley
Greensted Church
St Martins C Of E Church
St Helens Catholic Church
The Parish Church of Saint Margaret
<b>Other</b>
Consumers association
Stephen Carpenter- McDonalds
Epping Voluntary Action
City of London
West Essex PCT
All Premises Licensed by EFDC
All Essex County Councillors
Local Strategic Partnership
Epping Forest Safety Strategy Panel
Union of Shop Distributive and Allied workers
Unison
Licensed Victuallers Association
Disabled Coalition Group

Transport and general workers union
Whipps Cross NHS Trust
Arriva Bus Company
Princess Alexandra NHS Trust
Rural Community Council of Essex
Transport and General Works Union
Equity
Environment Agency
Epping Forest Conservators
Epping Forest PCT
Essex Ambulance NHS Trust
Essex County Council
Essex Police Service
Essex Probation Service
(West Essex Local Delivery Unit)
Essex Tourist Bodies
General Municipal & Boilermakers union
Health & Safety Exec Essex
Lea Valley Park Authority
HM Revenues and Customs
Local Chambers of Commerce
Local Council Liaison Committee
Local Round Table
Loughton Residents Association
LUL Transport for London
Musicians Union
Citizens Advice Bureau
Campaign for the protection of rural England
Council for Voluntary Services
East Herts District Council (Licensing)
Association of Licensed Retailers
British Transport Police

## **APPENDIX 2**

### **HACKNEY CARRIAGE VEHICLE LICENCE**

#### **CONDITIONS OF LICENCE**

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. The Council considers that the following conditions are reasonably necessary for the regulation of hackney carriages in its district. These conditions may be amended or varied by the Council at any time.

The proprietor of the vehicle must ensure that the vehicle complies with the following conditions at all times:

#### **VEHICLE LICENCE**

##### **Term of Licence**

1. A Hackney Carriage Vehicle Licence shall be renewed annually unless the Council has agreed a shorter term.

##### **Signs**

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned to the Council on termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. The licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Hackney Carriage plate. The plate must be kept clean.
5. A Hackney Carriage shall display a roof sign which shall be illuminated, and showing to the front and rear the word "TAXI", except when the vehicle is under hire.
6. The trade name, address and telephone number may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
7. Only licensing plates issued by Epping Forest District Council shall be displayed on the vehicle

## **Vehicle Specification**

8. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:
  - (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
  - (b) The centralised locking system should not be applied when carrying adult passengers.
  - (c) Seats with a minimum width of not less than 43cm per person.
  - (d) Accommodation for not less than four passengers.
  - (e) Be capable of carrying a wheelchair in a reasonable manner.
  - (f) The vehicle shall have minimum headroom of five feet.
  - (g) An adequate heating system for the passengers.
  - (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
  - (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
  - (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment which shall be kept in position at all times. This condition shall not apply to people carriers or multi purposes vehicles.
  - (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
  - (l) The vehicle should not be driven unless the driver's badge is clearly displayed.

## **Vehicle Inspections**

9. The proprietor shall submit the vehicle for inspection on first application for a licence and for every renewal.
10. If the vehicle is less than five years old the proprietor of a Hackney Carriage vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date when the licence is issued at premises that are approved by the Council.
11. If the vehicle is over five years old at four monthly intervals.
12. The Council may require a vehicle to be inspected at any other time.
13. The interim inspection reports must be submitted when renewing the vehicle licence.

## **Accidents**

14. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Hackney Carriage, until such time as the defect has been corrected to the satisfaction of the Council.

## **Advertising**

15. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

## **Condition of the Vehicle**

16. The inside and outside of a Hackney Carriage vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

## **Safety Equipment.**

17. A Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

## **Taximeter**

After (Date to be decided)

18. The vehicle shall be fitted with a taximeter visibly recording the passenger fare payable in conformity with such table of fares as may from time to time be approved by the Council or (where lower) the table of fares charged by the driver.
19. The position of the taximeter shall be agreed by the Council's inspecting officer and shall be maintained at all times so that the fare displayed can readily be seen by passengers.
20. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required.

## **Convictions**

21. The Proprietor shall notify the Senior Licensing Officer in writing of any conviction or police caution recorded against him or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

**Change of Address**

22. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

**Failure to comply with any of the conditions will result in a referral to Licensing Sub Committee for consideration of suspension or revocation of licence.**

**NOTE: Knowledge of these conditions will form part of the Knowledge Test**

## APPENDIX 3

### PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles. The following conditions which it considers are reasonably necessary for the regulation of Private Hire Vehicles in its district will apply to all licences. These conditions may be amended or varied by the Council at any time.

The Proprietor of the Vehicle must ensure that the vehicle complies with the following conditions at all times.

### VEHICLE LICENCE

#### Term of Licence

1. A Private Hire Vehicle licence shall be renewed annually unless the Council has agreed a shorter term.

#### Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned on the termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. A licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Private Hire Vehicle plate. The plate must be kept clean.
5. The trade name, address and telephone number of the operator may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
6. There shall be **no** display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or part of another word nor the word "FOR HIRE" in any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up passengers wishing to hire it or would be available if not already hired.
7. Only Licensing Plates issued by Epping Forest District Council shall be displayed on the vehicle

#### Vehicle Specification

8. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:

- (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
- (b) Centralised locking of the doors should not be applied when carrying adult passengers.
- (c) Seats with a minimum width of not less than 43cm per person.
- (d) Accommodation for not less than four passengers.
- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment shall be kept in position at all times. This condition shall not apply to people carriers or multi-purpose vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) Vehicles should not be driven unless the Driver's Badge is clearly displayed.

### **Vehicle Inspections**

- 9. The licence holder shall submit their vehicle for inspection on first application and on every renewal.
- 10. If the vehicle is less than five years old the driver of a Private Hire Vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date that the licence is issued at premises that are approved by the Council.
- 11. If the vehicle is over five years old it must be submitted for inspection at six monthly intervals.
- 12. The Council may require a vehicle to be inspected at any other time.
- 13. The interim inspection reports must be submitted when renewing the vehicle licence.

### **Accidents**

- 14. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any

accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Private Hire Vehicle, until such time as the defect has been corrected to the satisfaction of the Council.

### **Advertising**

15. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered to be offensive, harmful to health or considered unsuitable.

### **Condition of the Vehicle**

16. The inside and outside of a Private Hire Vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

### **Safety Equipment.**

17. A Non Halon Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

### **Change of Address**

18. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

### **Convictions**

19. The Proprietor must inform the Senior Licensing Officer in writing of any convictions or police caution recorded against him, or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

**Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.**

## APPENDIX 4

### Exceptions to delegations to decide Driver's licences

In the following circumstances application for a Hackney Carriage or Private Hire Driver's Licence will be decided by the Licensing Sub-Committee:

1. If the application is contested
2. Where there are breaches of condition or related law in the preceding 12 months
3. An applicant fails to comply with the Council's licensing procedure, pass the Knowledge Test, or meet the age, experience, or medical fitness requirements
4. Where in the opinion of the Council's medical adviser (or a doctor nominated by him) an applicant is not medically fit to hold a licence to drive a Hackney Carriage or Private Hire Vehicle.
5. An applicant for a driver's licence has a criminal conviction relating to the following:
  - Any unspent conviction for theft or similar offence, or
  - A conviction for violence against the person,, or
  - Any unspent drug related offence, or
  - An offence relating to indecency or sexual offence, or
  - Any unspent conviction for drunkenness
6. An applicant has motoring convictions contained in the list below:
  - Disqualification for driving by a court for any reason within the preceding five years, or
  - An accumulation of 10 or more penalty points from endorsable motoring offences in the last five years, or
  - Any motoring offences that the Authority considers the sub-committee should consider.
7. Where the Director of Corporate Support Services considers it appropriate to exercise her discretion because of her concern about the suitability of the applicant which is the subject of the licensing application.

## APPENDIX 5

### HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. These conditions may be amended or varied by the Council at any time.

#### Conduct of Driver

1. The driver must:
  - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;  
  
NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;
  - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
  - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles;
  - (d) not apply the centralised locking system when carrying adult passengers.
2. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
3. The driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
4. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
5. The driver of a Hackney Carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
6. The driver shall not drive a vehicle that is a Hackney Carriage unless it is properly displaying the licence plate and it is clear and legible and all times.
7. The driver must not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

## **Badges**

8. A driver shall, at all times, display his/her badge so that it is clearly visible.
9. The driver will return his/her badge to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.

## **Change of Address**

10. A Licence holder, on changing his/her address shall notify the Council of such a change within seven days.

## **Insurance /MOT/ Licence.**

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Hackney Carriage.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Hackney Carriage shall produce his/her Licence on request for inspection by an authorised officer of the Council, or any police officer

## **Passengers and Luggage**

14. A driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate.
15. Once a Hackney Carriage has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
  - (a) afford reasonable assistance in loading and unloading such luggage;
  - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person;
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also to ensure that the relevant legislation regarding seat belts and child restraints are complied with.

## **Lost Property**

18. The driver of a Hackney Carriage shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 24 hours, to his/her operator. If the driver has no operator then the matter must be reported to the nearest Police Station as soon as possible and in any case within 24 hours of the finding.

## **Animals**

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
  - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
  - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position.

## **Fares**

22. The driver shall not demand from the hirer a fare in excess of that indicated on the taximeter
23. The taximeter must be used at all times for all journeys and must be visible to the hirer.
24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

## **Use of Hackney Carriage**

25. No driver licensed or otherwise, shall act as a Hackney Carriage driver without the consent of the owner of the Hackney Carriage.
26. A driver shall not leave his Hackney Carriage unattended in a public place, the Police being authorised to tow it away under such circumstances.
27. A driver shall not obstruct or hinder another Hackney Carriage driver in any way.

## **Medical Conditions**

28. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

## **Criminal Convictions**

29. In the event that a Licence holder is charged or summoned for any alleged criminal offence, then he/she shall within seven days of being charged or on receipt of the summons (as the case may be) report the fact, in writing, to the Licensing authority,

giving particulars of each alleged offence and in which court the proceedings are pending.

30. In the event that a licence holder is convicted of any criminal offence, or has an official caution administered, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**
31. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the Licence holder's DVLA driving licence, that Licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

**Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.**

**NOTE: Questions on these conditions will form part of the Knowledge Test**

## APPENDIX 6

### PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles in the district. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of private hire drivers in its district. These conditions may be amended or varied by the Council at any time.

#### Conduct of Driver

1. The holder of a Private Hire Vehicle licence shall also produce his/her licence for examination by the proprietor of the vehicle, both at the commencement of his/her employment and immediately after its renewal.
2. The driver must:
  - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;  
  
NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.
  - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
  - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles.
  - (d) not to apply the centralised locking system when carrying adult passengers.
3. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
4. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
5. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
6. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
7. The driver shall not drive a vehicle that is a Private Hire Vehicle unless it is displaying a licence plate and it is clear and legible at all times.

## **Badges**

8. A driver shall, at all times, display his badge so that it is clearly visible.
9. The driver will return their badges to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.
10. A licence holder, on changing his/her address shall notify the Council of such a change within seven days.

## **Insurance /MOT/ Licence.**

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Private Hire Vehicle.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Private Hire Vehicle shall produce his/her licence on request for inspection by an authorised officer of the Council, or any police officer.

## **Passengers and Luggage**

14. A driver shall not carry or permit to be carried in his/her vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate
15. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
  - (a) afford reasonable assistance in loading and unloading such luggage;
  - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person.
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also ensure that the relevant legislation regarding seat belts and child restraints are complied with.

## **Lost Property**

18. The driver of a Private Hire Vehicle shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 48 hours, to his/her operator.

## **Animals**

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
  - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
  - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity or has some other form.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position

## **Fares**

22. The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring.
23. Where a tariff is enforced, a tariff card shall be displayed on the inside of the vehicle in such a position as is plainly visible to persons travelling in the vehicle.
24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

## **Use of Private Hire Vehicle**

25. No driver, licensed or otherwise, shall act as a Private Hire Vehicle driver without the consent of the owner of the Private Hire Vehicle.
26. A driver shall not leave his Private Hire Vehicle unattended in a public place, the Police being authorised to tow it away under such circumstances.
27. A driver shall not obstruct or hinder another Private Hire Vehicle driver in any way.
28. Private Hire Vehicles may not wait on any stand designated for the use of Hackney Carriages.

## **Medical Conditions**

29. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

## **Criminal Convictions**

30. In the event that a licence holder is charged or summoned for any alleged criminal offence, then he shall within seven days of being charged or on receipt of the

summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.

31. In the event that a licence holder is convicted of any criminal offence or has an official caution administered to them, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**
32. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, that licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

### **Enforcement**

33. The Council may suspend, revoke or refuse to renew on application a driver's licence if any of the above conditions are not complied with.

**Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.**

**NOTE: Questions on these conditions will form part of the Knowledge Test**

## APPENDIX 7

### PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Epping Forest District Council ('the Council') is the licensing authority in respect of Private Hire Operator Licences. The following conditions are reasonably necessary for the regulation of Private Hire Operators in its district. These conditions may be amended or varied by the Council at any time.

The operator of the private hire vehicle must ensure that he or she complies with the following conditions at all times.

#### Records

1. The operator must keep records of private hire bookings and of drivers and vehicles available to the operator and these shall be kept as follows:-
  - (a) Records must be kept in a form which gives easy access for inspection, e.g., in a bound book or if a booking is made by computer, a print out of each day's bookings, or bookings kept in computerised form so that the records can easily be made available for inspection by an authorised officer of the Council or Police Officer. Records must be kept for at least one year;
  - (b) The operator shall keep at each Operating Centre, records of the Private Hire Vehicle drivers and vehicles (including a copy of their licence) available to the operator for carrying out bookings accepted at that centre.
  - (c) All records must be made and retained in written or electronic form and securely stored.
  - (d) Records of each hiring must contain the following details:
    - Date and time booking made
    - Name of hirer
    - Name of principal passenger (if different from above)
    - Agreed time of pick-up
    - Agreed place of pick up
    - Destination(s) specified at time of hiring by the hirer(s)
    - Identity of vehicle undertaking the hiring (vehicle registration or Private Hire Vehicle licence number)
    - Name and licence number of the driver undertaking the hiring
    - Fare quoted to hirer (if requested when hired)
    - Time and date of journey (if different from date of booking)
    - Whether the booking was sub-contracted; if so, the name of the sub-contractor, the Licensing Authority and the operator licence number.
  - (e) Records of the Private Hire Vehicle driver(s) used by the operator must contain the following details:
    - Full name of driver
    - Date of birth

- Address (normal place of residence)
  - Date driver became available to operator
  - Category of vehicle for which eligible to drive
  - Private Hire Drivers licence number
  - Date driver ceased to be available to the operator
- (f) Records of the Private Hire Vehicle used by the operator must contain the following details:
- Manufacturer, model and colour
  - Registration number
  - Private Hire licence/plate number
  - Registered owner name and address (on registration document)
  - Date when vehicle became available to operator
  - Copy of current valid certificate of insurance
  - Date vehicle ceased to be available to the operator.
  - Service history of each vehicle including details of any modifications thereto and details of all accident repairs.

### **Operation Centre**

2. The operator shall notify the Council of any changes to the information supplied on the application form, e.g., change of address or telephone number, must be notified to the Council within two weeks of the change.
3. Operators will be required to notify the Council of the name of the person responsible for the day-to-day running of each Operating Centre named on the licence, and of any changes.
4. Operators shall display a copy of their licence at the Operating Centre in a position that is accessible to members of the public
5. Operators must display on public view, at Operating Centres with public access, evidence of their public liability insurance and must provide the Council with copies on request.
6. Operators must indicate clearly at the Operating Centre or within any letter head, advertising or promotion of their service, that the service provided is in respect of pre-booked journeys only.
7. Operators must ensure that any telephone facilities and radio equipment provided are maintained in sound condition and that any defects are repaired promptly.

### **Waiting Areas**

8. To ensure that any waiting area for members of the public is kept clean, adequately heated, ventilated and lit.
9. To ensure that there is public liability insurance for any area open to the public for at least 2 million pound and the Operator shall produce evidence of insurance to the Council when requested.

## **Fares**

10. Details of fare tariffs should be available to members of the public and displayed on public view at the Operating Centre or made available upon request.
11. Fares will be in accordance with the operator's advertised table of fares, unless otherwise agreed with the hirer at the time of booking.
12. The operator should give details of the fare for a particular hiring to the hirer when the booking is being made, if requested by the hirer.

## **General**

13. Operators shall not employ or otherwise engage, whether directly or indirectly, any vehicle that has not been licensed by the Council or a driver who does not have a valid licence, for any bookings.
14. Operators shall only accept booking at an authorised Operating Centre.
15. Operators shall only sub-contract bookings to a licensed operator.
16. Operators must establish a complaints procedure, ensuring that all complaint records include the driver's name, nature of complaint, details of complainant and action taken.
17. Operators must establish a procedure for dealing with client's property lost or found in a Private Hire Vehicle operated by them or under contract to them. This should include evidence that an attempt has been made to return the property to the owner, and a system for recording and storing lost property.
18. Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to a breach of the licence conditions.
19. Details of any conviction incurred by the licensee during the currency of the licence must be reported in writing to the Council within two weeks of the date of the conviction.
20. Lost property should be returned to the operator, then at the earliest convenience given to the customer. If this is not possible it shall be handed into the nearest police station

**Failure to comply with the conditions will result in a referral to the appropriate officer of the Council or the Licensing Sub Committee for consideration of suspension or revocation of licence.**

## APPENDIX 8

### **CRIMINAL RECORDS POLICY GUIDELINES FOR THE ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES**

#### **Introduction**

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle or to operate a private hire vehicle the applicant is requested to declare any pending prosecutions, cautions or convictions you may have, even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974. Failure to declare such information or giving false information to obtain a licence is an offence and will be treated very seriously. The information that is given is treated in the strictest confidence and will only be taken into consideration in relation to the application.

The applicant is required to consent to the Council carrying out a check with the Disclosure and Barring Service, which will disclose any cautions or convictions that he or she may have. Information received from the Disclosure and Barring is treated in the strictest confidence while the application is processed, and will be retained on manual and computer records for no longer than is deemed necessary.

The existence of a criminal record or disclosure of other information will not necessarily preclude the applicant from gaining a licence unless the Council considers that any conviction or convictions renders him or her unfit to hold such a position of trust. In making this decision the Council will take into consideration the nature of the offence, the time period since it was committed, what age the applicant was when the offence was committed, and any other factors the applicant brings to the Council's attention or the Council feel are relevant.

Any applicant refused a licence on the grounds that they are not a fit and proper person to hold a licence has a statutory right of appeal to a magistrates' court.

#### **General Policy**

1. Each case will be decided on its own merits.
2. A person with a current conviction for a serious crime need not necessarily be permanently barred from obtaining a licence, but should be expected to remain free from conviction for a period of three to five years, depending on the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances, although persons with convictions for offences of a violent, sexual, child-related nature, a racially aggravated offence or other very serious crime will not normally be issued with a licence. The overriding consideration will always be the protection of the public.
3. In this policy, the time periods mentioned in each case refer to the time that has elapsed since the date of conviction. Where a custodial sentence has been imposed, however, the time period runs from the date of release from prison. Where several offences are being considered together, the pattern of offending will be taken into consideration and the Council will normally expect a person to have been free from conviction for a period of three to five years from the last conviction.

4. The Council reserves its right to take into consideration spent convictions and relevant cautions.
5. The Council reserves its right to require an applicant to undergo a substance abuse (illegal drugs) test where there is evidence to suggest that the applicant may have a drugs problem or there is a history of drug use. This would be at the expense of the applicant and would normally be required where two or more convictions or cautions under the Misuse of Drugs Act within the last ten years have been revealed.
6. Should the Council be minded to refuse an application or have concerns over convictions or driving endorsements the applicant will be invited to attend the Licensing Sub-Committee before making a determination. If an applicant does not attend, a decision will be made based on the information available.

The following examples afford a general, but not exhaustive indication as to the action likely to be taken where convictions are declared and/or revealed.

### **Types of Convictions**

#### **(a) Minor traffic offences**

Convictions for minor traffic offences should not prevent the issue of a licence.

If 6 points or more have accrued the applicant should be warned as to future conduct and the warning recorded.

If an applicant has been disqualified under the totting up procedure he should be warned as to future conduct.

If his or her DVLA licence shows more than one disqualification for whatever period or reason (other than a drink drive offence) then he should not be issued a licence unless and until a period of at least 2 years free of convictions has elapsed since the expiry of his last period of disqualification

#### **Minor Traffic offences not declared by driver**

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the Council shall determine whether to issue the licence subject to a warning regarding future conduct or to refuse to grant the licence. A key consideration in reaching this determination will be whether there was a premeditated intent to deceive.

Existing drivers are under a legal obligation to declare to the Council all offences committed. Failure to do so may result in the revocation of the licence.

#### **(b) Major traffic offences**

An isolated, spent conviction for offences including dangerous driving or driving without due care and attention should normally merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

More than one conviction for this type of offence or a combination with other convictions within the last two years should merit refusal and no further application will then be considered until a period of at least five years free from conviction has elapsed.

(c) Drunkenness - With a motor vehicle

A serious view should be taken of convictions for driving or being in charge of a vehicle under the influence of drink.

An isolated incident in the past should not necessarily debar an applicant unless the applicant had been employed in duties as a taxi driver at the time of the offence. In that case the application should be refused.

At least five years should elapse after the restoration of the DVLA driving licence, following disqualification for an isolated offence of this nature.

If the applicant has more than one conviction for a drink/drive offence the application should be refused.

If there is any suggestion that the applicant is an alcoholic then a special medical examination should be arranged.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further application is considered.

(d) Drugs

If an applicant has one conviction for a drug related offence then he should be required to show a period of at least three years free of conviction before the issue of a licence is considered.

If an applicant has two convictions within the previous ten years then he should be required to show a period of at least five years free of convictions. If applicant has three or more convictions for drug related offences then the application should be refused.

If the applicant is or has been a drug addict then he should be required to wait a period of 5 years after detoxification treatment before re-applying.

(e) Indecency offences

Hackney carriage and Private Hire Vehicle drivers often carry unaccompanied and/or vulnerable passengers. If an applicant has a conviction for any sexual offence the application will be refused.

(f) Violence

As Hackney Carriage and/or Private Hire Vehicle drivers and operators are in close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

If the applicant has more than one conviction for violence within the preceding ten years then the application should be refused.

A conviction for Grievous Bodily Harm, Unlawful Wounding, Attempted Murder, Threats To Kill, or similar, should be considered by the severity of the sentence. In other words the rehabilitation periods under the Rehabilitation of Offenders Act 1974 should be used to justify the issue or refusal of a licence.

(g) Dishonesty

Hackney Carriage and/or Private Hire Vehicle drivers and operators are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver.

Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any property left in the vehicle being kept by unscrupulous drivers.

For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of at least three to five years free from conviction should be demonstrated before an application is considered.

If an applicant has several convictions of a similar nature then a longer period than the three to five year period should be considered before consideration of the application.

(h) Insurance offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance.

An isolated incident in the past will not necessarily debar an applicant but the sub-committee will require evidence as to the facts of the case.

More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Licence, unless there are exceptional circumstances. A driver found guilty of driving passengers for hire and reward whilst without valid insurance will have their Hackney Carriage and/or Private Hire Driver's Licence revoked immediately and no further application for such a licence will be considered by the Council for a minimum period of five years.

A Private Hire operator similarly convicted of operating a vehicle without valid insurance will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of five years

(i) Use of Hackney Carriage or Private Hire Vehicles

Unlicensed drivers who have convictions for any offences relating to the use of a licensed vehicle will not be considered for a licence by the Council for a minimum period of three years. More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Hackney Carriage and/or Private Hire Driver's licence, unless there are exceptional circumstances.

Licensed drivers who are convicted of plying for hire (or touting) or other offences relating to the use of licensed vehicles will have their licence revoked and will not normally be considered for a licence by the Council for a minimum period of three years from the date of conviction. Private Hire Operators found guilty of operating a vehicle where no private hire vehicle Licence is in place will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of three years.

(k) Failure to respond to interview request

The Council considers failure to respond to officer's request for an interview whether formal or informal to be serious as it prevents the Council from investigating issues and complaints and shows a disregard for the safety of the travelling public. In these circumstances the Council shall consider suspension of a driver's licence pending the outcome of the investigation.

(l) Failure to report an accident

A first offence of failure to report an accident within the specified time will normally be dealt with by issuing a written warning. Subsequent offences may be dealt with by way of revocation of the licence and/or prosecution

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## Report to Licensing Committee

**Date of meeting: 8 October 2013**



**Epping Forest  
District Council**

**Subject: Street Trading - Established Markets Fees**

**Responsible Officer: Kim Tuckey 01992 56-4034**

**Democratic Services: Gary Woodhall 01992 56-4470**

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### **Decisions Required:**

1. That the Committee be requested to consider recommending to the Council:
  - (a) That the established markets currently operating in Loughton ( Sunday Market) , The Broadway, Debden and High Street, Ongar be required to apply for a consent in accordance with the Street Trading policy but that the fee of £355 and subsequent renewals be waived.
  - (b) That the requirement for each applicant to advertise their application in a local paper in accordance with the Street Trading practice.
  - (c) That for any new applications to operate a market in the District the Council's requirements in issuing a licence are complied with.
2. That the Council's practice in granting street trading licenses be formalised as a Policy and that consultation takes place in respect of the attached policy document with any amendments members require.

### **Background**

1. There are various markets currently operating within the District. They are sited at the following locations:

Epping High Street  
Waltham Abbey Square  
Ongar High Street  
The Broadway, Debden  
Loughton (Sunday market)  
North Weald Airfield.

2. Epping Market and Waltham Abbey Market operate under a Charter which means they do not require a street trading consent. The market at North Weald run by Hughmark Continental does not require a consent as it is not on the public highway

3. Previously, the remaining three markets have been treated as though operating under a Charter, however after some investigation it has been established that this is not the case. Having adopted the street trading legislation on the 15<sup>th</sup> July 2002, these remaining markets technically require a street trading consent.

4. Although there is anecdotal evidence of some informal permissions being granted prior to this Council adopting the street trading legislation, neither the Council nor the market operators are able to trace tangible evidence of this by way of a letter or an agreement.

## Licensing the Markets

5. The Licensing officers wrote to the market proprietors to regularize the position by requiring that the markets receive consent. The Council's procedure requires an applicant to place an advert in a local paper and pay a fee of £355.

6. By way of context the size and days of operation of each market are set out below.

- i) Ongar market operates on a Wednesday and has approximately four stalls.
- ii) The Broadway has between twenty and thirty stalls and operates on a Thursday
- iii) Loughton market operates on a Sunday and has approximately twenty two stalls

7. Understandably, the market operators and their local councillors have expressed concern that suddenly paying a consent and advertising fee will impact on their ability to trade, some suggesting they may have to cease trading if the requirement is enforced. In particular they point out that they have not had to pay for several years.

8. Before proposing a way forward to deal with the position for these three established markets it is important that Members are aware of the purpose of the consent regime. In addition to the fee it enables a local authority to attach standard conditions, allowing an element of control over the operation of the markets. Furthermore, were a new trader to apply to operate a market anywhere in the District, the requirement for a fee, consultation and publicity would be appropriately charged.

9. It is important to balance the need to apply our street trading policy fairly and to cover costs with our wish to promote working in partnership with Local Councils and businesses.

10. The Council's Street Trading practice states that :

"10.1 The Council will consider each individual application for a street trading consent for a market on its merits and in particular shall consider whether: -

10.1.1 There is not enough space for the applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street;

10.1.2. There are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;

10.1.3. The consent, if granted, will result in nuisance to members of the public, residents and local businesses due to likely noise, smell, litter, disturbance or other problems which will be caused by the granting of the licence. In addition the Council will consider:

10.1.4. Known previous convictions;

10.1.5. Failure on a previous occasion to pay Street Trading Consent fees within agreed timescales;

10.1.6. Any additional issues arising from consultations. "

11. A consent is given for one year and it should also be noted that these requirements also apply to renewals.

12 Bearing in mind all of the above it is proposed that the three historic markets currently operating in Loughton, Debden and Ongar be required to obtain a consent but that the fee of £355 and subsequent renewals be waived.

13 In addition the applicant will be required to place the necessary advert in the local

paper.

## **Policy**

14. It is also proposed that the draft policy be considered by members and a consultation be carried out and the results reported to the next Licensing Committee.

### **Resource Implications:**

The Council will forego the income from 3 applicants at a cost of £1065 in total. However this must be weighed against the potential for one or more of the markets to cease trading in any event if the fee is levied.

### **Legal and Governance Implications:**

It is important from a legal perspective to apply Council procedures consistently and in accordance with the law. It is also important that the consents are required as the conditions are an important control on the standards to which the markets operate.

However it is equally important to be flexible and respond to genuine concerns from local Members and businesses.

Governance is maintained by bringing a report so that a clear decision can be made.

### **Safer, Cleaner and Greener Implications:**

The compliance with conditions attached to a street trading consent contributes to the safety and appearance of the street scene

### **Consultation Undertaken:**

Representations have been made by the market operators and local ward councillors and their concerns have been reflected in the report

### **Background Papers:**

The Street Trading practice

### **Impact Assessments:**

#### Risk Management

To have the three established markets without any consent and therefore conditions of operation would leave the District Council in a difficult position both if required to take any enforcement action.

It may also make it more difficult to enforce the requirements upon new applicants.

#### Equality and Diversity:

The report does not impact adversely on any group identified in the legislation as having protected characteristics. Of course the essence of the report is seeking to treat three established markets more favourably than the adopted street trading legislation requires. However the report carefully outlines why this should be the case, with particular reference to supporting the local economy.

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

An equalities assessment will be carried out after consultation.

## **Report to Licensing Committee**

**Date of meeting: 9<sup>th</sup> October 2013**

**Subject: Temporary Road Closure Orders**



**Epping Forest  
District Council**

**Responsible Officer: Alison Mitchell 01992 56-4017**

**Democratic Services: Gary Woodhall 01992 56-4470**

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### **Decisions Required:**

**(1) To consider the resolution of the Local Council Liaison Committee and decide whether to recommend to the Council that:**

**(a) Epping Forest exercises its powers to make temporary road closure orders; and**

**(b) if the Committee considers that Epping Forest should temporary Road Closure, that the fees and the necessary additional post be employed to undertake this work.**

### **Report:**

#### **Executive Summary:**

1. On 4<sup>th</sup> July 2013 the Local Council Liaison Committee resolved:

That the Committee made a formal recommendation asking that Epping Forest District Council consider the possibility of taking on the powers under Town Police Clauses Act 1847 to provide local means of road closures for temporary events.

2. The 1847 Act gives Local Authorities powers for preventing obstruction of the streets in times of public procession, rejoicing, or illuminations, and in any case when the streets are thronged or liable to be obstructed by substantial numbers of people, on foot or in a vehicle, participating as spectators or otherwise in the occasion. These powers have been interpreted to include making a temporary road closure although not all orders under this power need take the form of a closure. This Act can be used for commercial and non-commercial events.

#### **Reasons for Proposed Decision**

3. Members requested to consider the request from the Local Council Liaison Committee.

#### **Other Options for Action:**

4. There are none

#### **Report**

5. The provisions of the Town Police Clauses Act 1847 give powers to District Councils to make temporary road closures for markets, street parties, sporting events, fetes, processions etc. A request was made at the Local Council's liaison meeting that the Council considers that it use these powers to

close roads for the specified reasons. At present this function is undertaken by Essex County Council. Their website states that no charge is made for this service.

6. The licensing service has not undertaken any work in connection with road closures itself and so it has consulted with other authorities as to the procedure to be adopted, the time it took officers to undertake the work, and any disbursements that would be required e.g. road closure signs. It is estimated that the cost to the Council would be £150.00 for a small street party or fete and where a larger event takes place, £400 together with the cost of advertising the event in the local newspaper in the case of the larger event. The Council is not legally permitted to make a profit from these fees and so it would have been necessary to monitor the time and costs before setting the fees for the next year.

7. It will be necessary to employ a member of staff part time to undertake this work. The procedure would require officers to:

a) Set up a system for road closure, prepare forms and put the information on the website. This will need to be monitored and updated periodically.

b) provide applicants with the information pack. This pack would have to contain the names and addresses of the persons or bodies with whom the applicants will have to consult, provide sample letters, and guidance and undertake other correspondence to ensure that this process is followed correctly.

c) ensure that the applicant had received the appropriate consents:

- Essex County Council,
- Fire Service,
- Police
- The bus company (if necessary)
- The owners of neighbouring properties.

d) where the road closure requires a main through road to be closed or one with a bus service it would be necessary to advertise the closure to give prior warning to other road users.

e) check that the Public liability insurance is acceptable and that a Risk Assessment has been provided

f) if there are any objections, to carry out further consultations and if necessary carry out an inspection.

g) if the objections are not resolved to prepare a report for the licensing sub-committee

h) if a sub-committee meeting is called there will be additional officers and members costs incurred

i) When a licence is granted there may be conditions imposed following consultations or the meeting of the sub-committee. The consent would have to be drafted to comply with these requirements.

i) Inspections may be required to ensure that any conditions are complied with

j) there may be a requirement as to signage etc required by the Highways service which could be expensive if each applicant had to purchase their own and so the Council may consider purchasing these signs or hire them which would need to be replaced from time to time.

8. Some of the steps listed above will be unnecessary in many cases which was why different fees are required for major and minor road closures.

9. If the Committee recommends that the District Council consents to street closures then additional staffing resources would be required but this would be on a self-funding basis. There is set out below the necessary delegations for the Committee's consideration.

## DELEGATION OF FUNCTIONS

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for a Road Closure Order		If an objection	If no objection made
All policy matters except the formulation of the licensing policy	All cases		

### **Resource Implications:**

It is recommended that the applications should be self-funded

### **Legal and Governance Implications:**

The Council has authority under the Town Police Clauses Act 1847 to make these orders. The proposed procedure would allow the Council to assess the application in consistent way.

### **Safer, Cleaner and Greener Implications:**

At present the applications are assessed by the Highway's service of Essex County Council which has experience in making these orders. Training would be required by the Licensing team members to undertake this work.

### **Consultation Undertaken:**

This matter was referred to the Licensing Committee by the Local Council's Liaison Committee.

### **Background Papers:**

Minutes of the Local Council's Liaison Committee of 4<sup>th</sup> July 2013

### **Impact Assessments:**

#### **Risk Management**

Training would be required as this is a new area of work. Applicants would be required to provide a risk assessment of their application

#### **Equality and Diversity**

The report does not impact adversely on any group identified in the legislation as having protected characteristics.

