



Licensing Committee Wednesday, 9th April, 2014

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 April, 2014
at 2.00 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Adrian Hendry (The Office of the Chief Executive)
Tel: 01992 564246 Email:
democraticservices@eppingforestdc.gov.uk

Members:

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

PLEASE NOTE THE START TIME OF THE MEETING

- 1. APOLOGIES FOR ABSENCE**
- 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 - 10)

To confirm the minutes of the Licensing Committee meeting held on 3rd December 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. STREET TRADING POLICY (Pages 11 - 24)

(Director of Neighbourhoods) to consider the attached report.

7. TEMPORARY ROAD CLOSURES ORDERS - FEE (Pages 25 - 26)

(Director of Neighbourhoods) to consider the attached report.

8. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING (Pages 27 - 28)

(Director of Neighbourhoods) to consider the attached report.

9. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 (Pages 29 - 30)

Under the Licensing Act 2003, officers are required to report on the numbers of applications received and the determinations of those applications. The attached report outlines the applications received.

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 8th October 2014 at 2.00pm in the Council Chamber.

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Committee **Date:** Tuesday, 3 December 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 2.30 - 3.50 pm

Members Present: K Angold-Stephens (Chairman), P Spencer (Vice-Chairman), A Boyce, Mrs R Gadsby, P Keska, A Lion, A Mitchell MBE, B Rolfe, Mrs M Sartin, Mrs P Smith and Mrs T Thomas

Other Councillors:

Apologies: L Leonard, H Mann and R Morgan

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

Also in attendance: Insp A Fusher

17. DECLARATIONS OF INTEREST

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

18. MINUTES OF THE LICENSING COMMITTEE

That the minutes of the meeting held on 9 October 2013 be taken as read and signed by the Chairman as a correct record.

19. JOINT WORKING PARTNERSHIP - EFDC AND ESSEX POLICE

The meeting was addressed by Inspector Andy Fusher, from Essex Police. He had approached the Council and asked to address the Licensing Committee to discuss issues around the night time economy. The committee noted that Inspector Fusher covered the Epping Forest District and he had come to speak about licenced premises. He had attended a conference a few weeks back on the subject of licenced premise. He was not saying that any of the current licensing premises were causing any major problems, but that the night time economy always had its own particular problems. Addressing the few taxi drivers present he noted that that they had first hand experience about this, as they had the job to get people off home as soon as possible after the clubs or pubs closed.

The Police, in partnership with the other relevant authorities needed to ensure that everyone had a safe and secure life in the district. They were looking at identifying any relevant areas that needed to be focused on and they had three particular areas that they had in mind. They were looking to deal with this in a positive way by working in partnership with sister organisations and hoped to see a lot of proactive activity from the district authority as well as the local Town or Parish Councils to enable people to live in a safe area. They were looking at their partnership with

EFDC as well as the County Council and were asking for the support of the council. They would also like to ask the taxi drivers help in this endeavour as they were key in helping to clear the town centres late at night. Could they identify places where they could park outside the clubs ready for closing time? If there were no designated parking places could the police and/or local authority effectively waive parking restrictions and allow taxis to temporarily park in convenient places other than designated parking places?

Councillor Smith was pleased to hear of this proactive approach that the police would be taking. She asked who had represented EFDC at this joint meeting that he had attended. And to what lengths were you going to, to interact with local businesses? Inspector Fusher said that Jim Nolan and Kim Tuckey had attended on behalf of EFDC. This would be the focus for our partnerships. We would meet with the licensed premises management by visiting them, hopefully going when we were not expected. Initially we shall let people know what we were doing, before visiting for the first time. We would need local information to help us in carrying this out.

Councillor Lion said this was alright for existing premises but he was worried about new applications. We needed information from the Police to help us in our decisions. Inspector Fusher said he was aware of this and was looking to tackle it with the help of local officers. Sometimes it was an information problem. Councillor Sartin noted that a lot of problems could have been averted if they had better information at the start. Inspector Fusher replied that she could hold him to account at their next meeting if this situation had not improved.

Councillor Angold-Stephens asked the Inspector what his views were on having meters in taxis. Inspector Fusher replied that he was aware of the problems in other areas prior to the placing of meters. Some of the problems were caused by outsiders coming into an area and plying for trade. He supported the use of meters as it gave the public confidence that they could trust the charges made.

Councillor Spencer asked when the Inspector would start working on the three areas he wanted to concentrate on. Inspector Fusher said they had started already and any joint action/inspections would probably commence in the new year. He aimed to make clubs act responsibly towards their clients.

The Chairman thanked Inspector Fusher for his presentation and his thoughts on the night time economy and agreed that effective partnership working was something to aim at.

20. REVIEW OF NEW LICENSING SUB-COMMITTEE ARRANGEMENTS

The Licensing Committee considered the report on the review of the new Licensing Sub-committee arrangements for evening meetings. It was noted that this was not quite a nine month review as this had to fit in with the budget timetable for next year. They noted that the Constitution and Member Services Standing Panel has already considered this report and agreed that the evening meetings be discontinued and the consultation of local residents continued. This had a proviso that the Chairman of the Licensing Committee was authorised to determine whether any hearing would be better held in the evening in view of significant public interest. This could be done in consultation with ward members and/or other representations received. The main Overview and Scrutiny Committee received this report on 26th November 2013 and endorsed the recommendations of the Constitution and Members Services Standing Panel.

Councillor Smith commented that she was happy with the recommendations. The other members of the Committee were also in agreement of the recommendations made.

RESOLVED:

- (1) That the recommendations of the Constitution and Member Services Standing Panel and the Overview and Scrutiny Committee on the reversion of the evening licensing Sub-committee meeting back to daytime meetings be agreed, subject to 2 below;
- (2) That the Chairman of the Licensing Committee be authorised to determine whether any hearing would be better held in the evening in view of significant public interest and that Chairman could determine this by liaising with the relevant ward members and/or representations made;
- (3) That the wider consultation procedures be continued;
- (4) That any applications regarding Scrap Metal Dealers Licences and any other licence to which members of the public do not have the right to make a representation are heard at a day time meeting;
- (5) That the Cabinet be informed of the views of this Committee and if appropriate recommend that the necessary funding required to continue with the consultations and resulting increase in sub-committee meetings be included in the budget.

21. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The meeting noted that final agreement to the recommendations on the provision of meters in taxi was postponed from their last meeting. They noted that a large number of those consulted were in favour of having meters installed in taxis (131 were in agreement and 51 were against). Further work had also been done on the tariffs to be applied and these were attached to the report as an appendix. However, with the increasing cost of petrol, road tax and costs in general the tariff may need to be reviewed in the near future.

Councillor Lion asked about the element of waiting time, was this included in the tariff. He was told that it was.

Councillor Sartin queried if, according to recommendation 2, we had to go to consultation again. Alison Mitchell said that the original consultation was for the taxi trade and drivers. This new consultation was a statutory consultation that has to be advertised in the local press so that people could comment on the proposed tariffs. If no comments were made then we can go ahead, but if any comments were submitted then they will have to be brought back to this committee for consideration. It will then have to go to full Council for agreement.

Councillor Angold-Stephens noted that the timescale was very tight especially to have meters installed to the deadline of 1 April. He asked what the consultation period was and was told it was 28 days. He then noted that if any comments were received they could squeeze in an extra meeting to consider them before the Council meeting in February. Alison Mitchell added that the installation deadline could be pushed back to 1 June to give them extra time to install the meters. Councillor Sartin agreed that would be a more realistic date. It was noted that the 1st of June was a Sunday and it was agreed that it be amended to 2nd June.

AGREED: that the deadline for the installation of metres be changed to 2nd June 2014.

The committee then discussed the viability of having a vehicle with three doors instead of the usual four asked for in our policy. This had happened recently and the sub-committee inspected the vehicle and found it to be a people carrier, with better access than a normal saloon car. Was this something that the council should be taking into consideration and perhaps thinking of altering our policy?

Alison Mitchell thought that officers should take advice on this and bring a report back to the next committee meeting. She noted that there were concerns about wheelchair access and transport in these vehicles and that would be addressed in the report.

Councillor Smith was happy that advice should be sought. She noted that this was an infrequent occurrence and that it was at the discretion of the sub-committee to agree.

AGREED: that a report on the use of vehicles with three doors to be brought to the next meeting of the Licensing Committee.

RESOLVED:

- (1) That the Hackney Carriage and Private Hire Licensing Policy be amended to include provisions in relation to the installation of taxi meters by 2nd June 2014; and
- (2) That the fares shown in the report be put out to public consultation and if no replies were received that they are adopted and were to come into effect on 2nd June 2014.

22. TEMPORARY ROAD CLOSURE

The Committee noted that in the past the temporary closure of roads were under the purview of the County. They have now decided that they would no longer do this and would like to hand it over to district level, if they wished to take this on. In July of this year the Local Councils Liaison Committee asked that EFDC consider the possibility of taking on these powers under the Town Police Clauses Act 1847 to local means of road closures for temporary events. 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.

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.

Officers have estimated that there would be 20+ such applications each year and this would entail a not inconsiderable amount of work for the licensing section.

Officers were currently looking at other authorities and how they operate this type of scheme. It may be that as in the past if the street closure was for a charitable event then the council would waive any fees. The Chairman noted that we may be looking at a fee of around £170 per application and that we did have a tradition of not charging for charitable events. Alison Mitchell noted that officers had still to work out how much it would cost us and then charge that. We were not allowed to make a profit, just cover our costs. If we were minded not to take this on we should have a conversation with the county at a high level as someone would have to make a decision and take responsibility.

The Committee noted that the Tour de France would be going through the district and that this would involve multiple road closures, but it was assumed that the County would want to organise this as it was a major (county wide) event.

Councillor Smith appreciated the officer's advice and noted we needed some confirmation from Essex County Council (ECC) that they would transfer their powers to us so that no confusion arose in the future. Also needed were notice of the times and the scale of road closures wanted and how far in advance would officers need notification in order to do the administration work.

Alison Mitchell said that if the Committee were happy in principle with this they would carry out work on the background to this and the policy needed.

Councillor Spencer asked if we could just use the ECC process. Ms Mitchell replied that it was under a different legislation. Officers have gone out to other district councils to look at their procedures. She also noted that officers would need training in these new powers.

Councillor Angold-Stephens asked if there would need to be a transitional period. Officers had agreed with ECC a transitional period of August/September.

Councillor Lion remembered the problems with the ECC for the street parties for the Royal Wedding, commenting that we need to be very clear on the scope of the actions needed.

RESOLVED:

- (1) That Epping Forest District Council agree to take on the powers to exercise its right to make temporary road closures; and
- (2) That work to establish the fees and the necessary additional post be established to undertake this work.

23. MATTERS ARISING

(1) The Chairman brought to the attention of the Committee a concern of a Children's Club in Loughton who wished to have larger photos of the taxi drivers displayed inside the taxis as they used them to transport children back home. The Committee noted that the proprietor of the club was responsible for the children being taken home by taxi. They should use a reputable firm, checking their licence and that of the taxi drivers who attended the pick up. Officers could only do so much and it was up to the organisation that used them to also do some checks. Having larger photos would not make a difference to this.

On consideration the Committee did not agree with having larger photo's for taxi drivers.

(2) Councillor Sartin asked what was happening with the Scrap Metal Dealers. She noted that officers now have a consultee list and that they were issuing four licences as they had not received any objections. The applicants have been CRB checked; Companies House has been checked; as well as their permits to dispose of scrap.

In total there were about 14 dealers in our district. Officers were not restricted by time limits so they could wait until they have gathered enough information to assure themselves of the suitability of a licence holder.

Councillor Sartin asked that if an applicant was going through the process, could they still legally trade. She was told that if they had registered with the Council before 15 October then they could still trade while they were being checked. If they had not registered with the council by then then, they could not.

24. DATE OF NEXT MEETING

The meeting noted that there might be a need for an extra meeting early in the new year to consider any replies on the consultation for the proposed Hackney Carriage charges.

CHAIRMAN

Report to Licensing Committee

Date of meeting: 9th April 2014



**Epping Forest
District Council**

Subject: Street Trading- New Policy

Officer contact for further information: Kim Tuckey ext 4034

Committee Secretary: Adrian Hendry, ext. 4246

Recommendations:

To consider the recommendations of a new policy for the inclusion of Ice Cream vans and Mobile traders and if agreed to make recommendations to full council whether to adopt the policy

Report:

1. The Licensing Section have had a growing demand for mobile street Traders. Historically these were not required to apply for street trading consent as they were not static. Many applicants wish to remain static, this can cause noise and obstruction issues. It was noted that the council's existing policy did not reflect these applications or how a person could apply for a consent. The Assistant Director and the Licensing Manager have created an amended policy for members to consider

Resource Implications:

Loss of revenue through non-payment of fees

Legal and Governance Implications:

To enable productive enforcement of street traders

Safer, Cleaner and Greener Implications:

To have governance over any waste materials resulting from street trading activity

Consultation Undertaken:

None required

Background Papers:

New amended policy

Impact Assessments:

Risk Management

none

Equality and Diversity

No known implications

This page is intentionally left blank

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING

Epping Forest District Council has, by the powers vested in it, resolved that for the purposes of controlling Street Trading all current and future streets (adopted or unadopted highway), Council car parks including all forecourts, road, footways or other areas adjacent to the streets referred to in this resolution be designated as 'consent streets' from 1 December 2003.

POLICY

This policy will be applied to street trading activities in the district of Epping Forest to ensure consistency in decision making. Each application will be considered on its own merits so that the individual circumstances, where appropriate, are taken into consideration.

1. **Definitions of terms used in these Guidelines**

Within the terms of Epping Forest District Council's Street Trading Consent Scheme the following definitions apply:

The Council:	Epping Forest District Council
Street Trading:	The selling or exposing or offering for sale of any article (including a living thing) on any street.
Street:	Includes: (a) Any road, footway or other area to which the public have access without payment. (b) A service area as designed in section 329 of the Highways Act 1980 and also includes any part of a street.
Consent Street:	Means a street in which street trading is prohibited without the consent of the Council.
Consent:	A consent to trade on a street granted by the Council, pursuant to paragraph 7, Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder:	The person or company to whom the consent to trade has been granted by the Council.
Authorised Officer:	An officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Prohibited Street	A street which is prohibited within the District of Epping Forest District Council.

2. **Procedure for determining Street Consent applications**

The application and approval procedure comprises of the stages as set out at Appendix 1.

3. **Submission of the application**

An application for a Street Trading Consent must be made to the Council in writing or online.

The following will be required to be submitted with the application:

- (a) A completed and signed Street Trading Consent application form (in the case of online applications, a completed application would be acceptable);
- (b) The full fee as appropriate for the periods of trading applied for;
- (c) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line;
- (d) Three colour photographs of the stall, van, barrow, cart etc., that will be used for the street trading activity;
- (e) An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks;
- (f) Photo identification i.e., Passport, photo driving licence;
- (g) Two passport type photographs.
- (h) Basic Criminal record disclosure

All applications should be marked for the attention of Licensing Section.

An applicant for an initial new Street Trading Consent should give a minimum of 60 days notice of the application.

Renewals

Applications for renewals will be considered by the Assistant Director or Licensing Manager. The application must be accompanied by the public liability insurance, to the value of £1,000,000.MOT and fee. The applicant must display a public notice on the unit. If no objections are received the renewal will be granted. If objections are received the application will be considered at licensing sub-committee.

4. **Consultation on applications made**

Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons are consulted.

- Essex County Council Highways area office;
- EFDC Development Control

- Essex Police
- Essex Fire and Rescue Service
- EFDC Environmental Health
- Members of the public who live in the vicinity

5. **Site Assessment**

Street Trading Consents from static locations will not normally be granted where:

- A significant effect on road safety would arise either from the situation of the trading activity itself, or from customers visiting or leaving the site, or
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be situated, or
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for harbourage of vermin, odour or fumes, or
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes, or
- There is conflict with traffic orders such as waiting restrictions, or
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
- The trading unit obstructs the safe passage of users of the footway or carriageway, or
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
- The site does not allow the consent holder, staff and customers to park in a safe manner, or
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff, or

6. **Inspection of the Street Trading Unit**

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council,

prior to the issue of any Street Trading Consent, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects with the legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
- Environmental Protection Act 1990
- Food Safety and Hygiene (England) Regulations 2013/2996
- Regulation (EC) No 852/2004 on the hygiene of foodstuffs

The consent permit must be displayed and available for inspection by a Local Authority Enforcement Officer/Police Officer at all times.

7. **Determination of the Application**

The Assistant Director of Neighbourhood Services or the Licensing Manager acting on delegated powers will use the criteria listed below in determining any Street Trading Consents. Similarly any objections received will be considered against these criteria. All should normally be satisfied, with equal weight applied to the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration. If objections are received, the application will be referred to the authority's licensing sub-committee. Persons or bodies making written objections will also be informed together with the appropriate Ward Councillors for the proposed street trading site.

(a) Public safety: The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction or fire hazard. The term "public" refers to both customers requesting the street trading activity, and other members of the public using the street. In particular, reference will be made to guidelines set out in section 6 on site assessment criteria.

(b) Public order: The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations from the Essex Police will be taken into consideration.

(c) Avoidance of nuisance: The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households or businesses in the vicinity of the proposed street trading site. Observations from Council officers shall be taken into consideration.

(d) Needs of the Area: The sufficiency of other trading outlets will be taken into consideration in relation to:

1. The presence of like outlets already existing in the immediate locality of the proposed street trading site.

2. The general needs of a locality, should no comparable outlet exist.

(e) Compliance with legal requirements: The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation.

(f) Consultees Observation: Consideration will also be given to written observations from consultees and members of the public. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

(g) Permitted Trading Hours: The Council generally will only permit street trading between 6.00am and midnight on any day. Any trading outside these hours will require approval by the Council. Street Trading outside these guideline hours will be assessed in terms of criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate.

(h) Children and Young Persons: The Children and Young Persons Act 1933, as amended by the Children and Young Persons Act 1963, controls the employment of children in street trading. The Act prohibits employment of children under 17 years of age.

8. Exemptions from the need to obtain a Consent

8.1 Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- A person trading under the authority of pedlars' certificate granted under the Pedlars Act 1871;
- Trade carried out by rounds men e.g. milkmen;
- Trading as a news vendor;
- Trade carried on at a petrol filling station;
- Historic markets will be exempt from paying a fee to the authority but will have to satisfy the application process and need to place a public notice in the local newspaper.

8.2 The authority reserves the right to amend its decision to exempt a payment for markets. All new applications for markets will be required to pay the fee.

9. Approval of Applications

The Assistant Director of Neighbourhood Services or Licensing Manager may approve applications meeting the criteria contained within these guidelines.

On approving the application the Council will issue a Street Consent to which conditions will be attached. The Consent will also contain specific terms such as days and hours when street trading is permitted, the goods that may be sold.

A copy of the Council's standard conditions will be attached to the consent, (and are attached as appendix 2) Additional conditions may be attached if special circumstances apply to the Consent being granted by the Council. The Consent shall be issued within 21 days of the decision.

The conditions attached to the Consent form part of the approval to carry out street trading in the District. They **MUST** be complied with at all times and failure to do so could lead to the Consent being either revoked or not renewed.

Consent holders are therefore requested to familiarise themselves with the terms and conditions attached to Street Trading Consent and comply with the requirements.

10. Issue of Street Trading Consents

A Street Trading Consent for any particular site will be issued for a maximum period of one year. Shorter term consents may be issued on a daily, weekly or monthly basis. The licence must specify the street, days and times that the licence holder can trade and the items that can be sold. These particular consents will expire, unless renewed, on a date specified in the consent.

In all cases when a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases, the application will be required to go through the full consideration process outlined in these guidelines.

11. Representation to the Licensing Committee

The Council's Licensing Sub-Committees have delegated authority to consider applications and hear objections and appeals in relation to licensing matters.

The role of the Licensing Sub-Committees as regards Street Trading Consents is to hear representations from applicants in cases where the application has received objections against the application.

On receipt of a written representation, arrangements will be made to have the application heard at the next available meeting of the Licensing sub Committee.

Once arrangements have been made for the representation to be heard by the Licensing Sub-Committee the applicant will be advised in writing of the date, time and place where the representation will be heard; the person making the application is expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Licensing Sub-Committee will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.

The decision of the Licensing Sub-Committee will be confirmed in writing to the applicant within five working days of the meeting at which the application was considered.

The Licensing Sub-Committee will always adhere to the rules of natural justice when it is considering an application to ensure that all persons get a fair hearing.

12. **Refusal of Applications**

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the refusal of Street Trading Consents. If a person aggrieved by a decision of the Council he or she may seek a Judicial Review of the decision.

13. **General Information on Street Trading Consents**

Reimbursement of Fees: 50% of the application fee will be refunded if your application is refused by the Licensing Sub-Committee.

Persons under the age of 17 years: The Council will not grant a Street Trading Consent to persons under the age of 17 years.

Access by the Council and Police Officers: Consent holders should allow access to Authorised Officers of the Council and Police Officers at all reasonable times.

Street Trading Consents: The conditions attached to all Street Trading consents stipulate that a consent holder shall not assign, sub-let or part with his interest or possession of Street Trading Consent.

Variance of conditions: The Council may at any time vary the conditions of a Street Trading Consent.

The consent granted is specific to the person to whom it is issued and is **non-transferable and there can be no sub-letting.**

Ice Cream Vans Any ice cream van trading within Epping Forest District Council will require a Street Trading Consent. The Consent will allow trading to take place throughout the whole District, however the van can only remain static in any one location for a maximum of 20 minutes.

14. **Enforcement of Street Trading**

The Council will actively enforce the provisions of the Street Trading legislation within its area in a fair and consistent manner.

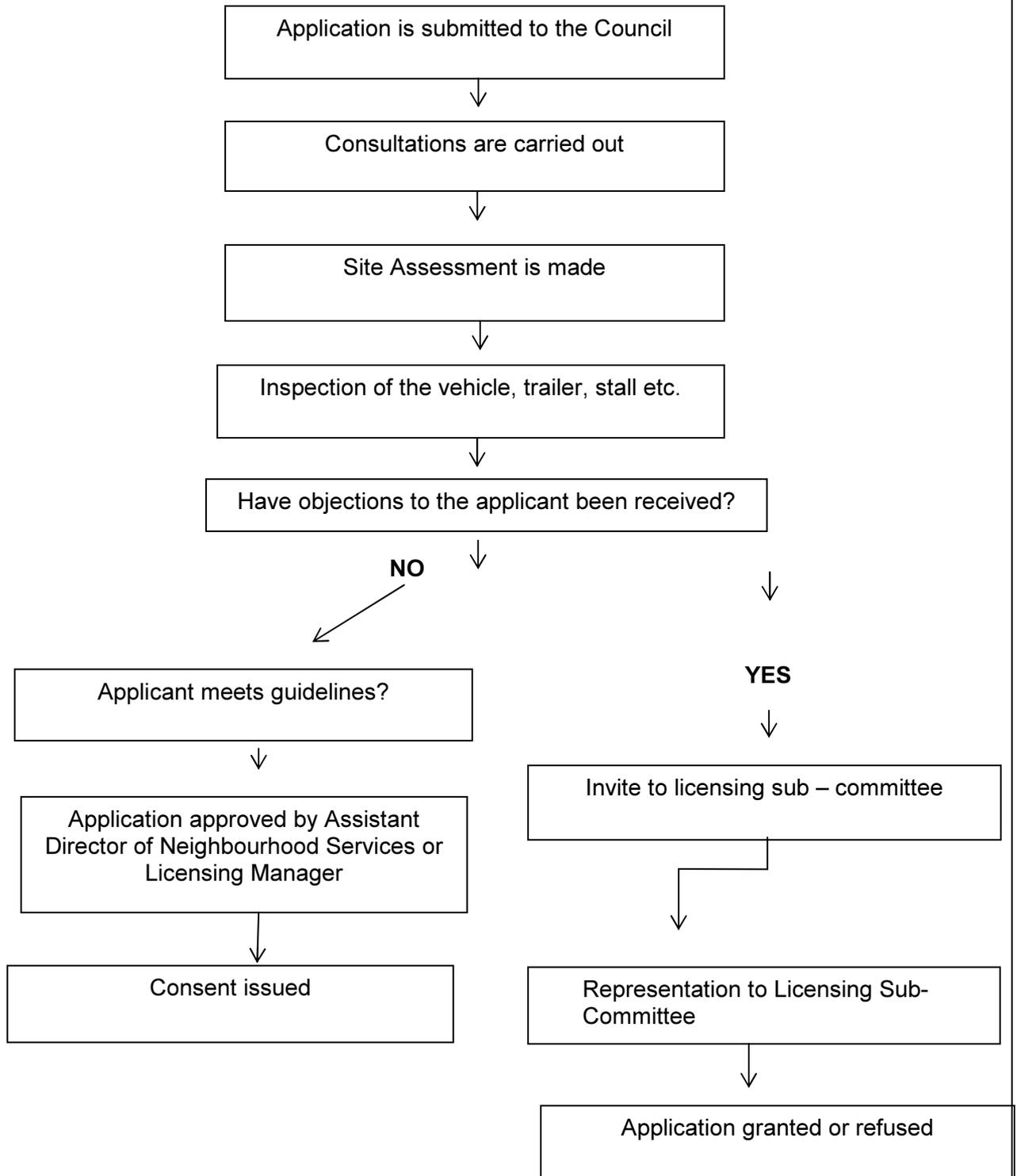
15. **Complaints against the Service**

The Council has a Corporate Complaints Procedure, copies of which are available from the Council Offices or on the Council's website.

APPENDIX 1

PROCEDURE FOR DETERMINING STREET TRADING CONSENT APPLICATIONS

The application and approval procedure comprises of the following stages:



APENDIX 2

**LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982**

STREET TRADING CONSENT



1. **CONSENT HOLDER:**
 2. **LOCATION:**
 3. **DESCRIPTION OF FOOD:**
 4. **DURATION:**
 5. **COUNCIL ON BEHALF OF THE COUNCIL** _____ - _____
-
1. This Consent is valid from _____ to _____ and no right to its renewal by the Council can be assumed or is implied.
 2. The Consent Holder shall at all times comply with the law. Particular attention should be paid to the requirements of the Health and Safety at Work etc Act 1974 The Food Safety Hygiene (England) Regulations 2013/2996 and the Food Safety Act 1990.
 3. The Consent Holder shall not cause any nuisance.
 4. No recorded or amplified music or radio, shall be played by the Consent Holder or any employee at the stall to the annoyance of any member of the public, local resident or occupier of nearby premises, except in the case of ice-cream vans who may use amplified chimes during permitted hours.
 5. No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property or into any surface water inspection chamber or gully.
 6. The Consent Holder's stall shall be kept in a clean, safe and well maintained condition, to the satisfaction of the Council and its authorised Officers.
 7. The Consent Holder shall provide and maintain, at his own expense, adequate refuse receptacles for litter and waste and its disposal.
 8. A notice stating the name of the Consent Holder and an address for complaints, shall be displayed in a conspicuous position on the stall at all times when trading is being carried on at the stall.

9. If the Consent Holder or any employee is requested to move the stall by an authorised Council Officer or a Police Officer, he/she shall immediately comply with that request.
10. The Consent Holder shall ensure that disable people can be served at the stall.
11. Failure to comply with these conditions will put the Consent Holder at risk of having the Consent revoked and/or of prosecution.
12. The Consent Holder shall take out and maintain at all times third party insurance cover with a maximum liability of at least £1,000,000.
13. The Consent Holder shall not place on the street or in a public place, any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
14. No business other than that of the sale of food and drink shall be carried on at the stall.
15. Litter and trade waste arising from the activities of the consent holder in and around the stall, shall be removed from the site on a daily basis and disposed of in an approved manner
16. The consent holder shall ensure adequate provision for pest control.
17. (Ice cream vendors) Vans may not be parked in any one location for more than 20 minutes and must not visit the same location more than twice a day.

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
2. Indicate that planning permission has been granted or is not required.

Please note:

- That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
- That the grant of one or more Street Trading Consents does not give the trader immunity from control.
- Indicate that the unit is exempt from business rates.
- Over ride parking restrictions or any other traffic regulations.

- Imply approval from the Highway Authority or any other person or Authority.

DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for a Street trading consent		If an objection	If no objection made
All policy matters except the formulation of the licensing policy	All cases		

Report to Licensing Committee

Date of meeting: 9th April 2014

Subject: Temporary Road Closure Orders- Fee



**Epping Forest
District Council**

Officer contact for further information: Kim Tuckey - 01992 564034.

Committee Secretary: Adrian Hendry, ext. 4246

Decisions Required:

- 1. To note the request from Epping Town Council to waive the fee for road closure for the Christmas Market and other similar events;**
- 2. To make a recommendation to the next full Council meeting on the charging of fees for primarily charitable events; and**
- 3. To recommend that this decision be delegated to either the Full Licensing Committee or to a Licensing Sub-Committee.**

Executive Summary:

1) The Town Police Clauses Act 1847 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 to take the form of a closure. This Act can be used for commercial and non-commercial events.

2) The Council at its meeting on 17 December 2013 (minute 86) resolved that the Council exercises its powers to make temporary road closures from 1 April 2014 at a cost of £170; and that the Licensing Committee give further consideration to the charging of this fee for primarily charitable events.

Reasons for Proposed Decision

3) The licensing authority has received a request from Epping Town Council to waive the fee for a road closure for the Christmas Market and other similar events. In order to consider the request to waive the fee when and where appropriate (for example for charity events) and other requests from other applicants, members need to recommend an appropriate policy.

4) In order to consider this request this Committee will need to make a recommendation to the Council on the levying of fees for temporary road closures for charitable events.

5) The options available are:

- i) Not to allow a waiver of a fee; or
- ii) To offer a reduced fee for charitable events –and to make a recommendation on the size of the reduction envisaged; or
- iii) To waive the entire fee for any charitable event.

The committee is asked to make a recommendation to council on one of the above options.

Other Options for Action:

To consider each instance on a case by case basis.

DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
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		
To waiver a fee	All applications?		

Resource Implications:

Loss of income

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:

These road closures were historically undertaken by the Highways department of the County Council but with effect from April 2014 the licensing section will undertake these applications.

Consultation Undertaken:

None needed

Background Papers:

None

Impact Assessments:**Risk Management**

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.

Report to Licensing Committee

Date of meeting: 9th April 2014



**Epping Forest
District Council**

Subject: Hackney Carriage and Private Hire Licensing

Officer contact for further information: Kim Tuckey

Committee Secretary: Adrian Hendry, ext.4246

Decisions Required:

To note that a consultation to adopt a taxi tariff was carried out on 6th February 2014 the advert was published in all of the local newspapers. No comments were received from members of the public or any other interested persons, therefore the agreement at full Council for the adoption of the Taxi tariff to be implemented from June 2014.

The Hackney Carriage and Private Hire Licensing Policy has been amended to include provisions in relation to the installation of taxi meters, the Fares shown in the table attached will be adopted and come into effect June 2014

TABLE OF FARES FOR HACKNEY CARRIAGES FROM

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;">Rate 1</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;">Rate 2</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;">Rate 3</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;">Rate 4</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.

Resource Implications:

The fare tariff was advertised in the local paper any future amendments will also need to be advertized

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 Hackney Carriage and Private hire trades is to protect the public.

Consultation Undertaken:

The new policy was consulted on

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.

Report to Full Licensing Committee

Date of meeting: 9th April 2014



**Epping Forest
District Council**

Subject: Licensing statistics

**Officer contact for further information Kim Tuckey
Licensing Manager**

**Democratic Services Officer: Adrian Hendry
(01992 – 564246)**

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 9th October 2013 to 26th March 2014.

Applications received under the Licensing Act 2003:

Premises licence applications/variatio

Number of new applications	8
Number of renewals	102
Change of designated premises supervisor/variation	15
Number of applications considered by the sub-committee	8
Number of applications granted subject to conditions	8
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	36 (EU)
Temporary event notices	47
Late TENS	11

Reviews

Application	0
Reviews refused	0

Personal licence applications

Number of applications received	66
Number of applications granted under delegated authority	66
Number of applications refused	0
Number of appeals to Magistrates	0

Gambling Act 2005

Betting office applications granted	0
Club gaming permit granted	0
Notifications for 2 gaming machines	3