

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 13 January 2015

**Place:** Council Chamber, Civic Offices,                      **Time:** 10.00 - 11.10 am  
High Street, Epping

**Members Present:** Mrs T Thomas (Chairman), K Chana and R Morgan

**Other Councillors:** -

**Apologies:** Mrs R Gadsby and A Lion

**Officers Present:** L Cole (Legal Services Officer), N Clarke (Licensing Officer), R Powell (Licensing Compliance Officer) and G J Woodhall (Democratic Services Officer)

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### 65. DECLARATIONS OF INTEREST

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

### 66. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business, and its terms of reference.

### 67. EXCLUSION OF PUBLIC AND PRESS

**Resolved:**

(1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
5	Review of a Private Hire Driver's Licence – Mr Pascovitch	1

### 68. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - MR PASCOVITCH

The Sub-Committee considered a review of the Hackney Carriage Driver's Licence held by Mr Pascovitch, which had been recently suspended by Officers. The three Councillors that presided over this item were Councillors T Thomas, K Chana and R Morgan. Members noted that Officers did not have delegated powers to determine this review and, consequently, the review had to be considered by the Sub-Committee.

The Chairman welcomed the Applicant and introduced the Members and Officers present. The Licensing Officer informed the Sub-Committee of the circumstances which led to the Licence being suspended.

The Applicant made a short statement in support of his application, before answering a number of questions from Members of the Sub-Committee. The Applicant then made a short closing statement to the Sub-Committee before the Chairman requested that the Applicant leave the Chamber whilst the Sub-Committee debated the application in private.

The Sub-Committee received no legal advice from the Litigation Executive. The Chairman invited the Applicant back into the Chamber and informed him of the Sub-Committee's decision.

**Resolved:**

- (1) That the suspension of the Hackney Carriage Driver's Licence held by Mr Pascovitch be lifted with immediate effect; and
- (2) That the Mr Pascovitch be given a second and final warning over his conduct;
- (3) That any further unreported relevant offences by Mr Pascovitch could result in the Licence being revoked by a future meeting of the Sub-Committee; and
- (4) That Mr Pascovitch be reminded of his responsibility to be aware of the terms and conditions of his Licence.

**69. INCLUSION OF PUBLIC AND PRESS**

**Resolved:**

- (1) That the public and press be invited back into the meeting for the remaining items of business.

**70. STREET TRADING CONSENT RENEWAL - MR I POLAT AT HURRICANE WAY, NORTH WEALD**

The three Councillors that presided over this item were Councillors Thomas, Chana and Morgan. The Chairman welcomed the Applicant, Mr I Polat, and introduced the Members and Officers present. There were no Objectors in attendance. The procedure that would be followed for the determination of the application was then outlined.

The Application before the Sub-Committee

The Licensing Enforcement Officer informed the Sub-Committee that an application had been made by Mr I Polat for a renewal of a Street Trading Consent to trade at Hurricane Way in North Weald. The application had requested permission to serve hot and cold food and drinks on Monday to Sunday between the hours of 4.00pm and 10.00pm.

The Sub-Committee noted that three letters of objection from local businesses in Hurricane Way had been received, along with one letter of support from a local resident. Letters had also been received from Essex Police and North Weald Bassett Parish Council but neither had raised any objections to the application.

### Presentation of the Applicant's Case

Mr Polat informed the Sub-Committee that he served his consumables from a van that was 24 foot in length. Hurricane Way was a short road with no yellow lines. There was a high volume of traffic for the nearby Bookers Cash-and-Carry store, but the Applicant was unaware of any complaints regarding his location. Mr Polat felt that the letters of objection had been written by the correspondents who had objected to his application the previous year.

### Questions for the Applicant from the Sub-Committee

The Chairman informed the Applicant that he had to consider whether he was causing an obstruction when he parked. The Applicant should not park too close to the corner with the main road, nor obstruct any gates that provided access to other sites off Hurricane Way, nor next to the bottle bank. The Applicant should consider parking further into Hurricane Way without causing any obstruction or danger to other road users. And it should be accepted that other vehicles may already be parked in Hurricane Way.

In response to questions from the Sub-Committee, the Applicant stated that there were sometimes two or three vehicles parked outside the Museum if there was a meeting taking place, but usually the road was very quiet at approximately 3.00pm/3.30pm when the Applicant arrived prior to commencing trading. Mr Polat acknowledged that he should not park on the left hand side of Hurricane Way, but reassured the Sub-Committee that he always served on to the pavement side of the street and not into the road. As the Applicant was a customer of Bookers, he used the toilet facilities there, and therefore there was no requirement to provide toilet facilities of his own. The Applicant worked on his own so the Van was always shut when he walked across to Bookers to use the toilet facilities.

### Questions for the Applicant from the Officers

There were no questions from the Officers present for the Applicant.

### Consideration of the Application by the Sub-Committee

The Sub-Committee received no legal advice from the Litigation Executive.

The Sub-Committee noted that there had been no objections put forward by either Essex Police or North Weald Bassett Parish Council. It was felt that the Street Trading Consent should be renewed but the Applicant should always park his van sensibly and always open onto the pavement to serve customers.

The Applicant was invited back into the Chamber and the Chairman informed him of the Sub-Committee's decision.

### **Resolved:**

- (1) That the application to renew a Street Trading Consent for Mr I Polat at Hurricane Way in North Weald be granted, subject to the conditions contained within the Application and the Council's standard terms and conditions; and
- (2) That the Applicant be advised to park sensibly when trading without causing undue obstruction to other users of Hurricane Way.

**71. STREET TRADING CONSENT APPLICATION - MR C DAVIS AT OAKWOOD HILL INDUSTRIAL ESTATE, LOUGHTON**

The three Councillors that presided over this item were Councillors Thomas, Chana and Morgan. The Chairman welcomed the Applicant, Mr C Davis, and introduced the Members and Officers present. There were no Objectors in attendance. The procedure that would be followed for the determination of the application was then outlined.

The Application before the Sub-Committee

The Licensing Enforcement Officer informed the Sub-Committee that an application had been received from Mr C Davis for a Street Trading Consent to trade at the Oakwood Hill Industrial Estate in Loughton. The application had requested permission to serve hot and cold food and soft drinks on Monday to Saturday between the hours of 6.00am and 4.00pm.

The Sub-Committee noted that the representations from both Loughton Town Council and Essex Police had offered no objections to the application. In addition, representations received from a local ward Councillor and the Highways Agency both stated that they had no objection to the application in principle provided that no obstruction was caused and existing traffic control restrictions were strictly adhered to. There were no other representations received in respect of the application.

Presentation of the Applicant's Case

Mr Davis declined to offer any further evidence in support of his application, other than to highlight that the previous trader at this location had declined to renew his consent when it expired in October 2013.

Questions for the Applicant from the Sub-Committee

In response to questions from the Sub-Committee, Mr Davis stated that he had always been a fully qualified Chef during his working life, and his qualifications included the relevant Health & Hygiene awards. The Applicant had not yet decided upon his trading name, and the van to be used would be fully equipped with fridges for the storage of food. The Applicant used to work on his own in a Café in Waltham Abbey and was fully conversant with the handling of litter; it was intended to pay a local shop to use their trade waste service. Mr Davis was happy to remain in the same location each day. The road was normally clear of parked cars, and the proposed location was next to the biggest factory on the estate with no exits on that side of the building.

Questions for the Applicant from the Officers

There were no questions from the Officers present for the Applicant.

Consideration of the Application by the Sub-Committee

The Sub-Committee received no legal advice from the Litigation Executive.

The Sub-Committee felt that the Applicant would need to remain at the proposed location and exercise care to not block any exits or cause any obstructions to other users of the road.

The Chairman invited the Applicant back into the Chamber and informed him of the Sub-Committee's decision.

**Resolved:**

(1) That the application for a Street Trading Consent for Mr C Davis at Oakwood Hill Industrial Estate in Loughton be granted, subject to the conditions contained within the Application and the Council's standard terms and conditions.

**CHAIRMAN**