



Licensing Sub-Committee Tuesday, 8th March, 2016

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

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 8th March, 2016
at 10.00 am .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

R Perrin (Direct Line 01992 564532)
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors M Sartin (Chairman), R Gadsby, P Keska and B Rolfe

PLEASE NOTE THE START TIME OF THE MEETING

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on this agenda.

- 3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 5 - 12)**
- 4. EXCLUSION OF PUBLIC AND PRESS**

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
5	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses	1

Act 1847 - Application for
a Hackney Carriage
Driver's Licence – Mr
Ahmed Zubiar Azizullah

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR AHMED ZUBIAR AZIZULLAH (Pages 13 - 16)

(Director of Neighbourhoods) To consider the attached report.

6. INCLUSION OF PUBLIC AND PRESS

To invite the public and press back into the meeting for the remaining items of business.

7. STREET TRADING CONSENT - LONDON ROAD (A113) ONGAR (Pages 17 - 30)

(Director of Neighbourhoods) To consider the attached report.

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Agenda Item 3

PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

APPENDIX 5

LICENSING COMMITTEE – TERMS OF REFERENCE

- (1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.
- ... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub Committee shall include, by rota, one of the six Licensing Sub Committee Chairmen appointed at each Annual Council meeting.
- (3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.
- (4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.
- (5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.
- (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in
... accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).
- (7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.
- (8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

**PART 3(2) -
RESPONSIBILITY OF
FUNCTIONS (LICENSING
COMMITTEE)**

APPENDIX 5 (ANNEX 1)

LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary		All cases	

event notice			
All policy matters except the formulation of the statement of licensing policy	All cases		

RESPONSIBILITY

PART 3(2) –

**FOR FUNCTIONS
LICENSING COMMITTEE**

APPENDIX 5 (ANNEX 2)

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Gambling Act 2005
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Pet Animals Act 1951
Pet Animals Act 1951 (Amendment) Act 1983
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS**

**APPENDIX 5
(ANNEX 3)**

**PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND
SUB-COMMITTEES**

All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

- 3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Sub-Committee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing.

4. Attendance of the Public

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

- 5.1 There are two elements to natural justice:

(a) Fairness

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall

have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
 - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
 - (ii) The Chairman will outline the procedure to be followed.
 - (iii) The Lead Officer will outline the matter in hand.
 - (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
 - (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
 - (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
 - (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
 - (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
 - (ix) Committee members shall restrict themselves to questions and not discussion or comment.
 - (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
 - (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
 - (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone

for additional information, everyone shall be invited to return to the Hearing.

- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Report to the Licensing Committee

Date of meeting: 8 March 2016

Subject: London Road (A113) Ongar

**Responsible Officer: Lindsey Turner
Licensing Compliance Officer**

Democratic Services: R Perrin



**Epping Forest
District Council**

Recommendations/Decisions Required:

To determine the application for a Street Trading Consent under the Local Government Miscellaneous Provisions Act 1982

Report:

Application for Grant of a Street Trading Consent

1. On the 25th January 2016 the Authority received an application made by Mr. David Hickman for a street trading consent to trade at London Road (A113), Ongar, Essex. A copy of the application is attached to this report. The public notices are also attached. The application sets out the relevant licensing activities applied for and times requested.

Hot & Cold Food & Drinks
Mondays to Sunday 06:00 to 18:00 hours

There was a trader there between the years of January 2013 to January 2014; however that trader did not wish to renew his consent. This is a new applicant

Consultation

2. There is no requirement in the Local Government Miscellaneous Provisions Act 1982 Act to carry out any consultation. The Licensing Team notified Essex Police, Environmental Health, Highways Authority & the clerk of Loughton Town Council & the member's bulletin. A public notice was also placed in the local Guardian

3. The authority has received no letters of objection.

4. Essex Police have no objections to the application. There were responses from Loughton Town Council and Essex police stating that they have no observations to make, no other representations were received.

Conditions

4. The sub-committee may attach conditions to a street trading consent as it considers reasonably necessary. These can include conditions to prevent –

- (a) obstruction of the street or danger to persons using it; or
- (b) nuisance or annoyance (whether to persons using the street or otherwise).

5. The Consent can include permission to trade –

- (a) from a stationary van, cart, barrow or other vehicle; or
- (b) from a portable stall.

6. The sub-committee may decide that the Consent is subject to conditions –

- (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
- (b) as to the times between which or periods for which he may so trade.

Unless the sub-committee decides otherwise the Authority's standard conditions will apply to this consent. A copy of these conditions is attached.

7. The street trading consent may be granted for a period not exceeding 12 months.

Appeal

8. The Act provides for no appeal against refusals although decisions have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Attached documents

- Application for Street trading consent & Conditions of licence
- Newspaper notice

1. This Consent is valid from (date) 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 Act 1974 The Food Safety (General Food Hygiene) Regulations 1995 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 disabled 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 included in the 'Description' above 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.

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
2. Indicate that planning permission 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.

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LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982: PART III
APPLICATION FOR CONSENT FOR STREET TRADING
IN A DESIGNATED 'CONSENT' STREET



Corporate Support Services

In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982

SECTION 1

Applicant Details

* First Name

* Family name

* E-mail

Main telephone number Include country code

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organization, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business or Organisation

*Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* Vat Number Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business or organisation

Home country The country where the headquarters of your business is located

Business Address

* Building number or name

If you have one, this should be your official address - that is an address required of you by law for receiving communications

* Street

District

* City or town

County or administrative area

* Post Code

* Country

SECTION 2 of 11

Further Details about the Applicant (If applying as an individual)

Former name(s)

If currently or previously known by any other name(s), you must record them here.

Home Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

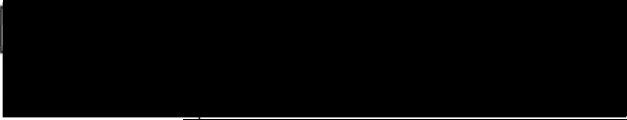
County or administrative area

* Post Code

* Country

Further Details

* Date of Birth



* Place of birth



National Insurance Number



SECTION 3 of 11

Directors, Partners, Owners and Managers (If Company Club)

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organization, including day-to-day MANAGERS OF THE PREMISES.

* Are there any such people for whom you need to provide details?

Yes

No

If so please supply information on a separate sheet.

SECTION 4 of 11

Type of Application

Type of application

New

Renewal

Specify the period for which The licence is required (if applicable)
This period cannot exceed one year

YEARLY

SECTION 5 of 11

Application Details

Check guidance notes and conditions before completing this section.

* Trading Name

Essex Bites

What You Want to Trade

* List all the goods and services you want to offer for sale

HOT FOOD
COLD FOOD
HOT DRINKS
COLD DRINKS

* Does this include selling food or drink?

Yes

No

* Where will goods be stored when not on sale?

FRIDGE , FREEZER , DRY GOODS STORAGE ON BOARD . (PURCHASES DAILY)

When You Want to Trade

in each week on: -

Mondays	from	06:00	to	18:00
Tuesdays	from	06:00	to	18:00
Wednesdays	from	06:00	to	18:00
Thursdays	from	06:00	to	18:00
Fridays	from	06:00	to	18:00
Saturdays	from	06:00	to	18:00
Sundays	from	06:00	to	18:00

Where You Want to Trade

* Type of trading

- Mobile
- Stationary

* Street(s)/location(s) where you wish to trade. (If stationary in one location please supply a plan.)

LAYBY ON LONDON ROAD (A113) TOWARDS ONGAR
BY TRACEYS FARM.

SECTION 6 of 11

Details of vehicle, stall and/or container

* Will you be using a vehicle in connection with your work as a trader?

- Yes
- No

* Description of unit from which you intend to trade, including dimensions

PROFESSIONALLY MADE CATERING TRAILER (BRAND NEW AND ALL
EQUIPMENT BRAND NEW)
12 FT / 7 FT / 9 FT
L W H

* Where will the unit be stored when not in use?

PATCH PARK FARM ABRIDGE

* You will be required to produce to the Licensing Officer

- A current MOT and insurance certificate, if you are trading from a vehicle.

DECLARATION

I am over the age of 17 years. I understand that the fee does not include any element in respect of the collection of refuse by the Council; therefore, I undertake to remove refuse and cleanse the street during and on completion of each day's trading and comply with all conditions attached to a Consent.

Full Name: DAVID HICKMAN

Capacity: OWNER

Signed:  ... Date _____

"The authority is under a duty to protect public funds it administers, and to this end may use information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes".

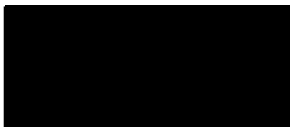
Z/B/LICENSING/MASTERS/APPLIC FORM - STREET TRADING IN DESIG CONSENT STREET

**Caterers Liability - Schedule of Insurance
Arranged by Mobilers Insurance Services**

**John Garth House, Engine Lane, Stourbridge DY9 7DF
Tel: 0800 180 4175**

Policy Number	[REDACTED]
Name and Address of Insured	Mr D Hickman [REDACTED] Beech Close Loughton
Period of Insurance	01/03/2016 to 28/02/2017
Limits of Indemnity	
Section 1 Employers Liability	Not Included
Section 2 Public Liability	£5,000,000 any one accident or series of accidents arising out of one event*
Section 3 Products Liability	£5,000,000 in the aggregate any one period of insurance*
Pollution and Contamination	£5,000,000 in the aggregate any one period of insurance* * increasing to £10,000,000 where stipulated under contract or regulatory requirement
Section 2 and 3 combined	
Excess (Section 2/3)	£250.00 each and every property damage claim
Declared Occupation:	Permanently Sited Trailer
Declared Employees:	None
Declared Seating Capacity:	0
Declared Turnover:	£30,000
Premium (Inclusive of IPT at the current rate)	£ 72.35
Administration Charge	£ 25.00
Total	£ 97.35

Underwritten by St Julians Insurance Company Limited,
Authorised Insurers, registered in Malta (C-50869)



This Schedule of Insurance has been signed on behalf of the Company by and should be read together with the Liability Policy wording

Date of Issue: 13 January 2016

St Julians Insurance Company Limited is authorised and regulated by the Malta Financial Conduct Authority to carry on General Business (Class 13 – General Liability) in terms of the Insurance Business Act 1998 and subject to a limited regulation by the Financial Conduct Authority in respect of underwriting insurance business in the UK.

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**PUBLIC NOTICE
LOCAL GOVERNMENT
(MISCELLANEOUS
PROVISIONS)ACT
1982
STREET TRADING
CONSENT**

Application has been made
by David Hickman to Epping
Forest District Council for a
consent to sell Hot and Cold
Food at London Road Layby,
between Murrals and Traceys
Farm, Stapleford Rivers ,Ongar
Monday to Sunday between
0600-1800 hours

Any representations regarding
this application should
be made by Wednesday
24th February 2016

The Licensing Section
Corporate Support
Services
Epping Forest District
Council
Civic Offices
323 High Street
Epping Essex CM16 4BZ

