

31. MINUTES OF THE LICENSING SUB-COMMITTEES**Resolved:**

(1) 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) 5 April 2011;
- (b) 9 May 2011;
- (c) 7 June 2011;
- (d) 5 July 2011;
- (e) 2 August 2011; and
- (f) 6 September 2011.

32. LICENSING APPLICATIONS - LICENSING ACT 2003 AND GAMBLING ACT 2005

The Assistant Director (Legal Services) reported that in respect of Premises License Applications or Variations, there had been 6 new applications, 299 renewals, 33 Change of Designated Premises Supervisor or variation applications received. Of these, 6 applications had been considered by the Sub-Committee and granted subject to conditions. 191 Temporary Event Notices had also been granted, and 55 Personal Licence applications had been received and granted under delegated authority. There had been no appeals to the Magistrates Court during the period.

In respect of the Gambling Act 2005, 1 club gaming permit had been granted, whilst 5 notifications had been received for two gaming machines. Of these applications, 8 of the Temporary Events Notice applications had been received on-line, but no applications for a Riding School.

Resolved:

(1) That the report to the Licensing Committee regarding the applications received under both the Licensing Act 2003 and the Gambling Act 2005 be noted.

33. HONEY LANE STREET TRADING CONSENT

The Assistant Director (Legal Services) presented a report concerning street trading consents in Honey Lane, Waltham Abbey.

The Assistant Director stated that in 2009, the Licensing Committee had passed a resolution designating the whole of Honey Lane as a prohibited street, for the purposes of street trading in accordance with the Local Government (Miscellaneous Provisions) Act 1982. This was made at the request of Waltham Abbey Town Council because of safety concerns between the two motorway access roads. Since then, a burger van had started to trade from the car park of a public house and was not causing any obstruction, but the prohibited street status also applied to those areas which the public could access on the street. Therefore, the Council could not grant consent for the burger van to continue trading in its current location and enforcement action was being considered. It was felt that only the section of Honey Lane between the two motorway accesses should be designated as a prohibited street and that the

rest of Honey Lane should be designated as a consent street This would enable each application for a street trading consent to be considered on its merits.

Recommended:

(1) That, provided no representations opposing the designation be received during the statutory consultation period, the designation of the parts of Honey Lane which were not between the two motorway accesses as a consent street for street trading be recommended to the Council for approval; and

Resolved:

(2) That the proposed designation be referred back to the Licensing Committee for further consideration if any representations opposing the designation be received during the statutory consultation period.

34. REVIEW OF LICENSING CONDITIONS FOR TAXIS

The Assistant Director (Legal Services) presented a report on the results of a consultation on the proposed changes to Hackney Carriage and Private Hire Driver's Licences, Hackney Carriage Vehicle Proprietor's Licences, and Private Hire Vehicle Licences agreed at the Committee's previous meeting.

In respect of Hackney Carriage Vehicle Licence conditions, the Committee felt that the current proposed condition regarding window signs covered the points made by the consultees, and that any advertising on the rear of roof signs should be restricted to the name of the taxi firm and its phone number. With regard to condition 7(b) about centralised locking, the Committee noted that passengers were usually locked in when travelling in a London Taxi, and that the proposed condition should be removed as it would improve passenger safety to have the doors locked whilst the vehicle was moving.

The Committee noted that most wheelchairs folded up, and for those that did not it was understood that a special vehicle had to be ordered to transport these people. Therefore, it was felt that the words "...folded or in the vehicle." should be added to the proposed wording for condition 7(e). The Committee was agreed that condition 7(f), requiring a minimum headroom of five feet in the vehicle, should be removed. For condition 7(i), the Committee believed that the spare tyre should be in line with the manufacturer's specification, with facilities to change the wheel.

The Committee was concerned that some vehicles were doing excessive mileage after failing their vehicle inspections; cases of almost 2,000 miles being travelled between tests had been noticed. It was felt that an appointment for a re-test should be made immediately upon failure, and that the vehicle should only travel a minimal distance of 100 miles between inspections. The Committee noted that condition 9 referred to a vehicle less than five years old, and condition 10 referred to a vehicle over five years old; it was decided that condition 10 should read "...five years old or over...". For condition 16, it was felt that the requirements to carry both a fire extinguisher and a first aid kit should be removed, whilst the use of tinted windows in vehicles should be as per current legal requirements.

The Committee then considered the conditions for Hackney Carriage Driver's Licences. For condition 21, the conveying of assistance dogs with their owners, it had been highlighted by the Quality Taxi Partnership that only guide dogs had yellow jackets and that other types of assistance dogs had different coloured jackets. Therefore, it had been suggested that the specific reference to yellow jackets should

be removed from the condition. The Committee believed that this was a sensible amendment and concurred. The current condition 27 stated that a driver should not leave his Hackney Carriage unattended in a public place, which precluded the taking of toilet breaks, coffee breaks and lunch breaks by drivers. The Committee was informed that the condition had originally been implemented to stop drivers causing an obstruction, but the Committee felt that the condition should be removed as it was the personal responsibility of the driver not to cause an obstruction. The Assistant Director (Legal Services) commented that conditions 30, 31 and 32, the notification of offences committed by drivers to the Council, had been amended to meet the concerns previously expressed by Members.

In respect of the additional conditions, the Quality Taxi Partnership had raised the issue of not charging for the carriage of a wheelchair. The Committee considered that specially adapted cars should be allowed to charge for transporting powered wheelchairs, but the Assistant Director (Legal Services) felt that there might be equality issues involved, so it was agreed to defer consideration of this issue until the Committee's next meeting. The Committee discussed the Licence conditions for Roof Boxes and Trailers. It was suggested that any trailers should also be routinely tested, with the taxi plate to be displayed at the rear of the trailer. Roof Boxes were not currently permitted, and if this condition was disposed with, the Taxi sign should still be visible at all times. The Committee agreed to defer further discussion on this condition until its next meeting in April 2012, pending further information.

The Committee agreed both the revised Private Hire Vehicle Licence conditions and Private Hire Driver's Licence conditions, subject to the inclusion of the amendments previously made in the meeting for Hackney Carriage Vehicle Licences and Hackney Carriage Driver's Licences. In relation to the other issues raised by the Consultees, the Assistant Director (Legal Services) emphasised that Criminal Records Bureau checks were already made for all applicants of Hackney Carriage and Private Hire Driver's Licences. A separate report had been prepared regarding the implementation of Taxi Ranks within the District, and this would be considered by the Committee later in the meeting. The issue of Fare Tariffs and Fare Meters had also been raised. The Committee was informed that this should be consulted upon first, with a report prepared for the next meeting of the Licensing Committee. The Committee requested that this consultation be undertaken with the Hackney Carriage and Private Hire Drivers of the District.

Recommended:

- (1) That the proposed and revised Hackney Carriage Vehicle Licence conditions be recommended to the Council for adoption, subject to the following amendments:
 - (a) amending condition 5 such that advertising on the rear of any roof signs to be restricted to the name of the Taxi firm and its phone number;
 - (b) removing condition 7(b) preventing the centralised locking system being activated whilst carrying adult passengers in the interests of passenger safety;
 - (c) adding to condition 7(e) to be capable of carrying a wheelchair either folded or in the vehicle;
 - (d) removing condition 7(f) requiring a minimum headroom of 5 feet;
 - (e) adding to condition 7(i) the spare tyre to be carried should be in line with the manufacturer's specification, with facilities to change the wheel;

- (f) adding a new condition for vehicle inspections such that any vehicle failing an inspection must immediately make an appointment for a re-test, or only travel a minimal distance of 100 miles between tests;
 - (g) amending condition 10 to state "If the vehicle is five years old or over...";
 - (h) removing the requirement to carry a fire extinguisher and first aid kit from condition 16; and
 - (i) amending condition 16 to permit tinted windows on vehicles as per the current legal requirements;
- (2) That the proposed and revised Hackney Carriage Driver's Licence conditions be recommended to the Council for adoption, subject to the following amendments:
- (a) removing the reference to assistance dogs with yellow coloured jackets from condition 21;
 - (b) removing condition 27 regarding a driver not leaving their Hackney Carriage;
 - (c) deferring consideration of charging for the carriage of wheelchairs until the Committee's next meeting in April 2012;
 - (d) deferring consideration of Trailers and Roof Boxes pending further information until the Committee's next meeting in April 2012;
- (3) That the proposed and revised Private Hire Vehicle Licence conditions be recommended to the Council for adoption, subject to the inclusion of the amendments previously made for Hackney Carriage Vehicle Licences;
- (4) That the proposed and revised Private Hire Driver's Licence conditions be recommended to the Council for adoption, subject to the inclusion of the amendments previously made for Hackney Carriage Driver's Licences; and

Resolved:

- (5) That the responses from the consultation on the proposed changes to the various different Hackney Carriage and Private Hire Licences be noted;
- (6) That a consultation exercise be undertaken with the Hackney Carriage and Private Hire Drivers of the District regarding the implementation of Fare Tariffs and Fare Meters within the District, with the results being reported back to the next meeting of the Licensing Committee in April 2012.

35. PROPOSAL FOR TAXI RANKS WITHIN THE EPPING FOREST DISTRICT

The Senior Licensing Officer presented a report regarding the proposal for taxi ranks within the Epping Forest District.

The Senior Licensing Officer reported that there had been a growing demand for taxi ranks within the District, both from individual taxi firms and the Epping Forest Taxi Association. The provision of taxi ranks had previously been discussed with Essex County Council but it had not been pursued further due to a lack of funding. The North Essex Parking Partnership now had authority over parking related issues and taxi ranks within the District. It had indicated that funding would be provided for agreed taxi ranks, and that the Partnership would carry out the necessary adoption

and advertising required. Seven potential taxi rank sites had been identified but a full public consultation was required to determine whether these sites would find favour with the public or whether there were alternative sites that should be considered. Although there were queries over some of the suggested sites, it was felt that the consultation should proceed to determine the need for a taxi rank in any particular area.

Resolved:

(1) That, following consideration of the need for taxi ranks within the District, a public consultation should be performed to determine the need for a taxi rank in any particular area of the District.

36. TAXI WARDENS

The Senior Licensing Officer introduced a report on Taxi Wardens.

The Committee was informed that the Epping Forest Taxi Association had requested the installation of a taxi rank at Loughton Station, to be patrolled by Taxi Wardens accredited by the Security Industry Association (SIA). If taxi ranks were installed throughout the District then consideration should also be given to the use of Taxi Wardens, but it was felt that it would be premature to embark upon any work at the current time.

The Committee was informed that there were Taxi Wardens within the East Herts District at night for the benefit of their night-time economy, although these Wardens were not funded by the District Council. The possibility of employing Taxi Wardens was an issue that might be raised in the consultation upon Taxi Ranks within the District, and that consideration of their introduction should be deferred until then.

Resolved:

(1) That consideration of the introduction of Taxi Wardens be deferred until such time as there were taxi ranks installed within the District.

37. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

The Committee reviewed the proceedings of the Licensing Sub-Committees held during the preceding six-month period and considered whether the procedure, policy and organisation of the Sub-Committees required review. The Chairman advised the Committee that Members with a broad experience of Licensing matters were nominated by their Group Leaders for membership of the pool of Chairmen for the Sub-Committee meetings.

38. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

The Committee considered whether any further training was necessary for those Members tasked with discharging the Council's Licensing function. It was agreed that attending meetings in an observational capacity assisted new Members in understanding their role. The Assistant Director (Legal Services) confirmed her willingness to provide further training to Members if another appeal against a Premises Licence was received. The Committee was advised that further changes to the provisions of the Licensing Act 2003 were coming into force in April 2012, and that further Member training would be provided.

39. ANY OTHER BUSINESS

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

40. DATE OF NEXT MEETING

The Committee noted that the next meeting had been scheduled for 11 April 2012 at 2.00pm in the Council Chamber.

CHAIRMAN

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