

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Committee **Date:** Wednesday, 9 April 2014

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 2.00 - 2.59 pm

Members Present: Councillors K Angold-Stephens (Chairman), P Spencer (Vice-Chairman), A Boyce, P Keska, L Leonard, A Lion, H Mann, R Morgan, Mrs P Smith and Mrs T Thomas

Other Councillors: Councillors G Waller

Apologies: K Chana, Mrs R Gadsby, A Mitchell MBE, B Rolfe and Mrs M Sartin

Officers Present: J Nolan (Assistant Director (Neighbourhood Services)), K Tuckey (Senior Licensing Officer) and A Hendry (Democratic Services Officer)

25. Declarations of Interest

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

26. Any Other Business

It was noted that with the recent reorganisation of the council directorates, Jim Nolan (Assistant Director of Neighbourhood Services) was now responsible for Licensing.

27. Minutes of the Licensing Committee

That the minutes of the meeting held on 3 December 2013 be taken as read and signed by the Chairman as a correct record.

28. 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) 16 September 2013;
- (b) 24 September;
- (c) 1 October;
- (d) 3 October;
- (e) 7 October;
- (f) 8 October;

- (g) 10 October;
- (h) 14 October;
- (i) 17 October;
- (j) 4 November;
- (k) 12 November;
- (l) 21 November;
- (m) 7 January 2014;
- (n) 16 January;
- (o) 27 January;
- (p) 4 February; and
- (q) 4 March.

29. Street Trading Policy

The Senior Licensing Officer, Kim Tuckey introduced the report for a new policy on mobile street traders and ice cream vans. Historically these were not required to apply for street trading consent as they were not static. If they wanted to remain static, this could cause noise and obstruction issues. It was noted that the Council's existing policy did not reflect these applications and as such could not control, for example, an Ice Cream van that would stay in place for hours. Asked why officers had chosen a 20 minute time limit Ms. Tuckey replied that this was what other authorities used and if members wished to change it they could.

Councillor Smith in noting that this was a new policy asked how we would let the industry know about this new policy and what impact this would have on the Licensing section in terms of resources etc. Also was there sufficient resources for the enforcement of this policy and how would it be administered. Mr Nolan noted that this was part of a fuller process, this would go on to full consultation and if any anomalies or objections were pointed out then it would come back here. If everything was considered to be acceptable then it would go on to full council for endorsement.

Councillor Lion wanted to know what a 'consent street' was. He was told that consent streets were all streets bar one particular one. As for enforcement, we have a neighbourhood team, but they would be reacting mainly to complaints received.

Councillor Mann wanted to know who administered the sounds emanating from the vans. He was told that this would be covered by our normal noise regulations, but this would be difficult to enforce.

Councillor Smith proposed some slight amendments for the recommendation which was endorsed by the committee. This was to add 'for consultation' after the words '...a new policy'.

Councillor Angold-Stephens proposed broadening out paragraph 13 of the Street Trading Consent document to say they must not cause an obstruction on the highway, including entrances and exits. This was also agreed by the Committee.

RESOLVED:

That the draft new policy, as amended, on street trading including Ice Cream vans and Mobile Traders be approved for consultation and recommended on to the full council for adoption if no objections were received.

30. Temporary Road Closures Orders - Fee

The Senior Licensing Officer, Kim Tuckey introduced the report on fees for temporary road closures. She noted that 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.

The meeting noted that we had 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 this and any other similar requests, this Committee would need to make a recommendation to the Council on the levying of fees for temporary road closures for charitable events.

The Committee noted the options that were available to them were:

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

Councillor Angold-Stephens noted a potential difficulty as some traders would want to donate some of their profits to a charitable cause, how would this be classed. This was a grey area. A purely charitable event would be OK. Mr Nolan noted that it maybe that if a Town/Parish Council requests this you would grant it, but if an individual trader asked, we could legitimately ask how much profit they would take and how much would go to charity.

Councillor Lion noted that we should not just use the term 'Christmas Markets' but use a more general term. Mr Nolan noted that we do use the term '...and other similar events.'

Councillor Smith commented that we should be helping local councils to encourage local enterprise and help with minimal costs to help them engage with different communities. We can be a little generous in this regard and can review this at a later date to see if it's being abused.

Councillor Leonard was concerned about charging charities as this could put a lot of the charities off applying and he would support waiving all fees at charitable events.

Councillor Angold-Stephens proposed that they waive the fees for any charitable events. It would be up to the applicant to substantiate that it was for a charitable or community event run by a Town or Parish council for the benefit of the local community. This was agreed by the Committee.

RESOLVED:

1. That the request from Epping Town Council to waive the fee for road closure for the Christmas Market and similar events be noted;
2. That a report go to the next full council meeting recommending that road closure fees were waived for any charitable or community events run by a Town or Parish Council for the benefit of the local community; and
3. That any applications that would need a decision for the waiver of road closures fees be delegated to a Licensing Sub-Committee.

31. Hackney Carriage and Private Hire Licensing

The Committee noted that the Hackney Carriage and Private Hire Licensing Policy had been amended to include provision in relation to the installation of taxi meters and the adoption of fixed fares that would come into effect in June 2014. Langston Road would calibrate and seal the meters. Officers were now preparing 'tariff cards' to be distributed to taxi customers.

Councillor Angold-Stephens noted that a late comment had been received about "run-ons" that is traveling a long way to pick up a customer and only take them a short distance. Mr Nolan noted that this presented difficulties. The trade associations did not bring this up until after the consultation period had ended. Special buttons would need to be installed and the meters recalibrated if the committee were minded to add "run-ons"; this would put back the start of the system considerably. Also, the operator could opt to dispatch a private hire vehicle with a pre-negotiated fee. Another option would be to review our current system once it had bedded down, this was agreed by the Committee.

RESOLVED:

- (1) That the implementation of a meter and fixed fare system to start from June 2014 be noted; and
- (2) That this be reviewed in 12 months time.

32. Applications under the Licensing Act 2003

The Committee noted the applications received by the Licensing Section between October 2013 and March 2014.

33. Review of Licensing Sub-Committee Procedures

The meeting noted that they had reverted back to an all daytime meeting schedule with an option of having any large or controversial application being heard in the evening.

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

It was noted that with the possibility of some new members of the committee being appointed in the new year; new member training would be organised and would be made available to all members.

35. Matters Arising

The possible use of people carriers as taxi cabs was discussed. They nominally contravened our vehicle specification policy and our health and safety regulations. However, new vehicles (including electric vehicles) and vehicle layout needed to be considered as to how they fitted into our policy framework. A report was asked for,

setting out the background and any policy implications, to be brought to the next Licensing Committee meeting.

RESOLVED:

That a report on new vehicles and new technologies, including people carriers, three door vehicles and electric vehicles be brought to the next scheduled Licensing Committee meeting.

36. Date of Next Meeting

The date of the next scheduled meeting was noted.

CHAIRMAN

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