

Licensing Committee – 30 September 2021

Minutes of the meeting of the **Licensing & Appeals Committee** held on **30 September 2021** when there were present:-

Chairman: Cllr A L Williams
Vice-Chairman: Cllr D S Efde

Cllr M R Carter	Cllr L J Newport
Cllr E P Gadsdon	Cllr Mrs L Shaw
Cllr J N Gooding	Cllr P J Shaw
Cllr M Hoy	Cllr Mrs C A Weston
Cllr Mrs J E McPherson	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Ms T D Knight

OFFICERS PRESENT

L Moss	- Assistant Director, People & Communities
S Greener	- Principal Licensing Officer
S Worthington	- Principal Democratic & Corporate Services Officer
C Brooke	- Licensing Officer
L Morris	- Democratic Services Officer

155 MINUTES

The Minutes of the meeting held on 17 November 2020 were approved as a correct record and signed by the Chairman.

156 DECLARATIONS OF INTEREST

Cllr M R Carter declared a non-pecuniary interest in item 6 of the agenda relating to the hackney carriage and private hire licensing policy by virtue of his employment as a taxi driver.

157 FORMAL ADOPTION OF THE ROCHFORD DISTRICT COUNCIL HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee considered the report of the Assistant Director, People and Communities seeking approval for the adoption of a new Rochford District Council hackney carriage and private hire licensing policy 2021-26.

In response to a Member observation that the rate of response by drivers to the consultation was low with only 187 licence holders responding and that given the amendments to the statutory standards were focused on the protection of children and vulnerable adults, officers confirmed that an email was sent to all licence holders. In addition, it was emphasised that virtual training had been delivered during the COVID lockdowns and all taxi drivers had undertaken safeguarding training.

Responding to a Member question relating to a lack of equality and diversity issues highlighted within the report, officers confirmed that drivers were required to complete MiDAS (minibus driver awareness scheme) training and also undertook training on wheelchair loading/unloading. The point was noted that the paragraph relating to equalities and diversity should reflect this.

Another Member expressed surprise that 67.4% of drivers didn't support the 7 motoring offences as outlined in the Institute of Licensing Minimum Standards guidance but that the majority of respondents supported 12 points. Officers advised that the majority of taxi drivers were on 6 or less points so this response appeared surprising. The Institute Guidance had been endorsed by the Council in 2018 and since then there had been 4 individuals who had exceeded the recommended number of offences. Officers confirmed that drivers should report offences. However, it was emphasised that the Licensing Team carried out 6-monthly DVLA checks.

The suggestion was made by a Member that there would be merit in circulating Safer Roads Essex statistics to the district's licensed taxi drivers relating to fatalities caused by driving while under the influence of alcohol, drugs or using a mobile phone or other hand held devices. There was a general consensus among the Committee Members that the 7 offences stipulated by the Institute Guidance was more appropriate than 12 licence points.

Officers confirmed, in response to a Member question about previous convictions, that Appendix A of the policy would be amended so that points 10 to 13 are consistent and refer to ...'x number of years have elapsed since the completion of any sentence'.

Resolved

That the Hackney Carriage and Private Hire Licensing Policy 2021-2026 be approved. (ADPC)

(10 Members voted in favour of the Motion, 0 against and 0 abstained.)

158 PAVEMENT PERMISSIONS UNDER THE BUSINESS AND PLANNING ACT 2020

The Committee considered the report of the Assistant Director, People & Communities on the extended use of the Pavement Permit Licensing Policy and requesting that consideration be given to the introduction of an application fee for Pavement Permits.

Officers drew attention to an amendment to the second recommendation set out at paragraph 9.1 replacing ...'the Licensing Team' with 'the Assistant Director, People & Communities).

It was noted that paragraph 8.5 of the report should be amended to include 'while they apply' at the end of the paragraph.

Cllr M Hoy emphasised that the high streets were still struggling as a result of the pandemic and he therefore did not consider it appropriate to introduce charges for pavement permits at the current time. He considered that it would be more appropriate that the introduction of the proposed charge be deferred until after a meeting of this Committee is held to discuss this matter in September 2022 and moved an amendment to the third recommendation, which was seconded by Cllr Mrs C A Weston.

In response to a Member question as to how many business might apply for permits, officers advised that this was difficult to predict. There may be an increase in the number of venues wanting outside seating; however, strict criteria applied to pavement permit applications and smaller companies had not, as yet, applied for permits.

Resolved

- (1) That the Pavement Permit Licensing Policy be extended to 30 September 2022.
- (2) That the Assistant Director, People & Communities be given extended delegated powers to determine an application in accordance with the Pavement Permit Licensing Policy.
- (3) That the introduction of a £100 Pavement Permit fee be deferred until a further meeting of the Licensing & Appeals Committee be held in September 2022 to determine this matter. (ADPC)

(This was unanimously agreed.)

159 CONSULTATION PROCESS FOR STREET TRADING POLICY REVIEW

(Note: Cllrs D S Efde and Mrs J E McPherson each declared a non-pecuniary interest in this item by virtue of membership of Great Wakering and Rochford Parish Councils. Cllrs J N Gooding and A L Williams also declared a non-pecuniary interest by virtue of membership of Rochford Parish Council and Cllr Mrs E P Gadsdon declared a non-pecuniary interest by virtue of membership of Hockley Parish Council.)

The Committee considered the report of the Assistant Director, People & Communities on a draft Street Trading Policy and proposed timetable for consultation and review.

Officers confirmed, in response to a Member question relating to paragraph 1.2 of the policy, that roads and, eg, fields and recreation grounds, would all be designated areas for street trading purposes. The Member expressed the view that there was a significant step change in having specific roads designated for street trading purposes to proposing a more blanket approach

with all areas designated for street trading purposes; he was uncomfortable with this blanket approach and would be interested to see the results of public consultation on the policy.

In response to a Member question relating to Rayleigh Market, officers confirmed that this would be exempt as it was an already established market; any new markets would have to apply for street trading consent if they wished to operate at a distance of up to 15 metres of a highway. It was also confirmed that this would apply to unadopted roads up to 15 metres from a highway.

Responding to a further Member question relating to ice cream vans having to specify the area in which they wished to operate, officers advised that these would be able to apply to operate within the whole district. It was, however, emphasised that due to past issues with, eg, ice cream vans operating outside schools, that Licensing would work with the trade and designate time zones for street trading. Officers confirmed, in response to another Member question relating to, eg, children selling lemonade on their driveways, that this would be excluded from the policy although the policy would apply to businesses trading from their forecourts.

A Member asked why it was proposed to use this policy to crack down on hygiene issues rather than current arrangements for addressing such issues and queried whether there was a risk of duplication. Officers advised that the intention was to avoid duplication; as part of the application process, applicants would be asked, where relevant, to provide copies of their hygiene score ratings.

Officers advised, in response to a Member question as to whether this would apply to trading at venues such as Hockley Woods or ad hoc fêtes or whether these would be covered by different policy, that these would be included within this particular policy.

Officers confirmed, in response to a further Member query relating to recent 'ice cream wars within the District, that the policy would prevent Southend ice cream vans operating within the District.

Resolved

(1) That the timeline outlined in paragraph 5.1 of the report be agreed.

(This was unanimously agreed.)

(2) That the draft Street Trading Policy be approved. (ADPC)

(9 Members voted in favour, 0 against and 2 abstained.)

The meeting closed at 8.07 pm

Chairman

Date

UNCONFIRMED

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