

**LICENSING COMMITTEE held at COUNCIL OFFICES SAFFRON WALDEN
at 6.30 pm on 9 MARCH 2005**

Present:- Councillor M J Savage – Chairman.
Councillors H D Baker, E W Hicks, V J T Lelliott,
J I Loughlin, D J Morson, J P Murphy and A R Row.

Also present Councillor A Wattebot and S.Sparrow (Licensing
Officer, Essex Police)

Officers in attendance:-W Cockerell, M Hardy, C Nicholson, M J Perry, C
Roberts and A Turner.

LC84 PRESENTATION TO MR AND MRS P MCHUGH

Prior to the meeting the Chairman of the Committee and the Executive Manager Corporate Governance gave a welcoming address and presentation of personal licences to Mr and Mrs P McHugh, the Licensees of “The Plough” public house at Great Chesterford, the recipients of the first personal licences to be issued by the Council under the Licensing Act 2003.

LC85 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K R Artus, E W Hicks and A Marchant.

LC86 MINUTES OF THE MEETING HELD ON 12 JANUARY 2005

The Minutes of the meeting held on 12 January 2005 were approved as a correct record and signed by the Chairman.

LC87 BUSINESS ARISING

(i) Minute LC82 Modifications to Hackney Carriage/Private Hire Licensing

The Executive Manager Corporate Governance, informed the meeting that circumstances had been suggested as likely to arise in the case of imported cars in which the dates of manufacture and registration would be different. He therefore asked the Committee to alter its decision to accommodate this.

RESOLVED that the age limit of ten years referred to in Minute LC82 be calculated from the date of manufacture of the vehicle, not the date of its registration

LC88

POWERS OF DISTRICT COUNCIL TO CONTROL STREET TRADING WITHIN ITS DISTRICT.

The Committee considered the report of the Executive Manager Corporate Governance which informed Members of the powers of District Councils to control street trading within its District and asked them to consider whether they wished such controls to be applied to all or any part of the District.

The provisions were adoptive; the Council would need to resolve to adopt Schedule 4 of the Act for controls to be applied. If it were adopted, streets within the District might be designated as consent streets, licensed streets or prohibited streets. If a street fell outside these three categories then street trading might take place without permission from the Council.

The controls would not apply, however, to any market held by grant or acquired or established by any enactment or order. There were three markets operating within the District. Great Dunmow, Saffron Walden and Thaxted. It was unclear whether these markets were still carried out pursuant to grants, but if Members chose street trading control and wished to extend this to the existing markets, further detailed research would be needed.

Street trading would need to be controlled by consent streets, licence streets or a combination of both, and the Executive Manager Corporate Governance explained the advantages and disadvantages of the various options.

Having determined the nature of control (if any) to be applied that officers be asked to prepare a report recommending streets within the District where street trading would be considered permissible with either consents or licences with the intention that all other streets in the District be designated prohibited streets

RECOMMENDED that:-

- 1 the Council adopts the provisions of Sch. 4 Local Government (Miscellaneous Provisions) Act 1982.
- 2 street trading be controlled by licence streets.
- 3 that officers be asked to prepare a report recommending streets within the District where street trading would be considered permissible with licences, with the intention that all other streets in the District be designated prohibited streets.

LC89

UPDATE ON THE LICENSING ACT 2003

The Committee received the report of the Executive Manager Corporate Governance on progress with the implementation of the Licensing Act 2003. Six applications for licences had now been received and he was grateful for the efficiency and efforts of Catherine Nicholson, Murray Hardy, Jo Heydon

and Amanda Turner which enabled the applications to be processed so smoothly.

Members discussed the report and expressed concern that training should be provided for Members in the future.

RESOLVED that the report be noted and endorsed.

LC90

PROPOSED AMENDMENTS TO CONDITIONS OF LICENCE

The Committee considered a report on the question whether accurate calibration of taximeters should show the Council's approved maximum fare or any lower fare charged. The Executive Manager Corporate Governance advised Members as to what law existed on this topic, and what was its effect.

RESOLVED that Members approve an amendment to condition 9(a) of the Council's Hackney Carriage Vehicle Licence Conditions of Licence as follows:

"9(a) The vehicle shall be fitted with a taximeter visibly recording the taxi fare payable either in conformity with such table of fares as may from time to time be approved by the Council or such other fare tariff as the driver proposes should be charged provided that in no case shall the fare charged exceed that which would have been applicable under such table of fares".

The meeting ended at 7.20 pm.