

LICENCING COMMITTEE held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 13 SEPTEMBER 2006

Present:- Councillor J I Loughlin – Chairman.
Councillors K R Artus, R M Lemon, A Marchant, D J Morson and A R Row.

Also Present:- Representatives of :-Uttlesford Hackney Carriage Drivers Association, Ford Motor Co, Checker Cars and Dovercourt Ford.

Officers in attendance:- M Ford, M Hardy, M Perry and C Roberts.

LC19 LICENSING ENFORCEMENT OFFICER

The Chairman welcomed to the meeting Mr Martin Ford, the new Licensing Enforcement Officer.

LC20 STATEMENTS BY MEMBERS OF THE PUBLIC

Alan Groom made a statement that he was concerned about the agenda item recommending reassessment of the decisions about relocation of hackney carriage stands which he had thought was a firm decision. The Executive Manager (Corporate Governance) explained that the decision taken had been to consult and report back. It now appeared that in the light of the decision taken to reconfigure the market place some members of the trade were opposed to the relocation.

The Chairman of the Committee assured Mr Groom that his observations were noted to be taken into consideration when the item was discussed.

David Redman of Checker Cars made a statement with reasons in support of the amendment to vehicle licensing conditions put forward for Members consideration later in the agenda. Messrs David Thompson of the Ford Motor Co and Richard Hobbs of Dovercourt Ford endorsed and amplified his statement.

LC21 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors H D Baker, C A Bayley, R F Freeman, E W Hicks and B M Hughes.

Councillors Loughlin and Marchant declared personal interests insofar as they were members of the Stansted Mountfitchet Parish Council.

LC22 MINUTES

The Minutes of the meetings held on 21 April, 31 May, and 21 June 2006, 5 July and 17 August 2006 were received and signed by the Chairman subject

to amending the numbering of two minutes of the meeting held on 17 August 2006.

LC23

REGULATION OF SEX ESTABLISHMENTS

The Committee, at the instigation of the Licensing Officer and Executive Manager (Corporate Governance) following an application received, had previously considered a joint report on conditions for the Licensing of Sex Establishments within Uttlesford: the ability of the Council to control the number of sex shops within localities; the powers of local authorities under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to make regulations that prescribe standard conditions applicable for sex establishments, and the Councils power to adopt a policy on how many sex establishments would be appropriate in particular localities.

The Executive Manager (Corporate Governance) had advised that Uttlesford could not make a district wide policy of refusing applications for such establishments. It could refuse applications on the grounds of appropriateness, but this would not apply as a policy.

The Committee had therefore decided to recommend that the Council adopt regulations which prescribed the standard conditions and for the Executive Manager (Corporate Governance) to consult appropriate bodies before the Committee determined whether it wished to consider a policy regarding the number of sex establishments it would consider appropriate within various parts of the District.

Twelve responses had been received from Town and Parish Councils. None of the responses suggested any areas where sex establishments might be appropriate. All said that the location of sex establishments within their town or parish boundaries would be inappropriate.

RESOLVED that the Committee does not at this time adopt a policy regarding the number of sex establishments it would consider appropriate to be licensed within various parts of the District.

LC24

TAXI RANKS AT SAFFRON WALDEN AND STANSTED

The Licensing Officer invited the Committee to reassess decisions previously made when the Licensing Committee resolved that officers consult with statutory bodies on an informal basis regarding the possibility of relocating the Hackney Carriage Stands in Stansted and Saffron Walden.

There had been no comments from Saffron Walden police but there had been opposition from Saffron Walden Town Council regarding the lack of spaces on the High Street as this would involve the loss of valuable parking spaces in a residential area.

In Stansted there had been no objection from the police but the parish council had requested further information from the trade which was now available and

led to objections being received from the Parish Council which the Licensing Officer reported to the meeting.

The Executive Manager (Corporate Governance) added that the District Council could not relocate hackney carriage stands without the support of the Highway Authority and that unless both Town and Parish Council supported the re-location the Highway Authority would not take the case any further. The results of informal consultation indicated that it might be futile to pursue formal consultation, particularly since the proposed move in Saffron Walden was now not supported by all of the trade.

RESOLVED that it be noted that the Committee cannot further either of these proposals at present.

LC25

AMENDMENT TO VEHICLE LICENSING CONDITIONS

The Licensing Officer had set out a report on a request from Checker Cars for the Committee to consider amendments to the Council's Hackney Carriage and Private Hire Vehicle Conditions to permit vehicles not to carry a spare wheel, in the light of modern alternatives.

Members discussed this matter at length and took into consideration representations made earlier in the meeting by Messrs Hobbs, Redman and Thompson, as well as written representations from the Vehicle Operations Safety Agency and other consultees. They also noted the practice of other authorities in this matter.

RESOLVED that the vehicle licence conditions be amended to permit licensed vehicles to operate without a spare wheel subject to the vehicle being fitted with suitable run-flat tyres or carrying an approved manufacturer's temporary repair kit.

LC26

TABLES AND CHAIRS ON PAVEMENTS

Members considered the report of the Executive Manager Corporate Governance informing them of provisions empowering the District and County Councils to permit the placing of tables and chairs on pavements for use by persons consuming food and drink purchased from adjoining premises. The report recommended that Members request Council to delegate to the Licensing Committee the power to grant permissions under the Act and to fix the fees in respect thereof. If a policy were adopted, whilst it would be open to an applicant to justify departing from policy there would be a degree of consistency in dealing with applications. It was noted that the County Council's consent would be required in so far as the pavement was part of the highway. In answer to questions the Executive Manager Corporate Governance explained that he had researched the policies of other Councils in this matter.

RESOLVED that

- 1 Members request Council to delegate the power to grant permissions under the Act and to fix the fees in respect thereof to the Licensing Committee.
- 2 Members request the Environmental Health and Development Control departments to advise on potential policy and draft condition considerations.

LC27 **BUDGETARY CONTROL REPORT**

The Committee received the joint report of the Executive Manager (Finance and Asset Strategy) and the Executive Manager (Corporate Governance) setting out for consideration by Members details of the Committee's spending and income compared to budget for the period 1st April to 31st July 2006.

RESOLVED that the report be noted

LC28 **EXERCISE OF DELEGATED POWERS**

The Executive Manager (Corporate Governance) reported that there had been no exercise of delegated powers.

LC29 **APPEALS**

The Executive Manager (Corporate Governance) gave a verbal report on appeals which had taken place since the last meeting or were pending. He also gave a short talk on the appeal process.

The meeting ended at 8.45pm.