

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 13 JULY
2011 at 7.30pm**

Present: Councillor E Hicks – Chairman

Councillors J Davey, J Freeman, D Morson, D Perry, V Ranger, J
Salmon and A Walters.

Present at the invitation of the Chairman

Councillor R Chambers Portfolio Holder responsible for Licensing
Officers in attendance: Michael Perry (Assistant Chief Executive – Legal),
Murray Hardy (Licensing Officer), Catharine Roberts (Democratic
Services Officer) and Amanda Turner (Licensing Officer).

LC7 PUBLIC QUESTION AND ANSWER SESSION

The Chairman welcomed all present and invited members of the public present to speak in accordance with their notice of intention to do so.

Statements were then made by Mr B Drinkwater and Mr S Alsford.
Mr Drinkwater invited Committee Members to a tour of taxi operations at work, incorporating visits to a taxi cab office, a schools contact operation and a private hire operation, to happen later on in the summer. He thanked Councillor Perry for his help with the establishing of the new taxi rank in the High Street, Saffron Walden..

Mr Alsford referred to an application for increased fares which would be submitted shortly due to increased costs of operation.

LC8 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors H Asker, R Lemon and J Loughlin.

LC9 MINUTES

The Minutes of the scheduled meeting of the Committee held on 16 March 2011 and the extraordinary meetings of the Committee held on 30 March 2011, 19 April 2011, 3 May 2011, 3 June 2011 and 28 June 2011 were received confirmed and signed by the Chairman as a correct record.

The Licensing Officer informed the meeting that no appeal notice had been received regarding either of the Committee's decisions on 30 March 2011 and 3

June 2011 and that an appeal had been launched regarding the decision on 19 April 2011. The latter was to be determined in August.

LC10 **SCHEME OF DELEGATION**

The Committee considered the report of the Assistant Chief Executive – Legal which informed the meeting that certain environmental health functions which were not the responsibility of the Executive had been assigned to the Licensing and Environmental Health Committee under Part 3 of the Council’s Constitution (Responsibility for Functions). He suggested that the Committee recommend the following scheme delegating those functions to officers:-

“SCHEME OF DELEGATION OF ENVIRONMENTAL HEALTH FUNCTIONS

The following functions are delegated to the Director of Public Services, the Divisional Head Housing and Environment and those authorised by them:-

1. The preparation, implementation and monitoring of the annual Environmental Health Work Programme.
2. Functions relating to the licensing and registration of:-
 - a. animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos.
 - b. Game and game dealers
 - c. Pleasure boats under the Public Health Amendment Acts Amendment Act 1907
 - d. Movable dwellings and campsites under the Public Health Act 1936
 - e. Caravan sites under the Caravan Sites and Control of Development Act 1960
 - f. Acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
 - g. Food premises under the Food Safety Act 1990
 - h. The operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
 - i. Houses in multiple occupation under the Housing Act 2004
3. Functions relating to health, safety and welfare in connection with work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work Act 1974
4. Functions relating to smoke free premises

5. To issue, enforce or revoke any statutory notices, authorisations, licences and certificates.”

RESOLVED that the above Scheme of Delegation be adopted.

LC11 **EXERCISE OF DELEGATED POWERS**

The Committee considered the report of the Assistant Chief Executive – Legal on the exercise of his delegated powers since the last meeting.

Members were grateful to the Assistant Chief Executive – Legal for the regular communication on this matter and felt that the e mail system worked exceptionally well.

RESOLVED that the report be noted.

LC12 **QUALITY TAXI PARTNERSHIP**

The Committee considered the report of the Licensing Officer, Mr Hardy, on the Quality Taxi Partnership.

The Licensing Officer informed the meeting that the report had been prepared at the request of Councillor Perry, and that Mr Drinkwater and Councillor Perry were members of the QTP Steering Group.

The aims and objects of the Partnership were summarised, in the report, and details were given of the project for installation of CCTV as an evidential tool and safeguard for the driver in some licensed vehicles within the Uttlesford District. This was to be achieved using Essex County Council funds which had been ring-fenced for that purpose.

In order to make a bid for the use of this money a Hackney Carriage Proprietor or Private Hire Operator must have signed up to become a member of the partnership and be willing to operate in accordance with the charter.

The Steering Group had interviewed suppliers and produced a written report recommending which were suitable (circulated as a background paper).

A memorandum was to be submitted to the Chief Finance Officer seeking authorisation to purchase 13 individual units at a cost of £545, for each individual piece of equipment, plus VAT. The Council would remain the owners of this equipment with the Proprietor or Operator being responsible for any ongoing costs after the 1 year guarantee had expired.

Essex Police were to provide a protocol to all users of the equipment in respect of evidence gathering and the retention and safe custody of such for use in any criminal proceedings.

The Licensing Officer asked that his sincere thanks to the Steering Group be recorded.

Members asked questions about the audio recording facility and whether the public would be alerted to the presence of the equipment. Some Members were enthusiastic about the equipment but others felt the public should be warned of its presence and whether it was operating or not.

RESOLVED that the content of the report be noted.

LC13 **NOISE AUDIBILITY CONDITIONS**

The Committee had, at its meeting on 14 March, resolved to approve a suggested amendment to the council's licensing policy statement as a basis for consultation.

Consultation had been carried out and it was now suggested that the Committee should recommend the Full Council to adopt the proposed amendment (set out below).

The Assistant Chief Executive – Legal reported on the responses to the consultation. There was nothing in any of the responses received which suggested that the proposed amendment to the licensing policy was inappropriate.

RESOLVED that the Council be recommended to amend the existing Licensing Policy by the addition of a new paragraph 5.7 to the licensing policy:-

“Applicants for licences which include regulated entertainment will be aware of the potential of such entertainment to cause a public nuisance by reason of noise from the premises. If representations are made or a review is called for the Authority may consider imposing a condition to the effect that the licensee shall take measures to ensure that music will not exceed a prescribed decibel limit at the boundaries of certain properties or within a location described in the condition. What may be an acceptable level of noise may vary from location to location or depending on the time of day as perception of noise from a particular source is affected by background noise levels. Directions given under the Noise Act 1996 provide that the permitted level for the purposes of that Act is 34 decibels where the underlying noise level does not exceed 24 decibels or 10 decibels above underlying noise

levels in any other case. In the event that representations are received and the Authority concludes that a noise limiting condition is required the starting point for such a condition would be 34 decibels. If an applicant wishes to contend that a higher limit is appropriate then the Authority would expect the applicant to provide a noise survey to support such a contention.”

The meeting ended at 8.30 pm