

# Minutes

## Licensing Committee

10<sup>th</sup> October 2007



Present:

Councillors	Present	Councillors	Present
M J Banthorpe (Chairman)	Yes	M Lynch	Apologies (Hearing)
K E Bigden	Yes	T McArdle	Yes
J C Collar	Yes	A M Meyer	Apologies
J G J Elliott	Yes	Mrs J A Pell	Apologies
J H G Finbow	Apologies (Hearing)	D E A Rice	Apologies (Hearing)
Mrs S A Howell	Apologies	A F Shelton	Yes
P J Hughes	Apologies	F Swallow	Yes
E R Lynch	Apologies		

### Action by

#### 15 **DECLARATIONS OF INTEREST**

INFORMATION: Councillors Banthorpe, Bigden, Collar, Elliott, McArdle, Shelton and Swallow declared a personal interest in Agenda Item 8 (Street Trading Consent Renewal – Application by Mr Sims for a site at Ridgewell) in their capacity as members of the Conservative Party, as two of the objectors were known to them. Councillor Collar declared a further personal interest in this Agenda Item as one of the owners of Ridgewell village shop was known to him.

#### 16 **MINUTES**

DECISION: That the minutes of the meeting of the Licensing Committee held on 9th August 2007 be approved as a correct record and signed by the Chairman.

#### 17 **QUESTION TIME**

There were no questions asked or statements made.

#### 18 **HACKNEY CARRIAGE AND PRIVATE HIRE – PENALTY POINTS SCHEME**

INFORMATION: Consideration was given to a report on the proposed adoption of a penalty points scheme for hackney carriage and private hire drivers and operators.

Members were reminded of the current action which was taken to penalise drivers for breaches of licensing legislation and conditions where there was sufficient evidence. However, it was considered that this was not totally effective in dealing with repeat offenders for minor vehicle defects or breaches of licence conditions. The proposed system involved penalty points being issued. Once a driver or operator had accrued a maximum set of points he/she would be requested to appear before the Drivers' Panel which would have authority to impose a range of sanctions dependent on the circumstances. It was proposed that the scheme should be subject to consultation

with the hackney carriage and private hire trade prior to it being adopted.

In approving the proposed scheme, Members were advised that the first three items on the schedule of points were legal requirements and that the imposition of points would be in addition to this. Nevertheless, it was suggested that the level of penalty points for the first of these should be increased. With regard to item 16 on the schedule of points, it was suggested that a distinction should be made between drivers and operators. It was also agreed that an appeals procedure should be written into the scheme.

**DECISION:**

- (1) That the penalty points scheme be approved as outlined in the report, subject to the maximum penalty points for item 1 being increased to 10, to the points for item 16 being amended to 5 points for a driver and 2 points for an operator, and to an appeals procedure being incorporated.
- (2) That the amended scheme be subject to consultation with the Hackney Carriage and Private Hire trade and a further report submitted to the Licensing Committee.
- (3) That, in the event of any omissions, new legislation, or additional conditions being introduced, the Licensing Officer be authorised to add such additional items to the existing list of offences.

**19 HACKNEY CARRIAGE AND PRIVATE HIRE – DRESS CODE**

**INFORMATION:** Consideration was given to a report on a proposed dress code for hackney carriage and private hire drivers. Members agreed that drivers should be smart and clean and they endorsed the proposed code, subject to consultation with the hackney carriage and private hire trade.

**DECISION:** That the proposed dress code be approved, subject to consultation with the hackney carriage and private hire trade and to a further report being submitted to the Licensing Committee.

**20 STREET TRADING AND COLLECTIONS POLICY**

**INFORMATION:** Consideration was given to a report on the proposed adoption of a revised Street Trading and Collections Policy. It was noted that a draft of the revised policy had been subject to public consultation between 20<sup>th</sup> March 2007 and 21<sup>st</sup> May 2007 and that the policy had been amended in response to the representations submitted.

**DECISION:** That it be **Recommended to Council** that the Council's revised Street Trading and Collections Policy, as amended, be adopted.

**21 STREET TRADING CONSENT RENEWAL – APPLICATION BY MR SIMS**

**INFORMATION:** The Committee considered an application by Mr M Sims for the renewal of a street trading consent which currently permitted him to trade from a mobile fast food trailer in the lay-by off the A1017 at Ridgewell. Mr Sims proposed to trade between 6.00am and 3.00pm Monday to Friday. Objections had been submitted to the renewal application. Mr Sims attended the meeting to speak in

favour of his application and to answer questions. Mr Sims left the meeting whilst the Committee made its decision.

DECISION: That the application by Mr M Sims for the renewal of his street trading consent in respect of the lay-by off the A1017 at Ridgewell be approved.

22 **PAVEMENT PERMIT APPLICATION – THE FLEECE PUBLIC HOUSE, WEST STREET, COGGESHALL**

INFORMATION: The Committee considered an application by Mr and Mrs Tofts for a pavement permit for the use of the pavement area fronting The Fleece Public House, 27 West Street, Coggeshall.

Members were advised that the application sought a permit for Monday to Sunday between the hours of 10.00am and 11.00pm. It was noted that the Council's Pavement Permit Policy stated that the hours of normal operation were between 9.00am and 6.00pm Monday to Sunday and that applications for hours beyond 6.00pm had to be referred to the Licensing Committee for determination.

It was noted that as part of the consultation process, Essex County Council Highways had proposed a condition requiring that 1.8 meters of footway must remain clear of obstruction at all times.

Mr Tofts attended the meeting and he answered questions put to him by Members. He confirmed also that he had amended the hours of his application to Monday to Sunday between 11.00am and 6.00pm. Mr Tofts left the meeting whilst the Committee made its decision.

DECISION: That the application by Mrs and Mrs Tofts for a pavement permit in respect of The Fleece Public House, 27 West Street, Coggeshall for Monday to Sunday between 11.00am and 6.00pm be approved, subject to additional conditions requiring the removal of benches by 6.00pm each night, to the clearance of litter including cigarette ends, and to 1.8meters of pavement remaining unobstructed at all times.

The meeting commenced at 7.15pm and closed at 8.39pm.

M J BANTHORPE  
(Chairman)