

Minutes

Licensing Committee

9th September 2015



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Yes	H Johnson	Yes
M Banthorpe (Chairman)	Yes	Mrs J Money	Yes
J Baugh	Yes	Mrs J Pell	Apologies
S Canning	Yes	R van Dulken	Yes
J Elliott	Yes	Mrs L Walters	Yes
J Goodman	Apologies	Mrs S Wilson	Yes
A Hensman	Yes		

10 **DECLARATIONS OF INTEREST**

INFORMATION: The following interest was declared:-

Councillor A Hensman declared a disclosable pecuniary interest in Agenda Item 6 – 'Local Government (Miscellaneous Provisions) Act 1976 Duration of Licences – Hackney Carriage, Private Hire Vehicles and Operators of Private Hire Vehicles' as a Private Hire driver licensed by Braintree District Council. Councillor Hensman left the meeting for the consideration of this item.

11 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 22nd July 2015 be approved as a correct record and signed by the Chairman.

12 **QUESTION TIME**

INFORMATION: There were no questions asked, or statements made.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

13 **HACKNEY CARRIAGE PROPRIETORS' LICENCES - ALLOCATION**

INFORMATION: Consideration was given to the allocation of three Hackney Carriage vehicle proprietors' licences.

Members of the Committee were reminded that the Council currently limited the number of Hackney Carriage vehicle proprietors' licences issued under Section 37 of the Town Police Clauses Act 1847 to 84.

On 22nd July 2015 the Licensing Committee had agreed that the remaining three Hackney Carriage vehicle proprietors' licences be issued in accordance with the Council's allocation policy.

All currently licensed Braintree District Council Private Hire and/or Hackney Carriage drivers had been notified in writing that three Hackney Carriage proprietors' licences were available for allocation and they had been invited to register their interest in obtaining a licence. A notice had also been placed on the Council's website. A total of 43 expressions of interest had been deemed valid and these had been entered into the ballot for the allocation of the proprietors' licences to be drawn at the Licensing Committee meeting on 9th September 2015. Three reserves would also be drawn should any of the successful applicants be unable to proceed.

The successful applicants would be required to licence a wheelchair accessible vehicle within 28 days of the ballot and to meet the Council's current vehicle criteria. They would also be required to complete a declaration that the proprietor's licence would not be sold, or transferred for a period of five years. Furthermore, if a successful applicant was already an existing Hackney Carriage proprietor he/she would be required to complete a declaration not to sell, or transfer their existing licence.

The Chairman drew the ballot at the meeting observed by representatives of the 'taxi' trade, Members of the Licensing Committee and Officers. The outcome of the ballot is recorded below.

DECISION:

- (1) That a Hackney Carriage proprietor's licence be issued to each of the following applicants, subject to the Council's requirements being met:-

<u>Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	11	Mr Wayne Lowry
2	8	Mr Anamul Haq
3	12	Mr Mohammed Reza Moshtagh Kahnamoui

- (2) That, if any of the above-mentioned applicants is not able to meet the Council's requirements, the Hackney Carriage proprietor's licence(s) be issued to applicants on the reserve, approved list in the following order, subject to the same requirements being met:-

<u>Reserve Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	26	Mr Anantrai Vora
2	19	Mr Sanan Bista
3	16	Mr Toney Wiley

14 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**
DURATION OF LICENCES – HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLES DRIVERS AND OPERATORS OF PRIVATE HIRE VEHICLES

INFORMATION: Amendments to the Local Government (Miscellaneous Provisions) Act 1976 had increased the duration of licences to drive Hackney Carriage and Private Hire vehicles and licences to operate Private Hire vehicles. A review had been undertaken regarding the Council's processes and procedures that were affected by these amendments.

DECISION:

That the following recommendation is made in respect of **transitional arrangements**:

- (1) That a phased implementation of the new application process commences on 1st October 2015 enabling the Licensing Service to issue a driver with a one or two year licence from the next renewal depending on when an individual driver requires their next Criminal Records Check.

That the following recommendations are made in respect of **Hackney Carriage and Private Hire Driver Licences**:

- (2) That Private Hire Vehicle and Hackney Carriage Drivers' Licences be granted for three years from 1st October 2015 unless the Council considers a lesser period to be more appropriate in the circumstances. No request would be granted where the affect would be to take the licence period beyond the relevant period for any documentation check (ie. DVLA, Criminal Record Disclosure, Medical).
- (3) That medicals are required upon application for a Hackney Carriage and Private Hire Driver's Licence and required every three years thereafter. That medicals be a Group 2 Medical C1 standard obtainable from any doctor.
- (4) That an Enhanced Criminal Record Disclosure is required upon application for a Hackney Carriage and Private Hire Driver's Licence and required every three years thereafter.
- (5) That a DVLA check of the driver's status is required upon application for a Hackney Carriage and Private Hire Driver's Licence and required every three years thereafter.

That the following recommendations are made in respect of **Hackney Carriage and Private Hire Driver Licences – Applicant/Drivers aged 65 years and over only**:

- (6) That from 1st October 2015 a one year Private Hire Vehicle and Hackney Carriage Driver's Licence be granted to all drivers aged 65 or over at the date of application. Medicals will be required on an annual basis.
- (7) That an Enhanced Criminal Record Disclosure is required upon application for a Hackney Carriage and Private Hire Driver's Licence and required every three years thereafter.
- (8) That a DVLA check of the driver's status is required upon application for a Hackney Carriage and Private Hire Driver's Licence and required every three years thereafter.

That the following recommendations are made in respect of **Private Hire Operators' Licences**:

- (9) That Private Hire Operators' Licences be granted for five years from 1st October 2015, unless the Council considers a lesser period to be more appropriate in the circumstances.
- (10) That a Basic Criminal Record Disclosure (obtained from Basic Disclosure Scotland) is required upon application for Private Hire Operators' Licences.

15 **BRAINTREE DISTRICT COUNCIL'S REVISED LICENSING POLICY STATEMENT IN RESPECT OF THE GAMBLING ACT 2005**

INFORMATION: Members considered the revised Braintree District Council Gambling Licensing Policy Statement in respect of the Gambling Act 2005. Each Authority was legally required to formulate its own Gambling Licensing Policy Statement, which must be reviewed and re-published every three years. The current Braintree District Council Gambling Licensing Policy Statement came into effect on 5th June 2013.

DECISION: That the draft Braintree District Council Gambling Licensing Policy Statement be approved and **recommended to Full Council** for adoption.

The meeting closed at 8.22pm.

Councillor M Banthorpe
(Chairman)