

# **LICENSING COMMITTEE AGENDA**

**Wednesday, 16th August 2017 at 7.15 PM**

**Committee Room 1, Braintree District Council, Causeway House,  
Bocking End, Braintree, CM7 9HB**

**THIS MEETING IS OPEN TO THE PUBLIC**  
*(Please note this meeting will be audio recorded)*

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**Members of the Licensing Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

Councillor Mrs J Allen	Councillor H Johnson
Councillor M Banthorpe (Chairman)	Councillor Mrs J Pell
Councillor P Barlow	Councillor B Rose
Councillor J Baugh (Vice Chairman)	Councillor R van Dulken
Councillor J Elliott	Councillor Mrs L Walters
Councillor J Goodman	Councillor Mrs S Wilson
Councillor A Hensman	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Acting Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest**

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

### **Question Time**

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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## **PUBLIC SESSION**

## **Page**

- 1 Apologies for Absence**
- 2 Declarations of Interest**  
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**  
To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 10th May 2017 (copy previously circulated).
- 4 Public Question Time**  
(See paragraph above)
- 5 Equality Act 2010 - Designated list of wheelchair accessible vehicles** **4 - 8**
- 6 Draft Hackney Carriage and Private Hire Criminal Convictions Policy (Pre Consultation)** **9 - 30**
- 7 Licensing Committee Update** **31 - 34**
- 8 Urgent Business - Public Session**  
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 9 Exclusion of the Public and Press**  
To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

*At the time of compiling this Agenda there were none.*

## **PRIVATE SESSION**

## **Page**

- 10 Urgent Business - Private Session**  
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Equality Act 2010 - Designated list of wheelchair accessible vehicles		Agenda No:5
<p><b>Portfolio:</b> Environment and Place</p> <p><b>Corporate Outcome:</b> A sustainable environment and a great place to live, work and play Residents live well in healthy and resilient communities where residents feel supported</p> <p><b>Report presented by:</b> John Meddings, Principal Licensing Officer</p> <p><b>Report prepared by:</b> Daniel Mellini, Environmental Health Manager (Food, Health &amp; Safety and Licensing)</p>		
<b>Background Papers:</b>		<b>Public Report</b>
<ol style="list-style-type: none"> <li>1. The Equality Act 2010</li> <li>2. <a href="#">Department for Transport, Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance</a></li> <li>3. <a href="#">The Public Service Vehicles Accessibility Regulations 2000</a></li> <li>4. <a href="#">The Public Service Vehicles Accessibility (Amendment) Regulations 2000</a></li> </ol>		<b>Key Decision: No</b>
<p><b>Executive Summary:</b></p> <p>Section 167 of the Equality Act provides the Council with the power to maintain a list of designated licensed vehicles (hackney carriage &amp; private hire) which are wheelchair accessible. Section 165 of the Act places duties on the driver of a hackney carriage or a private hire vehicle, making it an offence not to offer reasonable assistance, to charge extra for providing any assistance, or to refuse a fare from a disabled passenger altogether.</p> <p>The purpose of designating a list of wheelchair accessible vehicles is to help create a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated vehicles in the district, and are confident of receiving the assistance they need to travel safely.</p> <p><a href="#">Statutory guidance</a> issued by the Secretary of State under S.167 (6) of the Act strongly recommends the Council maintains a list of designated wheelchair accessible vehicles.</p> <p>In the event the Council introduces a designated list of wheelchair accessible vehicles, it will be necessary to put into place policy and procedures to ensure a smooth and effective implementation. The Council will consult with key stakeholders regarding the process of applying for driver exemptions under S.166 of the Act and will notify owners/drivers of the new requirements and provide sufficient time to apply for exemptions where appropriate.</p>		

**Recommended Decision:**

To commence with the process of producing a list of designated wheelchair accessible vehicles in accordance with S.167 of the Equality Act 2010.

**Purpose of Decision:**

To seek Member approval in implementing provisions of the Equality Act 2010.

**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	The cost of introducing the provisions of the Act will be absorbed by the relevant Licence fees.
<b>Legal:</b>	No issues arising from this report.
<b>Safeguarding:</b>	No issues arising from this report.
<b>Equalities/Diversity:</b>	Implementation of S.165 & S.167 of the Equality Act will assist in reducing discrimination for disabled hackney carriage and private hire vehicle passengers.  An Equality Impact Assessment will be completed as part of the implementation process.
<b>Customer Impact:</b>	No issues arising from this report, however there may be a customer impact later in the process which will be addressed in subsequent reports.
<b>Environment and Climate Change:</b>	No issues arising from this report.
<b>Consultation/Community Engagement:</b>	No issues arising from this report, however the Council will consult with key stakeholders before final approval.
<b>Risks:</b>	No issues arising from this report.
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Principal Licensing Officer
<b>Ext. No:</b>	2213
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## **1. Background**

- 1.1 Part 12 of the Equality Act 2010 (the Act) makes provisions for disabled persons transport. There are a number of sections in Part 12 of the Act which are not yet in force and those sections which have been introduced have been implemented over a number of years.
- 1.2 Section 167 of the Act provides the Council with the power to maintain a list of designated licensed vehicles which are wheelchair accessible.
- 1.3 Statutory guidance issued by the Secretary of State under S.167(6) of the Act strongly recommends the Council maintain a list of wheelchair accessible vehicles. The guidance makes it clear that the requirements of S.165 of the Act would not apply unless the provisions within S.167 of the Act are introduced. Whilst the document is only guidance, because the guidance is Statutory the authority is obliged to give it due regard when making relevant policy decisions.
- 1.4 Introducing a list of designated wheelchair accessible vehicles will provide a positive impact for those passengers in wheelchairs, ensures they are better informed about the accessibility of designated vehicles in the district, and be confident of receiving the assistance they need to travel safely.
- 1.5 Section 165 of the Act places duties on the driver of a hackney carriage or a private hire vehicle designated under S.167, making it an offence not to offer reasonable assistance, to charge extra for providing any assistance, or to refuse a fare from a disabled passenger altogether.
- 1.6 Section 166 of the Act allows the Authority to exempt drivers from the duties under section 165, where it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply.

## **2. Implementation**

- 2.1 Having regard to the Statutory guidance, Members are requested to confirm whether they wish Officers to undertake the preparation of a list of designated vehicles, and construct a policy/procedure governing the application process for exempting drivers from the requirements under S.166 of the Act.
- 2.2 In determining which vehicles are to be included on the list, a vehicle can be included if in the first instance it conforms to the accessibility requirements of the Council. The vehicle must also be capable of carrying passengers whilst in their wheelchair should the passenger prefer.
- 2.3 It is recognised that not all wheelchair types can be accommodated in every wheelchair accessible vehicle. So in order for a vehicle to be designated, it must be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment of the vehicle in safety and reasonable comfort whilst seated in their wheelchair.

- 2.4 A “reference wheelchair” is defined in Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000 and clarified in the amendment regulations of the same title and year.
- 2.5 It is proposed that in line with Statutory guidance; once the Council produces the list of designated vehicles, the vehicle owners and drivers of those vehicles are to be made aware. The list will set out the following information as a minimum:
1. Vehicle make and model
  2. Vehicle type (hackney carriage or private hire)
  3. The name of the vehicle proprietor or operator
- 2.6 It is also proposed (where possible); the Council will include information on the list with respect to the following:
4. The size and weight of a wheelchair that can be accommodated in a particular vehicle.
  5. Confirmation where wheelchairs that are larger than a “reference wheelchair” can be accommodated in a particular vehicle.
  6. Details of vehicles where a disabled user will be able to transfer from their wheelchair into a seat within the vehicle if the user wishes to do so.
- 2.7 With respect to point 6 above, it is important to note these details would not be published to meet the requirements of S.165 of the Act and the drivers of those vehicles would not be subject to the legal duties to provide assistance.
- 2.8 The Council will notify owners that their vehicle(s) will be placed on the list and allow a reasonable period of time before their obligations start. Should an owner dispute whether a particular vehicle should be included on the list, the owner will be invited to explain why inclusion should not take place.
- 2.9 In the case where an owner disagrees with the decision of the Council to place a vehicle on the designated list, a right of appeal exists under S.172 of the Act and should be triggered within 28 days of the vehicle being included on the published list.
- 2.10 In the event that a vehicle is designated on the list under S.167 of the Act, the vehicle would remain on the list, regardless of whether a driver is required to fulfil their duties under S.165 of the Act.
- 2.11 If Members are minded to instruct Officers to proceed with the preparation of a policy and procedure, the completed policy and process will be presented for approval at the next Licensing Committee on 13<sup>th</sup> September 2017. Subject to approval, the Licensing Team will then consult with key stakeholders before final approval by the Licensing Committee and recommendation to Full Council.

### **3. Options**

#### **3.1 Members have the following options:**

1. To proceed with the publication of a list of designated vehicles in accordance with S.167 of the Equality Act 2010 and;

Prepare a policy and procedure governing the application process for exempting drivers from the requirements under S.166 of the Equality Act 2010.

2. Not to proceed with the publication of a list of designated vehicles in accordance with S.167 of The Equality Act 2010.

### **4. Recommendations**

- 4.1 The implementation of S.167 of The Equality Act 2010 will assist people with a disability to easily access an appropriate vehicle, therefore it is recommended to proceed with the publication of a list of designated vehicles in accordance with S.167 of The Equality Act 2010.

- 4.2 For those drivers who are unable to fulfil their obligations under S.165 of the Act, it will be important to set out the terms of exemption. It is therefore recommended to prepare a policy and procedure governing the application process for exempting drivers from the requirements under S.166 of the Equality Act 2010.



Draft Hackney Carriage and Private Hire Criminal Convictions Policy (Pre Consultation)		Agenda No:6
Portfolio:	Environment and Place	
Corporate Outcome:	A sustainable environment and a great place to live, work and play Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	John Meddings, Principal Licensing Officer	
Report prepared by:	John Meddings, Principal Licensing Officer	
Background Papers:		Public Report
1. Draft Hackney Carriage and Private Hire Criminal Convictions Policy (Appendix 1)		Key Decision: No
2. Department for Transport, Best Practice Guidance (2 <sup>nd</sup> March 2010)		
3. Local Government Association - Example Taxi & PHV Licensing Criminal Convictions' Policy (22 <sup>nd</sup> March 2017)		
4. Home Office Circular 2/92		
5. Department for Transport Circular 13/92		
Executive Summary:		
The policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.		
Recognising public safety as a principal licensing objective, and supporting the need to adopt consistent taxi licensing policy across a broader footprint, the current processes have been reviewed and strengthened to reflect current guidance where appropriate.		
It is proposed that once a draft of the Hackney Carriage and Private Hire Criminal Convictions Policy is approved by Members that it is put forward for consultation.		
Recommended Decision:		
To approve a draft Hackney Carriage and Private Hire Criminal Convictions Policy for consultation.		

**Purpose of Decision:**

The creation of this policy is to provide guidance and bring the Council's standards in line with 'good practice' guidance and enable a more robust 'fit and proper' test for applicants.

**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	No issues arising from this report.
<b>Legal:</b>	No issues arising from this report.
<b>Safeguarding:</b>	The Policy will give a more robust 'fit and proper' test for applicants.
<b>Equalities/Diversity:</b>	An EIA has been carried out and there are no issues arising out of the assessment at this stage.
<b>Customer Impact:</b>	Existing licence holders will not be affected by the Policy until the 'fit and proper' test is engaged again.
<b>Environment and Climate Change:</b>	No issues arising from this report.
<b>Consultation/Community Engagement:</b>	No issues arising from this report.
<b>Risks:</b>	No issues arising from this report.
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Principal Licensing Officer
<b>Ext. No:</b>	2213
<b>E-mail:</b>	<a href="mailto:john.meddings@braintree.gov.uk">john.meddings@braintree.gov.uk</a>

## **1. Background**

- 1.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 1.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 1.3 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Drivers' Licence and/or Private Hire Operators Licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will look into:
  - How relevant the offence(s) are to the licence being applied for
  - How serious the offence(s) were
  - When the offence(s) were committed
  - The date of conviction
  - Circumstances of the individual concerned
  - Sentence imposed by the court
  - The applicant's age at the time of conviction
  - Whether they form part of a pattern of offending
  - Any other character check considered reasonable (e.g. personal references)
  - Any other factors that might be relevant
- 1.4 Existing holders of drivers' licences are required to notify the Licensing Authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 1.5 Licensing Authorities have been recommended by a joint Circular from the Department of Transport 2/92 and Home Office 13/92 to adopt guidelines relating to the relevance of convictions in determining applications for Hackney Carriage and Private Hire Drivers Licences.
- 1.6 In December 2016 the Local Government Association produced a "best practice" set of guidelines for Local Licensing Authorities to emulate when producing or updating their Criminal Convictions Policy.

## 2. Policy

- 2.1 The purpose of the policy is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.
- 2.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:
- That a person is a fit and proper person
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safeguarding of children and young persons
- 2.3 The term ‘fit and proper person’ for the purposes of licensing is not legally defined and in assessing whether someone is ‘fit and proper’ the Council will consider the following together with and other relevant information:
- Criminality
  - Human rights
  - Length of time holding a driver’s licence
  - Number of penalty points endorsed on driving licence
  - Right to work
  - Medical fitness
  - Conduct of the applicant in making the application
  - Previous licensing history

In addition the Council will also consider further information provided by sources such as the Police (including abduction notices) and other statutory agencies.

Case law provides assistance: the case of *McCool v Rushcliffe BC* 1998 assists by way of Lord Bingham, Lord Chief Justice in determining that:

*“One must it seems to me approach this case bearing in mind the objectives of this licensing regime, which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers”.*

- 2.4 The policy will provide guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for licences
  - Existing license holders whose licences are being reviewed
  - Licensing Officers
  - Members of the Licensing Committee
  - Magistrates hearing appeals against Local Authority decisions

- 2.5 Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee. Whilst Officers and the Licensing Committee will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and where the circumstances demand, the Committee may depart from the guidelines.**
- 2.6 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences, which may show a pattern of offending and unfitness.
- 2.7 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he/she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.8 A very serious view will be taken of any conviction; no matter how minor or serious, that occurs whilst the person is the holder of a current licence and especially if the offence occurred whilst in the course of their employment as a licensed proprietor, driver or operator.

### **3. Fit and Proper Person Test**

- 3.1 Under Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.
- 3.2 As stated In paragraph 4.1, in accordance with the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, all previous convictions, including spent convictions, are "live" and can be taken into account by the Council when considering the fit and proper status of an applicant.

There is no definition of 'fit and proper' however the case of *McCool v Rushcliffe BC* 1998 assists by way of Lord Bingham, Lord Chief Justice in determining that:

*"One must it seems to me approach this case bearing in mind the objectives of this licensing regime, which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers".*

In *Leeds City Council v Hussain 2002*, in relation to the power of suspension, it was suggested that this could also be applied to protect users of licensed vehicles and those who were driven by them and members of the public.

Members will note that the overall consideration should be the protection of the public, but also bear in mind the applicant's right to a fair trial as per Article 6 Human Rights Act 1998.

#### **4. Consultation**

- 4.1 Once a draft Hackney Carriage and Private Hire Criminal Convictions Policy has been approved by Members it will be put forward for consultation prior to implementation.
- 4.2 It is proposed that the consultation will last for six weeks.
- 4.3 The consultation will include existing drivers and operators, Members and other persons who would have an interest in the policy.
- 4.4 The policy will be made available for viewing via the Council's website.
- 4.5 The responses will then be collated and a report submitted to the next available Licensing Committee.

#### **5. Recommendation**

- 5.1 To proceed with the consultation with or without amendments to the draft Hackney Carriage and Private Hire Criminal Convictions Policy.

# **Hackney Carriage and Private Hire Criminal Convictions Policy**

## **1. Introduction**

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or combination of both or operator licence .

1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:

- A person is a fit and proper person
- A person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- The safeguarding of children, young persons and vulnerable adults

1.3 The term 'fit and proper person' for the purposes of licensing is not legally defined and in assessing whether someone is 'fit and proper' the Council will consider the following together with and other relevant information:

- Criminality
- Human rights
- Length of time holding a driver's licence
- Number of penalty points endorsed on driving licence
- Right to work
- Medical fitness
- Conduct of the applicant in making the application
- Previous licensing history

In addition the Council will also consider further information provided by sources such as the Police (including abduction notices) and other statutory agencies.

1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for licences
- Existing license holders whose licences are being reviewed
- Licensing Officers
- Members of the Licensing Committee
- Magistrates hearing appeals against local authority decisions

1.5 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases

applications for licences will be referred to the Licensing Committee. Whilst Officers and the Licensing Committee will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and where the circumstances demand, the Committee may depart from the guidelines.**

## **2. General Policy**

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences, which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence but would normally be expected to:
  - a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he/she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].
- 2.4 For the purpose of this policy formal/simple cautions/warnings and fixed penalties will be treated as though they were convictions.
- 2.5 A very serious view will be taken of any conviction; no matter how minor or serious, that occurs whilst the person is the holder of a current licence and especially if the offence occurred whilst in the course of their employment as a licensed proprietor, driver or operator.

## **3. Appeals**

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 3.2 Any applicant refused a private hire operator licence on the grounds that the licensing authority is not satisfied that they are a fit and proper person to hold



such a licence has the right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

- 3.3 Any licensee whose licence is suspended or revoked has the right to appeal to the Magistrates' Court within 21 days of the suspension or revocation.

## **4. Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## **5. Consideration of Disclosed Criminal History**

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Drivers' Licence and/or Private Hire Operators Licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for
  - How serious the offence(s) were
  - When the offence(s) were committed
  - The date of conviction
  - Circumstances of the individual concerned
  - Sentence imposed by the court
  - The applicant's age at the time of conviction

- Whether they form part of a pattern of offending
  - Any other character check considered reasonable (e.g. personal references)
  - Any other factors that might be relevant
- 5.2 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer on 01365 557790 in confidence for advice.
- 5.4 The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure certificate at their expense. A check of both child and adult barred list will also be conducted. Applicants for an operators licence will be required to obtain a basic DBS check at their own expense (unless they are the holder of a current hackney carriage, private hire or dual drivers licence issued by Braintree District Council. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.
- 5.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities.
- 5.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.9 For renewal application and current licence holders the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred or they are otherwise brought to the attention of

the Council for conduct that would call into question a person's suitability to hold a licence.

- 5.10 Offences not covered by this Policy will be considered by the Council when determining whether the applicant or licence holder is a fit and proper person.

## **6 Serious offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.4 A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:
- Arson
  - Malicious wounding or grievous bodily harm which is racially aggravated
  - Actual bodily harm which is racially aggravated
  - Grievous bodily harm with intent
  - Robbery
  - Possession of firearm
  - Riot
  - Assault Police
  - Common assault with racially aggravated
  - Violent disorder
  - Resisting arrest

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:
- Racially-aggravated criminal damage
  - Racially-aggravated offence
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:
- Common assault
  - Assault occasioning actual bodily harm
  - Affray
  - S5 Public Order Act 1986 offence (harassment, alarm or distress)
  - S.4 Public Order Act 1986 offence (fear of provocation of violence)
  - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  - Obstruction
  - Criminal damage
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 6.8 In the event of a licence being granted, a strict warning both verbally and in writing will be administered.

## **7. Possession of a weapon**

- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## **8. Sex and indecency offences**

- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.
- 8.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Sexual assault
  - Indecent assault
  - Possession of indecent photographs, child pornography etc.
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Indecent exposure
  - Soliciting (kerb crawling)
  - Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.5 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- 8.6 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

## **9. Dishonesty**

- 9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

- 9.2 In general, a minimum period of 5 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
- theft
  - burglary
  - fraud
  - benefit fraud
  - handling or receiving stolen goods
  - forgery
  - conspiracy to defraud
  - obtaining money or property by deception
  - other deception
  - taking a vehicle without consent
  - and any similar offences
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **10. Drugs**

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
- 10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **11 Driving offences involving the loss of life**

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **12 Drink driving/driving under the influence of drugs/using a mobile phone whilst driving**

- 12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least 3 years after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

- 12.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf> ) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

- 12.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 12.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

### **13 Outstanding charges or summonses**

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

### **14 Non-conviction information**

- 14.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 14.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

### **15 Cautions/Warnings**

- 15.1 Admission of guilt is required before a caution/warning can be issued. Every case will be considered on its own merits including the details and nature of the offence.

### **16 Licensing offences**

- 16.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since.



- 16.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

## **17 Insurance offences**

- 17.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.
- 17.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 17.3 A private hire operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

## **18 Overseas residents**

- 18.1 If an applicant or licence holder has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period.

## **19 Licences issued by other licensing authorities**

- 19.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 19.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **20 Summary**

- 20.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3

to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

- 20.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

## Annex A – Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of	3

	load or passengers	
C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Approp
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing	3

	Regulation	
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

### **Aiding, abetting, counseling or procuring**

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

### **Causing or permitting**

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

### **Inciting**

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

### **Non-endorsable offences**

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

### **Period of time**

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source [www.direct.gov.uk](http://www.direct.gov.uk)

Licensing Committee Update		Agenda No:7
Portfolio:	Environment and Place	
Corporate Outcome:	Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	John Meddings, Principal Licensing Officer	
Report prepared by:	John Meddings, Principal Licensing Officer	
Background Papers:		Public Report
Reports and Minutes of Drivers' Panels Reports and Decision Notices of Licensing Hearings		Key Decision: No
Executive Summary:		
To update Members on applications determined.		
Recommended Decision:		
To note the information detailed.		
Purpose of Decision:		
To update Members.		

**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	None arising from this report.
<b>Legal:</b>	None arising from this report.
<b>Safeguarding:</b>	None arising from this report.
<b>Equalities/Diversity:</b>	None arising from this report.
<b>Customer Impact:</b>	None arising from this report.
<b>Environment and Climate Change:</b>	None arising from this report.
<b>Consultation/Community Engagement:</b>	None arising from this report.
<b>Risks:</b>	None arising from this report.
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Principal Licensing Officer
<b>Ext. No:</b>	2213
<b>E-mail:</b>	<a href="mailto:john.meddings@braintree.gov.uk">john.meddings@braintree.gov.uk</a>



## **1. Background**

- 1.1 Members have requested regular updates on applications determined by Licensing Sub-Committees and Drivers' Panel. A summary of all applications determined since 14<sup>th</sup> September 2016 is highlighted below.

## **2. Hackney Carriage & Private Hire Drivers Licences**

- 2.1 There have been 14 applications presented to Drivers' Panel since the previous update.
- 2.2 Two of the hearings were related to Private Hire Operators wishing to exempt a vehicle from the requirements to display a full vehicle livery in accordance with the Council's Executive Vehicles Policy. In each case, the application was granted.
- 2.3 The remaining 12 hearings related to new or existing hackney carriage, private hire, dual hackney carriage/private hire drivers.

## **3. Licensing Act 2003**

- 3.1 An application was received for a review of the Premises Licence with respect to Cross Road Stores, 39 Cross Road, Witham. Essex Police requested a review of the Premises Licence on the grounds that the Premises Licence holder was not promoting the Prevention of Crime and Disorder Licensing Objective.
  - 3.1.1 The Licensing Sub-Committee of the 20<sup>th</sup> March 2017 revoked the premises Licence. The Premises Licence holder has subsequently submitted an appeal to the decision which will likely be heard in late Summer 2017.
- 3.2 An application was received for a review of the Premises Licence with respect to Cost Cutter, 9 – 11, High Street, Halstead. Essex Police requested a review of the Premises Licence on the grounds that the Premises Licence holder was not promoting the Prevention of Crime and Disorder Licensing Objective.
  - 3.2.1 The Licensing Sub-Committee of the 20<sup>th</sup> March 2017 revoked the premises Licence. The Premises Licence holder has subsequently submitted an appeal to the decision which will likely be heard in late Summer 2017.
- 3.3 An application was received for a review of the Premises Licence with respect to Halstead Snooker Centre, 9 – 11, High Street, Halstead. Essex Police requested a review of the Premises Licence on the grounds that the Premises Licence holders were not promoting the Prevention of Crime and Disorder and Protection of Children from Harm Licensing Objectives.
  - 3.3.1 The Licensing Sub-Committee of the 22<sup>nd</sup> May 2017 decided to take no action in respect of the Premises Licence but issued a formal warning to the Premises Licence holders with Directions for the promotion of the Licensing Objectives.

- 3.4 A new premises Licence application for Drapers Hotel, 53 High Street, Earls Colne received a number of objections. The Licensing Sub-Committee of the 17<sup>th</sup> July 2017 decided to grant a Premises Licence.
- 3.5 An application to vary a Premises Licence to specify an individual as a Designated Premises Supervisor of a premises in the District was set to be determined by a Licensing Sub-Committee. However, the application was withdrawn by the applicant before the hearing took place.