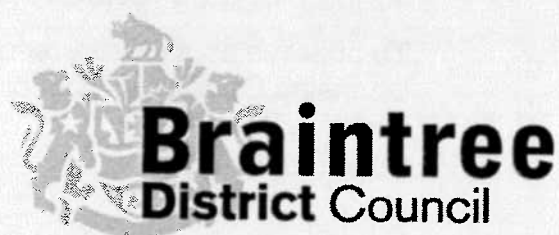


Licensing Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be audio recorded.

Date: Wednesday, 22 July 2015

Time: 19:15

Venue: Committee Room 1, Causeway House, Braintree, CM7 9HB

Membership:

Councillor Mrs J Allen
Councillor M Banthorpe (Chairman)
Councillor J Baugh (Vice Chairman)
Councillor S Canning
Councillor J Elliott
Councillor J Goodman
Councillor A Hensman

Councillor H Johnson
Councillor Mrs J Money
Councillor Mrs J Pell
Councillor R van Dulken
Councillor Mrs L Walters
Councillor Mrs S Wilson

Members are requested to attend this meeting, to transact the following business:-

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 29th April 2015 (copy previously circulated).
- 4 **Public Question Time**
(See paragraph below)
- 5 **Application for a Pavement Permit - The Lounge, 10-12 Market Place, BRAINTREE** 5 - 20
- 6 **Sex Establishment (Sex Shop) Licence, 14 Coggeshall Road, BRAINTREE - Application for Renewal** 21 - 35
- 7 **Hackney Carriage Proprietors Licences - Allocation** 36 - 47
- 8 **Private Hire and Hackney Carriage Driver Licences and Private Hire Operators Licences - Duration** 48 - 54
- 9 **Private Hire and Hackney Carriage Drivers Licences and Private Hire Operators Licences - Setting of Licence Application Fees** 55 - 60
- 10 **Braintree and District Taxi Association Liaison Panel and Drivers Panel - Appointments** 61 - 62
- 11 **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.
- 12 **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

- 13 **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.

E WISBEY
Governance and Member Manager

Contact Details

If you require any further information please contact the Governance and Members team on 01376 552525 or e-mail demse@braintree.gov.uk

Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Council's Governance and Members team on 01376 552525 or email demse@braintree.gov.uk at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

Health and Safety

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting

Comment

.....

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.....

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.....

Contact Details:

APPLICATION FOR A PAVEMENT PERMIT – THE LOUNGE, 10/12 MARKET PLACE, BRAINTREE		Agenda No: 5
Portfolio	Environment and Place	
Corporate Priority:	Keeping our District clean and tidy Promoting safe and healthy living Encouraging flourishing communities Boost employment skills and support business Promoting and improving our town centres Providing value for money Delivering excellent customer service	
Report presented by:	John Meddings (Licensing Officer)	
Report prepared by:	John Meddings (Licensing Officer)	
Background Papers:		Public Report
1. Application made by Miss Nina Williams of Traders United Ltd with respect to The Lounge, 10/12 Market Place, Braintree - (Appendix 1)		Key Decision: No
2. Consent letter from Essex Highways - (Appendix 2)		
3. Representations received during consultation from two Ward Councillors and a frontager with an interest - (Appendix 3)		
Executive Summary:		
To consider an application by Miss Nina Williams of Traders United Ltd for a Pavement Permit for the use of the pavement area outside The Lounge, 10/12 Market Place, Braintree. The Council's Pavement Permit Policy specifies that, if representations are made within the consultation period, and subject to the appropriate consents being given, the application will be referred to the Council's Licensing Committee for determination.		
Decision: To determine one of the following:-		
1. To GRANT the application for a Pavement Permit		
2. To GRANT the application for a Pavement Permit for reduced hours than those detailed.		
3. To GRANT the application for a Pavement Permit with additional conditions deemed necessary.		
4. To REFUSE the application for a Pavement Permit.		

Purpose of Decision:

Members of the Licensing Committee are requested to consider an application made by Miss Nina Williams of Traders United Ltd with respect to The Lounge, 10/12 Market Place, Braintree.

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

Financial:	No implications arising from this report.
Legal:	Section 115E(1)(a) and (b) of Highways Act 1980
Safeguarding:	No implications arising from this report.
Equalities/Diversity:	No implications arising from this report.
Customer Impact:	The decision made may have an effect on the applicant's business.
Environment and Climate Change:	No implications arising from this report.
Consultation/Community Engagement:	Application subject to a 28 day public consultation period in accordance with Braintree District Council's Pavement Permit Policy.
Risks:	No implications arising from this report.
Officer Contact:	John Meddings
Designation:	Licensing Officer
Ext. No.	2213
E-mail:	john.meddings@braintree.gov.uk

1 **Background**

1.1 In February 2003, Members adopted the provisions under Section 115E(1)(a) and (b) of the Highways Act 1980 which empowers a Council to grant permission to local businesses that wish to use objects or structures on, in, or over a highway to which this part of the Act applies-

- (I) for a purpose which will result in the production of income;
- (II) for the purpose of providing a centre for advice or information; or
- (III) for the purpose of advertising

1.2 This effectively enables the Council to grant a permit for the use of tables and chairs on the public highway.

1.3 The Council's Pavement Permit Policy specifies that, if representations are made within the specified consultation period, and subject to the appropriate consents being given, the application will be referred to the Council's Licensing Committee for determination.

The Council's Pavement Policy also states that applications requesting hours beyond 18:00hrs are required to be determined by the Licensing Committee.

1.4 The application by Miss Nina Williams of Traders United Ltd for a Pavement Permit for The Lounge, 10/12 Market Place, Braintree was received and validated on 2nd May 2014. The Permit, if granted, will allow the following for a period of one year:

16 tables
64 chairs

Monday to Sunday 11:00hrs to 21:00hrs

1.5 A plan of the area accompanies this report, with the area covered by the application cross-hatched (Appendix 1).

2 **Consultation**

2.1 As part of the regulatory procedure, the Council must prepare a notice and arrange for it to be displayed in a clear position on the premises for a period of 28 days. In accordance with the Council's Policy, an Officer visited the premises and confirmed that the appropriate notice was displayed in a prominent position on the premises.

2.2 The Council must also identify and serve a notice on any "frontagers with an interest" and the owners and occupiers of any premises likely to be materially affected by the application.

2.3 As part of the consultation process, the Council must seek the consent of the Highway Authority (Essex Highways). Consent was received from Essex Highways, subject to conditions, on 13th May 2015 (Appendix 2).

- 2.4 The Council's Pavement Permit Policy requires additional consultation to be carried out with the following bodies:

Braintree District Council

- Forward Plans
- Development Control
- Environmental Health
 - Health & Safety
 - Pollution
- Ward Members

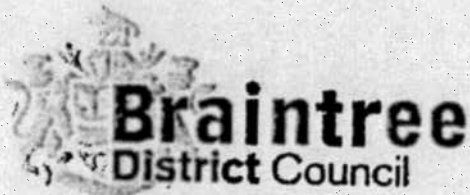
Essex Police

Essex Fire and Rescue

- 2.5 During the consultation period the Council received representations from two Ward Councillors and an affected business (Appendix 3).
- 2.6 Due to the application requesting hours beyond 18:00hrs any decision on the application has to be made by the Licensing Committee. This is in accordance with Braintree District Council's Pavement Permit Policy.

3 **Miscellaneous**

- 3.1 If the Permit is granted standard conditions will be attached.



The Licensing Section
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

Application for PAVEMENT PERMIT
Under the Highways Act 1980 – Part VIIA

IMPORTANT – Notes to Applicant

Please read the guidance provided with this application before completing this form.
Failure to supply any information requested may delay your application.

1. Applicant details

Name (including name of business if applicable):

MISS NINA WILLIAMS, TRADERS UNITED LTD

Full Postal Address:

THE LOUNGE
10/12 MARKET PLACE
BRAINTREE
ESSEX
CM7 3HG

Daytime contact telephone number:

Mobile number:

E-mail address:

2. Details of Application Site

Name of Establishment/Business:

THE LOUNGE

Address of Application Site:

THE LOUNGE
10/12 MARKET PLACE
BRAINTREE
ESSEX
CM7 3HG

Telephone Number:

E-mail address:

Premises Licence Number if applicable:

13/01697/LAPREM

B11/779

3. Days and Hours during which the tables and chairs will be on the street. (See note 2e)

Monday	From	11 AM	To	9 PM
Tuesday	From	11 AM	To	9 PM
Wednesday	From	11 AM	To	9 PM
Thursday	From	11 AM	To	9 PM
Friday	From	11 AM	To	9 PM
Saturday	From	11 AM	To	9 PM
Sunday	From	11 AM	To	9 PM

4. Place of Storage

(Please specify the place of storage of the tables and chairs and other items when not on the highway)

IN SIDE TIRE PREMISES, OUT OF HARMS WAY.

5. Number of tables applied for

8 TABLES SITE (A)

8 TABLES SITE (B)

6. Number of persons to be seated

32 SITE (A)


32 SITE (B)

7. Dimensions of area of street to be used (in metric)	SITE (A) 3048 X 6700 SQ SITE (B) 4572 X 6700 SQ
8. Please give number and details of table and chairs and all other items of furniture including fencing, umbrellas, barriers etc.	8 TABLES SITE (A) 8 UMBRELLA 8 TABLES SITE (B) 8 UMBRELLA 32 CHAIRS SITE (A) 32 CHAIRS SITE (B) 1796 METERS OF BARRIER (A) 2254 METERS OF BARRIER (B)

Checklist	
<ul style="list-style-type: none"> I have made or enclosed payment of the fee £250.00 I have enclosed a copy of an Ordnance Survey site plan Scale 1:50 showing the location of the tables, chairs and other items to be placed on the highway. Confirmation from the Highways Records if the status of the application site Evidence of public liability insurance Other associated permissions i.e Planning and any appropriate licences under the Licensing Act 2003 	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>

263

5. Licence Fee Payable - £250.00 for 12 month permit

Signature of Applicant	
Please print name	NINA WILLIAMS
Name of Company (if applicable)	TRADERS UNITED LTD
Position in company (if applicable)	DIRECTOR

19



SCHOOL WALK

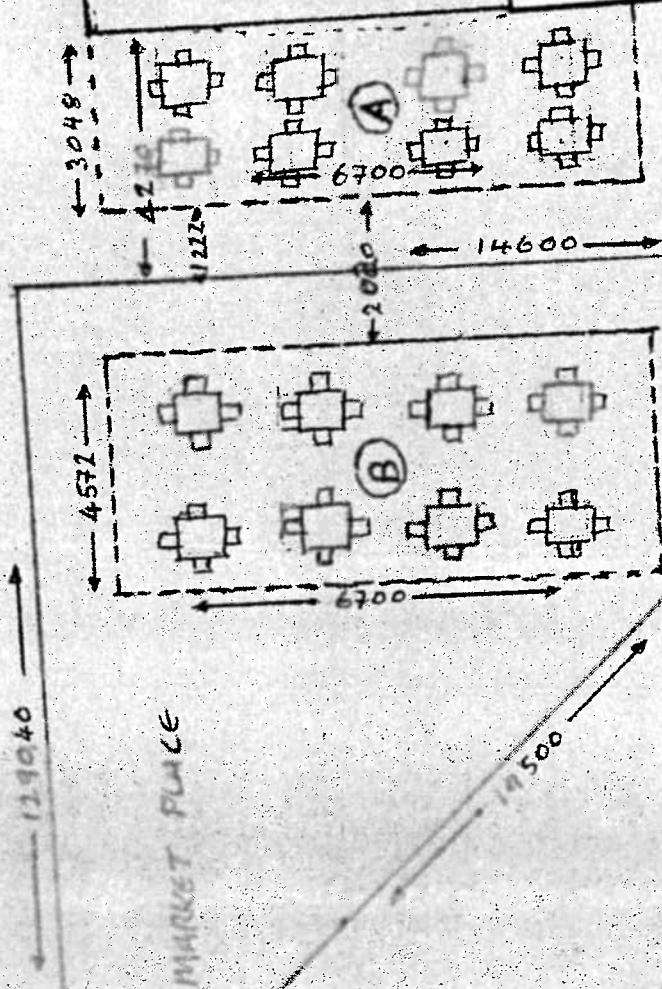
THE LOUNGE

10/12

MARKET PLACE
BRAINTREE
ESSEX
CM17 3HG

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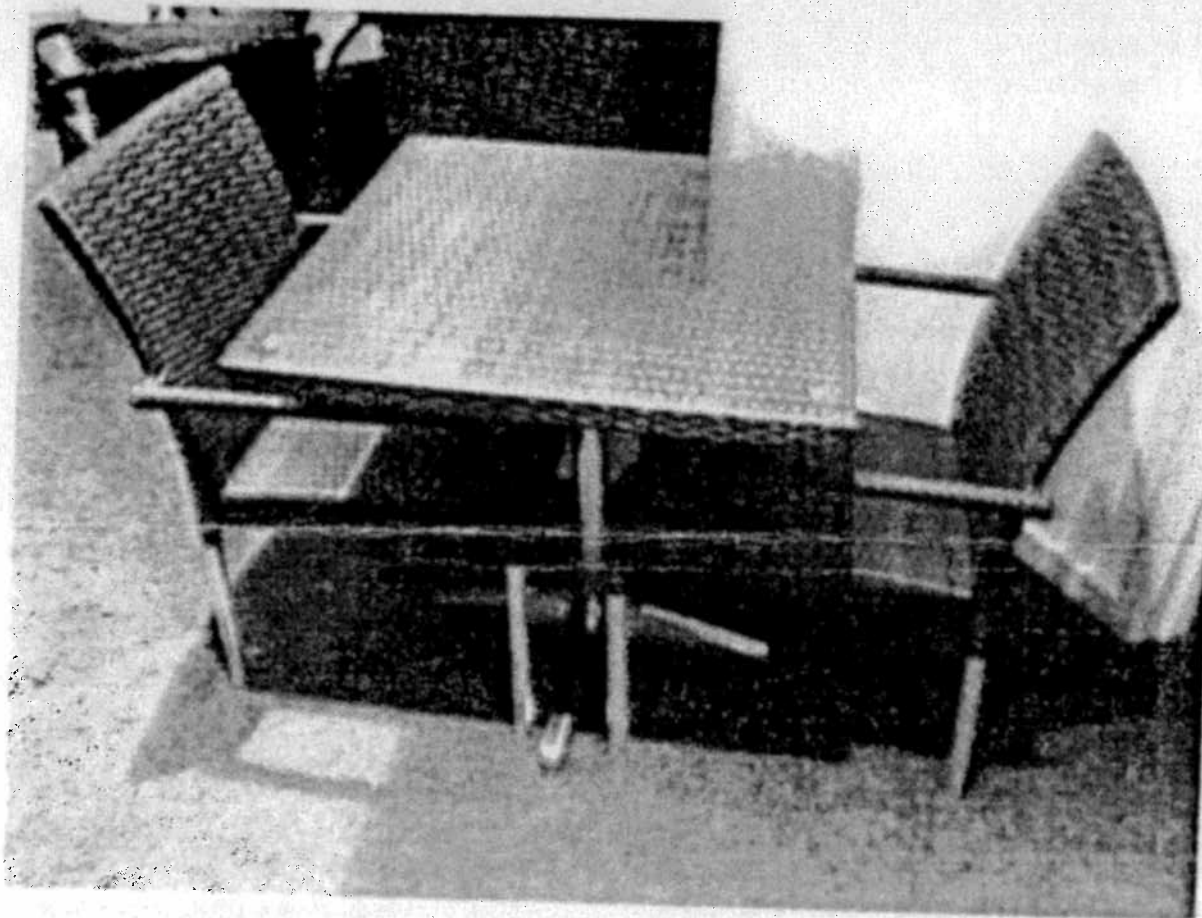
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Promap Survey - Crown Copyright 2011 All rights reserved. Licence number 100023423. Date of Sale 1/1/06

Promap

The Lounge

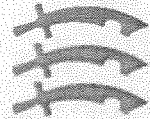
Tables and Chairs Proposal
24th April 2014



The Lounge
10-12 Market Place
Braintree
Essex
CM7 3HG

Phone: [REDACTED]

Email: [REDACTED]



Essex County Council

Essex Legal Services
New Bridge House
60-68 New London Road
Chelmsford
Essex CM2 0PD

Mr Daniel Mellini
Environmental Health Manager (Food, Health &
Safety and Licensing)
Braintree District Council
Causeway House
Braintree
Essex CM7 9HB

Our Ref: CE/HIGH/8953

Your Ref: 14/00757/PP

Date: 06 July 2015

Dear Sirs

**RE: Proposed tables and chairs outside The Lounge, 10/12 Market Place,
Braintree**

I refer to your letter dated 6 June 2014 to the County Council's Area Highways Office in Chelmsford, and the request contained therein for the County Council's consent to your Council exercising its powers to grant permission to The Lounge ("the Licensee") for the placing of tables and chairs ("the tables and chairs") on the footway outside The Lounge 10-12 Market Place in Braintree ("the premises"), for the purpose of providing refreshment facilities. I am now able to formally notify you of the highway authority's view.

Section 115E of the Highways Act 1980 authorises your Council to grant a person permission to do on, in or over certain highways anything which the Council, under that legislation, could do itself. Section 115C authorises the Council to provide, maintain and operate facilities for refreshment on such highways. Your Council is required to have given notice under section 115G, and Section 115H requires your Council to have the consent of the highway authority to your exercising your powers under section 115E.

I am pleased to advise that, subject to the below conditions, completion of any other statutory procedures required, and to the grant of any planning permission needed, consent is hereby given under section 115H of the Highways Act 1980 to your Council granting permission under section 115E of the said Act to the proprietors of the premises to provide and operate refreshment facilities involving the placing of the tables and chairs within the highway. The areas of highway, to which this consent relates, are indicated on the attached plan. The dimensions relating to the area of highway to be occupied by the tables and chairs is shown on the plan ("the authorised area"), and is within the footway of Market Place, in Braintree.

The consent is subject to the below conditions:

1. The Licensee to provide removable barriers to separate the tables and chairs from the users of the highway. Barriers must have a minimum overall height of 800mm and a gap of no more than 150mm between the base or tapping rail and the ground. Barriers must be manoeuvrable enough to allow them to be removed from the highway into the main premises at the close of business. It is recommended that the barriers are in a contrasting colour to the highway surface to provide maximum impact for the visually impaired.
2. The table and chairs to be placed in the permitted area of highway should not exceed 16 tables and 64 chairs together with parasols.
3. The Licensee shall attach no fixtures to or make excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
4. The Licensee shall make no claim or charge against the County Council in the event of the furniture or other objects being lost, stolen or damaged in any way from whatever cause.
5. The Licensee shall indemnify County Council as Highway Authority against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred arising out of the grant of this permission and for this purpose must take out at the Licensee's expense a policy of public liability insurance in the sum of at least five million pounds in respect of any one event.
6. The Licensee shall not place furniture on the highway outside the permitted area of use.
7. The Licensee shall remove from the highway the barriers tables and chairs to permit works in or the use of the highway by the County Council, the police, fire and ambulance services, any statutory undertaker or telecommunications code operator and shall make no claim against the County Council for any loss of revenue.
8. The Licensee shall at its own expense obtain any necessary consents from the local planning authority in respect of the Licensee's use of the permitted area.
9. The Licensee shall not place any tables and chairs or other furniture on the permitted area before 6.00 a.m. and shall remove all furniture from the permitted area when the premises are closed for trading. For further clarification, no furniture is to be placed or kept on the permitted area when the premises are not open or trading.

Your Council, quite separately, is required to monitor the use of the highway for the provision of private commercial refreshment facilities. The persons to whom the permission is granted by your Council under section 115E by virtue of this consent are to be responsible for indemnifying both your Council and the highway authority against any claims arising by virtue of the provision and operation by them of the refreshment facilities and are to be required to regularly maintain the area for which permission shall be given and the immediate surroundings of the highway clear of all waste and litter arising from the provision and operation by them of the refreshment facilities.

I should be grateful if you would forward a copy of the consent once issued by your District for Essex County Council records.

Yours faithfully



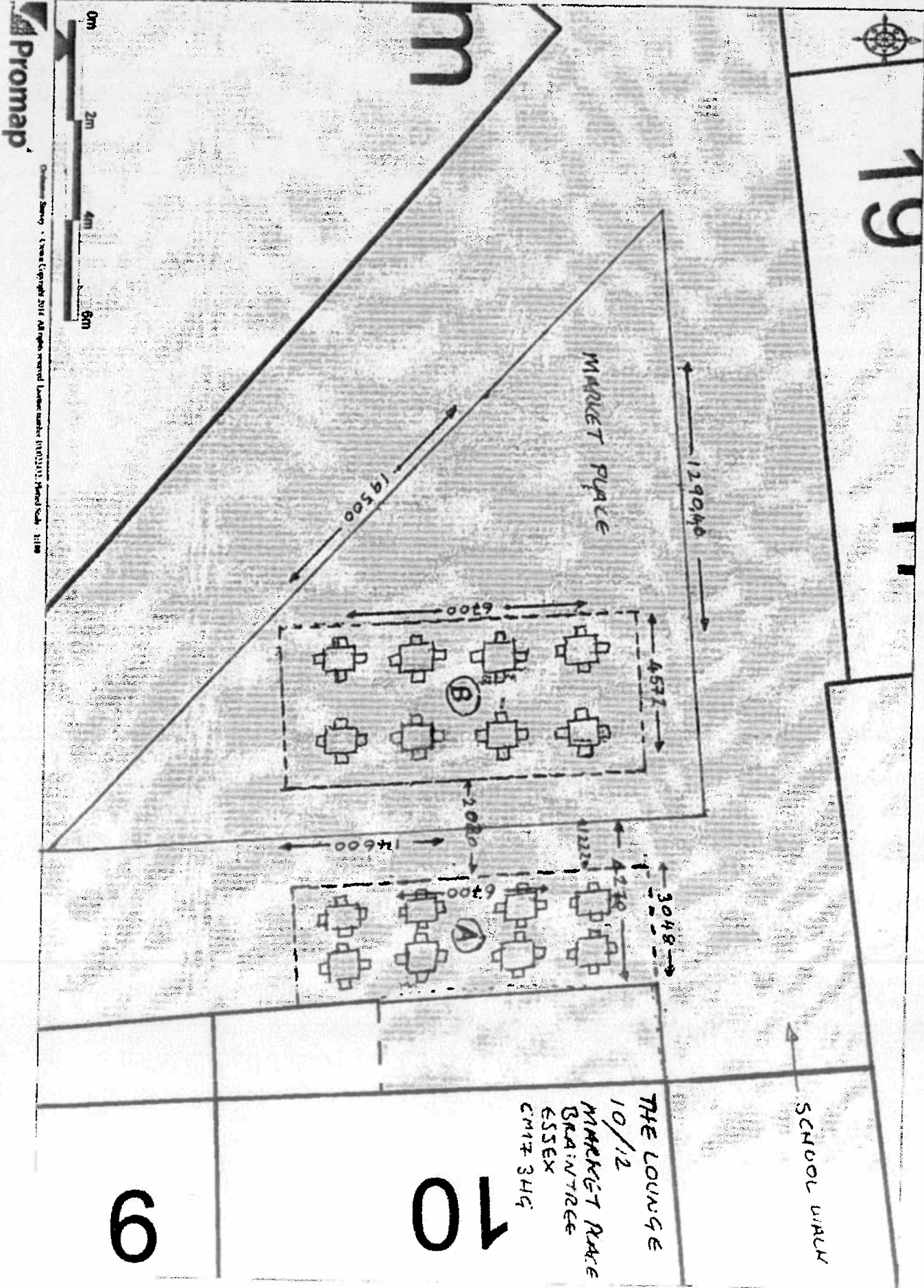
Philip Thomson
Director for Essex Legal Services
DX 123300 Chelmsford 7

Telephone: 03330139723
Fax: 01245 506650
Internet: www.essex.gov.uk
Email: charlotte.evans@essex.gov.uk

Please note:

DX number: As from 1st April 2015 our DX box will be closing. Our new number will be DX 123300 Chelmsford 7.

As from Monday 13th April Essex Legal Services will be moving to: Seax House, Victoria Road South, Chelmsford, Essex CM1 1QH – would you kindly amend your records accordingly.



Meddings, John

From: Cllr.jmckee@braintree.gov.uk <cllr_jmckee@braintree.gov.uk>
Sent: 12 June 2014 12:08
To: Baxter, Wendy; Cllr.ramage@braintree.gov.uk; Cllr.Ishepherd@braintree.gov.uk; Planning Comments; Environmental Protection; Essex Fire and Rescue; Philp, Garry; planningpolicy; Police
Subject: RE: Pavement Permit Application - The Lounge, 10-12 Market Place, Braintree, Essex CM7 3HG

Wendy , I have concerns about this application due to the past history of the location . This place attracts the rowdy end of the market and always has (I believe previous landlords were removed for drug related reasons, and if this was to start outside where there is less surveillance , it will be bad for the town centre. They currently have a couple of seats outside and this is not the "cafe Society" that we all want to see. this tends to be more of the" lager lout society" that congregates outside.Before this is granted (as I understand it will be difficult to refuse when we have allowed the Nags Head and the Bull etc) I think there should be caveats that it will be withdrawn if there are complaints from surrounding premises or passers by regarding the behaviour of the Lounge external customers including under age drinking and offensive behaviour and language being uused .

Regards

John McKee

From: Baxter, Wendy
Sent: 06 June 2014 15:49
To: Cllr.ramage@braintree.gov.uk; Cllr.Ishepherd@braintree.gov.uk; Cllr.jmckee@braintree.gov.uk; Planning Comments; Environmental Protection; Essex Fire and Rescue; Philp, Garry; planningpolicy; Police
Subject: Pavement Permit Application - The Lounge, 10-12 Market Place, Braintree, Essex CM7 3HG

Good afternoon

We have today received and validated an application for a pavement permit in respect of Miss Nina Williams for the above premises.

Please find attached a copy of the consultation letter. I have also attached a copy of the application form, plans, public liability insurance, public notice and proposed table and chairs.

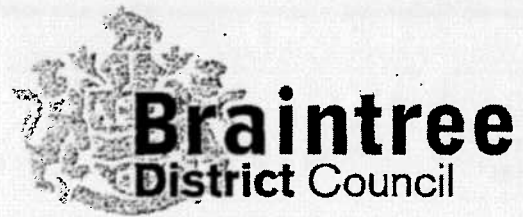
Please note the end of consultation date is 4th July 2014.

Kind regards

Wendy Baxter

Technical Licensing Assistant

Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB
 01376 552525 Ext. 2790 | www.braintree.gov.uk | wendy.baxter@braintree.gov.uk



Cllr. Lene Shepherd
Braintree Central Ward

Oak Cottage
Woolpack Lane
Braintree
Essex. CM7 9BA

Mobile: 07775 532845
Email: cllr.lshepherd@braintree.gov.uk
www.braintree.gov.uk

Friday 20th June 2014

Dear Wendy,

The application from the lounge for a pavement permit does need some consideration. The behaviour of the people sitting outside is often quite unpleasant. They shout a good deal of the time, use unacceptable language (to say the least!) and call out offensive remarks to passers by. This causes customers of The Orange Tree café to feel uncomfortable and offend. I have witnessed all of the above personally. Thank you for your attention.

Jane Shepherd

Making a Difference

Meddings, John

From: IAN HETHERINGTON [REDACTED]
Sent: 25 June 2014 21:10
To: Licensing
Subject: Ref: 14/00757/PP

Hi,

With regards to pavement application ref quoted above, I have no objection after 15:00 daily but before that I have two concerns:

1. Parasols will obscure the view to my premises
2. The barriers closest to my shop will not allow adequate passage through to School Walk when my barriers are out.

As I said post 15:00 daily and all day Sunday I have no issue

regards

Ian.

Director – The Orange Tree
www.orangetree.org.uk

[REDACTED]

Renewal of Sex Establishment (Sex Shop) Licence under the Local Government (Miscellaneous Provisions) Act 1982		Agenda No: 6
Portfolio	Environment and Place	
Corporate Priority:	Supporting vulnerable people in our community Promoting safe and healthy living, Boost employment skills and support business Promoting and improving our town centres Delivering excellent customer service	
Report presented by:	John Meddings (Licensing Officer)	
Report prepared by:	John Meddings (Licensing Officer)	
Background Papers:		Public Report
<ul style="list-style-type: none"> Local Government (Miscellaneous Provisions) Act 1982 Braintree District Council Sex Establishment Policy Amended Standard Conditions (Appendix 1) Application (Appendix 2) Plan (Appendix 3) Member of public objection (Appendix 4) 		Key Decision: No
Executive Summary:		
<p>To consider and determine the application made by Pauline Anne Ward of 4 U Adult Boutique Ltd for the renewal of a Sex Establishment (Sex Shop) Licence under the Local Government (Miscellaneous Provisions) Act 1982.</p>		
Decision: To determine one of the following:-		
<ol style="list-style-type: none"> To Grant the application, with or without amendment, subject to the amended standard conditions for Sex Establishments and any other additional special conditions which the Licensing Committee deem appropriate. To Refuse the application on the grounds listed in the main body of the report. 		
Purpose of Decision:		
<p>To consider and determine the application made by Pauline Anne Ward of 4 U Adult Boutique Ltd for the renewal of a Sex Establishment (Sex Shop) Licence under the Local Government (Miscellaneous Provisions) Act 1982.</p>		

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

Financial:	There may be a financial impact on the applicant's business.
Legal:	The Act gives the applicant a right of appeal against the decision made by the Committee.
Safeguarding:	The decision making process takes into consideration the protection of children and vulnerable adults.
Equalities/Diversity:	None arising from this report
Customer Impact:	The decision made will have an impact on the applicant's business.
Environment and Climate Change:	None arising from this report.
Consultation/Community Engagement:	There has been statutory public consultation as detailed in the main report.
Risks:	The Act allows for the applicant to appeal against the decision made by the Committee.
Officer Contact:	John Meddings
Designation:	Licensing Officer
Ext. No.	2213
E-mail:	john.meddings@braintree.gov.uk

1. Application

1.1 The application for the renewal and variation of the Sex Establishment (Sex Shop) Licence was received and validated on 29th May 2015 (Appendix 2).

1.2 Applicant details:

Pauline Anne Ward



1.3 Premises Address:

14 Coggeshall Road
Braintree
Essex
CM7 9BY

1.4 Trading times:

Monday to Saturday 09:00hrs to 20:00hrs

1.5 The applicant, as part of the renewal, has amended the floor plan from the previously issued licence. The existing licence covers the whole of the premises. However, the applicant has requested to reduce the licensable area to the room at the rear of the premises (Appendix 3).

1.6 The applicant has proposed the changes as she believes it would allow for greater control of the restricted products. The applicant has suggested that this is common practice in other licensed sex shops.

1.7 The applicant has also suggested that having all restricted products in the rear would allow for the front window to be unobscured and improve the aesthetics externally.

1.8 The Act makes provision for a licence to be varied, but not for a change in category, for example a Sex Shop to a Sex Cinema.

1.9 The Act sets out no procedural requirements on the issuing Authority and a decision on the variation of a licence can be made without public consultation or hearing. However, due to the request being made simultaneously with an application for the renewal of the licence which has attracted an objection, it is considered good practice for the Licensing Committee to determine the variation.

2. Consultation

- 2.1 The application was advertised in accordance with paragraph 10 (8, 9 and 10) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 both on the premises and in the local press. The consultation period of 7 days in the local press and 21 days on the premises started from the date the application was received.

3. Objections

- 3.1 The application received one objection during the consultation (Appendix 4).
- 3.2 The Act works to protect the anonymity of objectors. The details of the objector cannot be revealed without the consent of the person making the objection.
- 3.3 The Act allows for persons objecting to an application to do so in writing no later than 28 days after the date of application.
- 3.4 The Act imposes no pre-qualifications on who may be objectors. It is not necessary that they live within the vicinity, or that they are likely to be affected by the operation of the establishment.

4. Refusal

- 4.1 The grounds for refusal are-
- (a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the Council considers is appropriate for that locality;
 - (d) That the grant or renewal of the licence would be inappropriate having regard to:-
 - i. The character of the relevant locality;
 - ii. The use to which any premises in the vicinity are put; or
 - iii. The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

5. Appeal

- 5.1 The applicant has the right to appeal within 21 days of the decision being notified.
- 5.2 There is no right of appeal for objectors.

Part 1 General

1. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
2. The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any enactment, by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Part 2 Conditions which apply to all premises

Exhibition of Licence

1. The copy of the licence and these Regulations which are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and exhibited in a position that it can easily be seen by all persons using the premises. The copy of these Regulations shall be retained in a clean and legible condition.

Responsibility of Licensee

2. The licensee shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all areas of the premises.
3. The premises shall not be used for regulated entertainment, exhibition or display of any kind unless the Council's consent has been first obtained and any necessary licence granted.

Conduct and Management of the Premises

4. The licensee, or a responsible person over 18 years of age and nominated by him in writing for the purpose of managing the sex establishment in his absence, shall be in charge of and upon the premises during the whole time it is open to the public. Such written nomination shall be continuously available for inspection by an officer authorised in writing by the Council. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge shall be conversant with these rules, a copy of which shall be held on the premises.

5. The licensee, or the responsible person approved under Regulation 4, shall maintain a daily register to be kept on the premises in which he shall record the name and address of any person who is to be responsible for managing the sex establishment in his absence and the names and addresses of those employed in the sex establishment. The register to be completed each day within 30 minutes of the sex establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
6. The Licensee shall ensure that, during the hours the sex establishment is open for business, every employee wears a badge of a type to be approved by the Council bearing a photograph of the employee and indicating his name and that he is an employee.
7. A notice showing the name of the person responsible for the management of a sex establishment shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.
8. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
9. The licensee shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purpose.
10. The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
11. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
12. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

External Appearance

13. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except;

- (i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence granted by the Council.
- (ii) Such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

This condition will apply to the exterior of the main shop (unlicensed) in addition to the exterior of the licensed area.

- 14. The entrances, windows and openings to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.

State, Condition and layout of the premises

- 15. The premises shall be maintained in good repair and condition.
- 16. The number, size and position of the doors or openings provided for the purposes of the ingress and egress of the public shall be to the satisfaction of the Council and shall comply with the following requirements :-
 - (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
 - (ii) Doors and opening other than exits which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "private".
 - (iii) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
- 17. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order. The external door shall only be opened at such times as person(s) require access and egress to the interior of the premises.
- 18. The licensee shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.
- 19. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the

premises shall not be made except with the prior approval of the Council.

20. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Maintenance of the means of Escape

21. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
22. All fire resisting and smoke stop doors shall be maintained, self-closing and shall not be secured open.

Fire Appliances

23. The premises shall be provided with fire appliances suitable to the fire risks on the premises, and such fire appliances shall be maintained in proper working order and shall be available for instant use.
24. The licensee shall comply with any fire precautions and safety measures that may be required of him by the Fire Authority.
25. Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with the manufacturer's instructions.

Lighting

26. The licensee or any other person concerned in the conduct or management of the licensed sex establishment shall, in the absence of adequate daylight, ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which the public and staff have access and is in operation continuously during the whole time the premises are open to the public.
27. The normal lighting levels and the lighting to 'EXIT' notices shall be maintained at all times and shall not in any circumstances be extinguished or dimmed while the public are on the premises provided that, so long as there is sufficient daylight in any part of the premises, artificial light need not be used in any part.

Electrical Installations

28. The electrical installation for the premises shall be maintained in a safe working condition, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.
29. Unless the Council decides otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

Change of Use

30. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council and the Police has been obtained.
31. The Licensing Authority and Essex Police must be informed should the licensee seek to change the use of the establishment to another form of sex establishment.

Sale of goods

32. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.

Admission of Authorised Officers

33. Officers of the Council, Police, and other authorised agencies who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

Part 3 Conditions which apply to Sex Shops

1. It is permitted to play music or words either via national or local radio stations or any pre-recorded means, but no material whatsoever of an adult theme or nature can be played or broadcast, whether by means of sound or moving picture.

Goods available in Sex Establishments

2. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show persons who are inside the sex shop the respective prices being charged.
3. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the sex establishment.
4. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Censors, and bears a certificate to that effect, or approved by the Council and is a reproduction authorised by the owner of the copyright of the film or video film so certified.


Braintree District Council
Application for Grant or Renewal of Licence for Sex Establishment
Local Government (Miscellaneous Provisions) Act 1982

ENVIRONMENTAL

29 MAY 2015

HEALTH

1. If the application is made on behalf of an individual, please state:-

Full Name:

PAULINE ANNE WARD

Permanent Address:



Date of Birth:



Place of Birth:

LONDON

2. If the application is made on behalf of a corporate or unincorporated body, please state:-

Full name of body:

.....

Address of registered

.....

or principal office

.....

.....

.....

3. Give full names and private addresses of all directors or other persons responsible for management of the establishment:

i) Name & Address

.....

.....

.....

Date of Birth:

Place of Birth:

ii) Name & Address

.....

.....

.....

Date of Birth:

Place of Birth:

iii) Name & Address

Date of Birth..... Place of Birth.....

iv) Name & Address

Date of Birth..... Place of Birth.....

4. Have you any convictions recorded against you? Or, if a corporate or unincorporated body, has that body or any of it's directors or other persons responsible for it's management? If so please detail below. Please note that all convictions (other than spent convictions) must be disclosed.

Person/Body Convicted	Date of Conviction	Offence	Sentence (including suspended sentence)
	N/A	N/A	

5. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? YES ~~NO~~
6. If the application is made on behalf of a corporate body is that body incorporated in the United Kingdom? ~~NO~~ YES ~~NO~~
7. Full address of premises proposed for use as a Sex Establishment
 14 COGGESHALL ROAD
 BRAINTREE ESSEX CM7 9BY
8. On which days do you wish to trade?
 Monday to Saturday
9. During which hours do you wish to trade?
 9am — 8pm
10. Are the premises to be used as a sex shop? YES/NO
 Are the premises to be used as a sex cinema? YES/NO
 Are the premises to be used as a sex encounter establishment? YES/NO
11. Have you ever been refused a licence for a Sex Establishment? YES/NO
 If YES, please give details:

I hereby certify that the details given in this application are correct to the best of my knowledge and belief. This application is accompanied by the prescribed fee.

Signed..... 

Status (e.g. Director, Manager).... owner

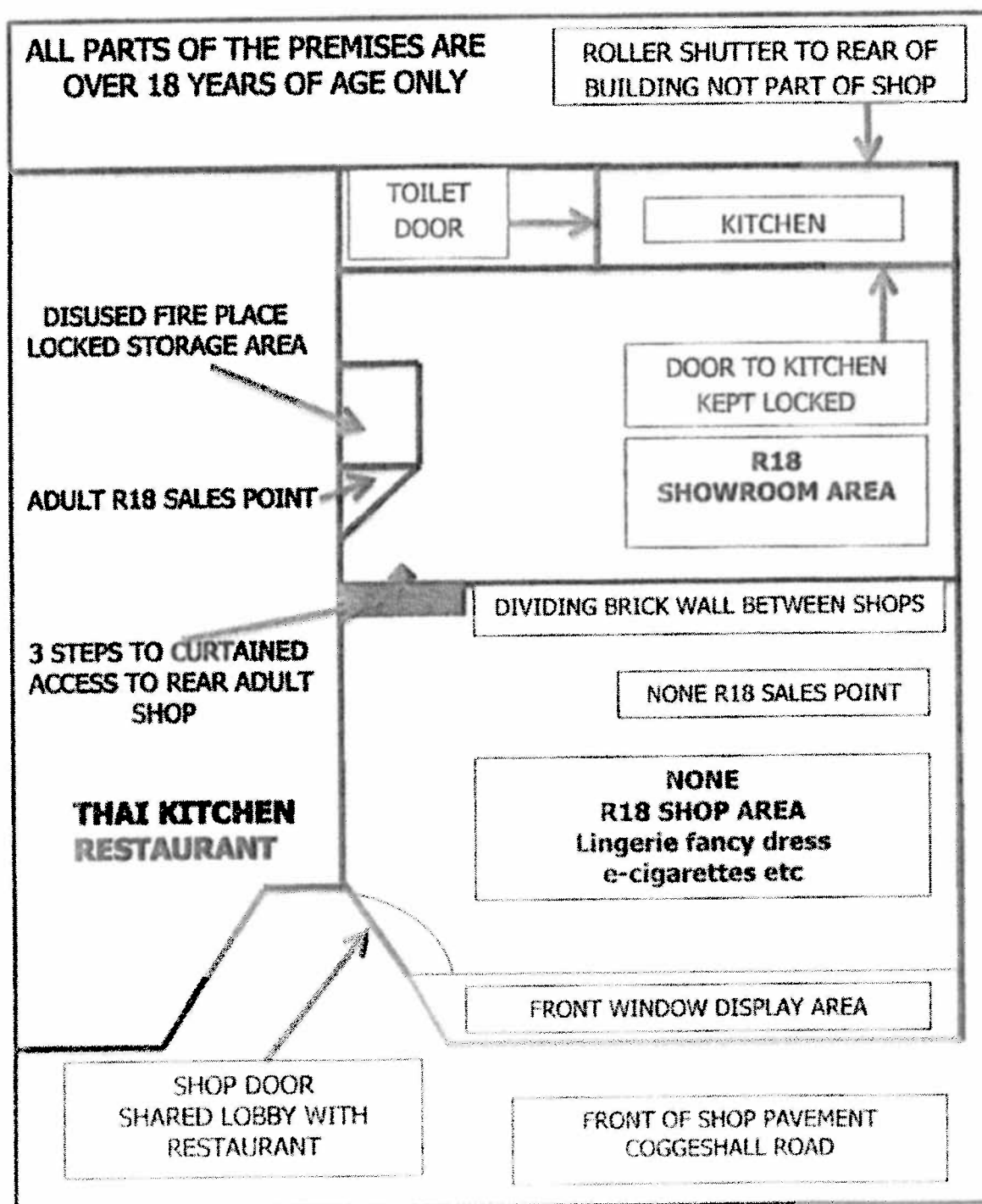
Date 26 May 2015

Notes

- This application must be accompanied by the prescribed fee
 New applications £2,140
 Renewal applications (£803)
- Please return the completed application form to Licensing Services Manager,
 Braintree District Council, Causeway House, Bocking End, Braintree,
 Essex CM7 9HB

FLOOR PLAN NOT TO SCALE

4 U Adult Boutique
 14 Coggeshall Road
 Braintree
 Essex CM7 9BY



The Licensing Services Manager
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

ENVIRONMENTAL
22 JUN 2015
HEALTH

19th June 2015

Dear Sir

Notice of Application to run a Sex Establishment

With reference to the notice published in the Braintree and Witham Times of 4th June 2015.

I wish to register an objection to this application.

I appreciate that these premises have been licensed as a sex establishment for a number of years. However, the area where the shop is located has changed, in addition to a number of restaurants, there are now two cafes offering pavement seating either adjacent to the 4 U Adult Boutique or within a few yards of this shop. These cafes attract children, with or without their parents, and the current location of 4 U Adult Boutique is no longer appropriate for a sex establishment.

Furthermore, there is a children's park located on Coggleshall Road and the most direct route from the town centre to the park passes the 4 U Adult Boutique.

I note from their website that the 4 U Adult Boutique offers a mail order service, an industrial estate would be a better location for such a business rather than a town centre one. I am assuming that the mail order business operates from the shop on Coggleshall Road as presumably they would require a further licence if other premises, including residential, are used for the storage and supply of items. Perhaps you could clarify this when considering their application.

Yours sincerely



HACKNEY CARRIAGE PROPRIETORS' LICENCES ALLOCATION		Agenda No: 7
Portfolio	Environment and Place	
Corporate Priority:	Supporting vulnerable people in our community Promoting safe and healthy living Boost employment skills and support business Promoting and improving our town centres Securing appropriate infrastructure and housing growth	
Report presented by:	John Meddings (Licensing Officer)	
Report prepared by:	John Meddings (Licensing Officer)	
Background Papers:		Public Report
<ol style="list-style-type: none"> Hackney Carriage Proprietors' Licences Allocation Policy (Appendix 1) Licensing Committee decision of 23rd July 2014 (Appendix 2) 		Key Decision: No
Executive Summary:		
<p>This report seeks to inform Members of the effects of the previously issued Hackney Carriage Proprietors' licences and to seek approval to issue the remaining three licences.</p>		
Decision: To determine one of the following:-		
<ol style="list-style-type: none"> Members APPROVE the allocation of the remaining three Hackney Carriage Proprietors' Licences in accordance with the Allocation Policy. Members DO NOT APPROVE the allocation of the remaining Hackney Carriage Proprietors' Licences. 		
Purpose of Decision:		
<p>On 23rd July 2014, Members of the Licensing Committee determined that three of the six Hackney Carriage Proprietors' licences held by Braintree District Council should be issued. This report seeks to inform Members of the effects of the previously issued Hackney Carriage Proprietors' licences and seeks approval to issue the remaining three licences.</p>		

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

Financial:	None arising from this report
Legal:	The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 place on Braintree District Council as the Licensing Authority the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles.
Safeguarding:	None arising from this report
Equalities/Diversity:	<p>The Equality Act 2010 consists of a general duty for the Authority, as both employer and service provider, to have due regard to the need to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. • Advance equality of opportunity between people who share a protected characteristic and people who do not share it. • Foster good relations between people who share a protected characteristic and people who do not share it.
Customer Impact:	Proprietors and prospective applicants of Hackney Carriage vehicles could both be affected by this decision. The general public may also be affected by the reduced number of Hackney Carriages operating within the District.
Environment and Climate Change:	None arising from this report
Consultation/Community Engagement:	The local Taxi Association has been consulted and the Council conducts an unmet demand survey every three years, which involves consultation and community engagement.
Risks:	None arising from this report
Officer Contact:	John Meddings
Designation:	Licensing Officer
Ext. No.	2213
E-mail:	john.meddings@braintree.gov.uk

1. Background

- 1.1 The Council has responsibility for the licensing of Hackney Carriage and Private Hire vehicles, drivers and Private Hire Operators within the District of Braintree.
- 1.2 The Council currently limits the number of Hackney Carriage Proprietors Licences issued under Section 37 of the Town Police Clauses Act 1847 (as amended by section 16 of the Transport Act 1985).
- 1.3 The Council currently limits the number of licences issued to 84.
- 1.4 The policy for the allocation of Hackney Carriage Proprietors Licences was introduced by the Licensing Committee on 14th May 2014. The Committee replaced the existing method of allocating licences by withdrawing the waiting list system and introduced a "Register of Interest" and entry requirements to be placed on the register.
- 1.5 On 23rd July 2014, the Licensing Committee determined that three of the six Hackney Carriage Proprietors licences which were held should be issued (Appendix 2).
- 1.6 The Licensing Committee directed the Licensing Officer to monitor the effects of the additional (three) licences since their issue.

DECISION: That three Hackney Carriage Vehicles Proprietors' Licences be issued in accordance with the Council's allocation Policy. That the allocation of the remaining four licences be withheld pending the submission of a report to the Licensing Committee reviewing the demand for, effect and impact of the initial allocation.

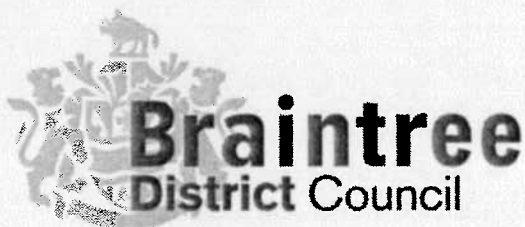
- 1.7 At the Licensing Committee meeting on 4th March 2015, three Hackney Carriage Proprietors' Licences were issued by a random ballot.
- 1.8 In accordance with the Hackney Carriage Allocation Policy the successful applicants licensed their vehicles within four weeks of the ballot.

2. Monitoring

- 2.1 Assessing the effect of the three issued Hackney Carriage Proprietors' Licences has been difficult to determine by Officer observation. The process of assessing unmet demand is difficult and it is normally undertaken by professional companies using scientific methodology.
- 2.2 The newly licensed vehicles appear to be operating mainly from the Manor Street Rank, Braintree.
- 2.3 There has been no noticeable effect on unmet demand, either positively or negatively within the District.

3. Decision

- 3.1 It would be an Officer recommendation that the three Hackney Carriage Proprietors' Licences held by the Authority be issued in accordance with the policy. This would mean that a full complement of 84 Hackney Carriages would be operating when the next unmet demand survey is conducted later this year.
- 3.2 If the Licensing Committee agrees to issue the three remaining licences, the licences will be allocated in accordance the Hackney Carriage Proprietors' Licences Allocation Policy.
- 3.3 All potential applicants will be notified and offered to express an interest. Qualifying applicants will then be entered into a random ballot which will be drawn at the next available Licensing Committee meeting.



Policy for the allocation of Hackney Carriage Proprietors Licences

1. Introduction

- 1.1 This report provides information in relation to the allocation of Hackney Carriage proprietors' licences in Braintree District. There may be other options that the licensing committee wishes to consider.

2. Background

- 2.1 In 2013 Braintree District Council conducted a review of its policy in relation the allocation of hackney carriage proprietors licences.
- 2.2 Part of this review involved a 3 month consultation (October 2013 to January 2014) involving a wide range of people, e.g. Hackney Carriage and Private Hire trade, local businesses and the public.
- 2.3 The overall objective for this policy is to enable Braintree District Council to reallocate hackney carriage proprietors licenses in a fair and open manner.
- 2.4 There is currently no policy in place regarding the issuing of new hackney carriage licences.

3. Proposal

3.1 Eligibility

- Must hold a current Hackney Carriage, Private Hire or Dual drivers licence issued by Braintree District Council.
- Not currently hold more than one hackney carriage proprietor's licence (including, for the avoidance of doubt, those proprietors who obtained their current licence via transfer).
- Not have had any proprietor's licence (including both Hackney Carriage and Private Hire) revoked during the 5 year period immediately prior to the closing date for registrations of interest to be entered into the lottery
- Not be a person who has previously held a hackney carriage proprietor's licence issued to that individual by the Council (i.e. a free plate).

Vehicle specification

- Must be wheelchair accessible.
- Must meet the Council's current guidelines in terms of age and specification.

Allocation

- The method of allocation will be by random ballot.
- The ballot will take place at a Licensing committee or subcommittee as soon as possible once the applications have been scrutinised.
- Lots will be drawn to cover the number of available licences. Then a number of reserves will be drawn to allow for unsuccessful applications.

Example: If two licences are required to be allocated, then the random ballot will take place as soon as practicable. Four lots will be drawn; Lot 1 & Lot 2 will have the opportunity to apply for the available proprietors licence and complete the applications within 28 days. If either of the first two lots are unsuccessful with their applications then Lot 3 will have the opportunity to apply. Then if any of the previous three lots drawn are unsuccessful with their applications then Lot 4 will have an opportunity to apply.

Timescales

- Once the authority has received notification that a Hackney Carriage proprietor's licence will be returned to the authority, the licensing team will endeavour to notify all licensed drivers and operators. An advert will also be placed on the Council website.
- The register of interest will then close one month after it opens. All applications to join the register of interest must be received within a period of one month.
- The vehicle will need to be licensed within 28 days of the ballot.

Conditions

- No new Hackney Carriage proprietors licence may be sold or transferred for a period of five years from issue.
- Should the successful applicant already be an existing Hackney Carriage proprietor licence holder, and then they will be required to undertake not to sell or transfer any existing licences for a period of five years.

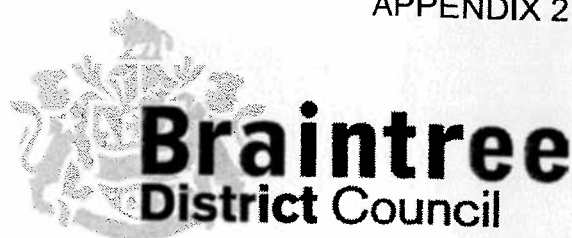
Declaration

- Any person wishing to register an interest in the random selection draw will be required to complete a statutory declaration confirming they meet the above requirements.

Minutes

Licensing Committee

23rd July 2014



Present:

Councillors	Present	Councillors	Present
J S Allen	Yes	C Gibson	Yes
M J Banthorpe (Chairman)	Yes	M Green	Apologies
J Baugh	Yes	S A Howell	Yes
T G Cunningham	Yes	H D Johnson	Yes
J G J Elliott	Apologies	J A Pell	Yes
J H G Finbow	Yes	L S Walters	Apologies
M J Fincken	Yes	S A Wilson	No
M E Galione	Apologies	R Wright	Yes

9 DECLARATIONS OF INTEREST

INFORMATION: There were no interests declared.

10 MINUTES

DECISION: That the Minutes of the meeting of the Licensing Committee held on 14th May 2014 be approved as a correct record and signed by the Chairman.

11 QUESTION TIME

INFORMATION: One person made a statement. Details of the person who spoke at the meeting are contained in the Appendix to these Minutes.

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

12 PAVEMENT PERMIT APPLICATION – PICTURE PALACE, FAIRFIELD ROAD, BRAINTREE

INFORMATION: Consideration was given to an application submitted by J D Wetherspoon for a Pavement Permit in respect of the Picture Palace, Fairfield Road, Braintree for Monday to Sunday between the hours of 9.00am and 8.00pm. The application proposed that six tables, twelve chairs and a post and canvas barrier should be placed on the pavement. Members were advised that the Council's Pavement Permit policy stated that normal hours of operation were 9.00am to 6.00pm Monday to Sunday and that applications for a permit beyond 6.00pm and up to 10.00pm had to be referred to the Licensing Committee for determination.

Representations had also been submitted by local residents expressing concern about how often the area would be monitored to ensure that empty glasses, dirty plates, cutlery and serviettes were cleared, and the potential for empty glasses to be blown from tables and to shatter on the pavement.

Ms Katy Doyle (Legal Department), Mr Alan Duncan (Site Manager) and Mr Ben Hardwick (Area Manager) representing J D Wetherspoon attended the meeting and spoke in support of the application.

It was noted that planning permission had been granted for the change of use of the area to allow the placing of tables and chairs on it. As part of the consultation process, Essex Highways had issued consent to Braintree District Council authorising the Council to grant a Pavement Permit, subject to conditions.

In considering this application, Members of the Committee and the applicant's representatives were advised that Braintree District Council's standard conditions would be attached to the Pavement Permit if granted. These conditions required that crockery and glasses used within the area of the Pavement Permit were made of a toughened material and glass bottles were not permitted.

DECISION: That a Pavement Permit be granted in respect of the Picture Palace, Fairfield Road, Braintree for a period of one year, from Monday to Sunday between the hours of 9.00am and 8.00pm, subject to the standard Pavement Permit conditions and the conditions required by Essex Highways.

13 **THE DEREGULATION BILL**

INFORMATION: Consideration was given to a report on the draft Deregulation Bill which had been published on 1st July 2013.

The draft Bill had completed its passage through the House of Commons and the House of Lords and it was currently at the Committee stage. The Bill formed part of the Government's commitment to reducing the overall burden of regulation and cutting 'red tape'. The Bill proposed changes to the Local Government (Miscellaneous Provisions) Act 1976 relating to taxi and private hire trades and to the Licensing Act 2003 regarding the sale of alcohol and regulated entertainment. The Bill proposed changes also to how regulators exercised powers in relation to economic growth. The proposed changes were summarised in the Agenda report.

DECISION: That the report on the draft Deregulation Bill be noted.

14 **HACKNEY CARRIAGE VEHICLES PROPRIETORS' LICENCES – ALLOCATION**

(During the consideration of this item, Members of the Licensing Committee agreed that Mr Alan Holden should be able to speak to represent the views of the local Hackney Carriage and Private Hire trades).

INFORMATION: The Committee considered a report on the allocation of Hackney Carriage Vehicles Proprietors' Licences.

Members were reminded that on 14th May 2014 the Licensing Committee had recommended a proposed Policy for the allocation of Hackney Carriage Vehicles Proprietors' Licences. This Policy had been approved by Cabinet on 21st June 2014.

Members were advised that the Council currently limited the number of Hackney Carriage Vehicles Proprietors' Licences issued under Section 37 of the Town Police Clauses Act 1847 to 84. In 2012, a survey had been undertaken which had indicated no unmet demand for Hackney Carriages in the Braintree District. It was reported, that due to differing circumstances, seven proprietors' licences were currently available for allocation by the Council.

Following consultation, Braintree District Taxi Association had expressed concern that the issue of these licences could cause additional hardship to the trade and that the newly licensed vehicles would serve Braintree and Witham and not the rural communities of the District. The Taxi Association had suggested that the licences be withheld by the Council until the next unmet demand survey in 2015/2016, or that the licences be issued over an extended period of time.

In discussing this matter, Members supported a staggered re-allocation of licences, but they were advised that the prior approval and delayed issue of licences could be challenged as an infringement of Human Rights.

DECISION: That three Hackney Carriage Vehicles Proprietors' Licences be issued in accordance with the Council's allocation Policy. That the allocation of the remaining four licences be withheld pending the submission of a report to the Licensing Committee reviewing the demand for, effect and impact of the initial allocation.

15 **LAW COMMISSION REVIEW OF TAXI AND PRIVATE HIRE SERVICES**

INFORMATION: Consideration was given to a report on the recommendations of the Law Commission following its review of taxi and private hire services.

The review had been commissioned by the Department of Transport in 2011 and it had been subject to consultation in 2012. Whilst the recommendations sought to consolidate and simplifying existing rules, it was proposed that the two-tier system distinguishing between taxis and private hire vehicles should be retained.

A draft Taxis and Private Hire Vehicles Bill had been published in order to repeal much of the existing legislation and to replace it with a single legislative framework regulating both taxi and private hire services.

DECISION: That the report on the Law Commission's review of taxi and private hire services be noted.

16 **HEARINGS, PAVEMENT PERMIT APPLICATIONS AND DRIVERS' PANEL MEETINGS - OUTCOMES**

INFORMATION: Consideration was given to a report on the outcome of Hearings held under the Licensing Act 2003, Pavement Permit applications and Drivers' Panel meetings for the last six month period.

DECISION: That the report on the outcome of recent Hearings held under the Licensing Act 2003, Pavement Permit applications and Drivers' Panel meetings be noted.

17 **PUBLIC ACCESS – LICENSING ACT 2003**

INFORMATION: Members were advised that in accordance with the Licensing Act 2003, the Council was required to maintain a Licensing Register for public inspection containing records of premises licences, applications received and Temporary Event Notices. The Council was also required to consult with Responsible Authorities on applications submitted under the Act and to consider comments made by Responsible Authorities and interested parties.

To assist with this process, it was proposed to introduce 'public access' software to enable Responsible Authorities, interested parties and the public to access data, to view existing licences and to submit comments on current applications.

Interested parties, including Councillors, would be required to register as users of 'public access' and to specify which applications they wished to be notified of via email.

DECISION: That the report be noted.

18 **LICENSING ACT 2003 (MANDATORY CONDITIONS) ORDER 2014 – BANNING THE SALE OF ALCOHOL BELOW THE COST OF DUTY PLUS VAT**

INFORMATION: The Committee received a report on the Government's ban on the sale of alcohol below the permitted price.

In March 2012, the Government had launched an alcohol strategy which had included a ban on the sale of alcohol below the permitted price, this being the cost of duty plus VAT. The ban had been implemented on 28th May 2014 by the Licensing Act 2003 (Mandatory Conditions) Order 2014 which required a condition to be attached to all premises licences and club premises certificates where alcohol was sold either on, or off the premises. The intention of the ban was to prevent the sale of alcohol at heavily discounted prices and to reduce excessive alcohol consumption. The ban would be enforced by Licensing Authorities, Trading Standards and the Police. Guidance on the implementation of the ban had been produced by the Home Office.

DECISION: That the report be noted.

19 **BRAINTREE AND DISTRICT TAXI ASSOCIATION LIAISON PANEL AND
DRIVERS' PANEL - APPOINTMENT OF MEMBERS**

DECISION:

- (1) That Councillors J S Allen, M J Banthorpe, J Baugh, J H G Finbow, M E Galione, C Gibson, S A Howell, H D Johnson, J A Pell, and R Wright be appointed to the Braintree and District Taxi Association Liaison Panel for the 2014/15 Civic Year.
- (2) That all Members of the Licensing Committee be appointed to the Drivers' Panel for the 2014/15 Civic Year.

The meeting closed at 8.50pm.

Councillor M J Banthorpe
(Chairman)

APPENDIX
LICENSING COMMITTEE

23rd JULY 2014

PUBLIC STATEMENTS

Details of People Who Spoke at the Meeting

- 1 Statement Relating to Item 7 - Hackney Carriage Vehicles Proprietors' Licences – Allocation

Statement by Mr Alan Holden, 29 Gilbert Way, Braintree

Local Government (Miscellaneous Provisions) Act 1976 - Duration of Hackney Carriage and Private Hire Licences		Agenda No: 8
Portfolio	Environment and Place	
Corporate Priority:	Supporting vulnerable people in our community Promoting safe and healthy living Encouraging flourishing communities Boost employment skills and support business Providing value for money Delivering excellent customer service Improving our services through innovation	
Report presented by:	John Meddings	
Report prepared by:	John Meddings	
Background Papers:		Public Report
1. Deregulation Act 2015		Key Decision: No
2. Local Government (Miscellaneous Provisions) Act 1976		
Executive Summary:		
<p>The Deregulation Bill 2015 amends two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the granting of licences to drive Hackney Carriage and Private Hire vehicles and licences to operate Private Hire vehicles.</p> <p>A review has also been undertaken of the Council's processes and procedures that are affected by amendments to the Local Government (Miscellaneous Provisions) Act 1976.</p>		
Decision		
<p>To note the relevant changes to the Local Government (Miscellaneous Provisions) Act 1976, specifically the duration of Private Hire and Hackney Carriage vehicles driver licences and Private Hire Operator licences.</p> <p>To approve proposed changes to the Council's procedures, subject to public and trade consultation and any amendments required by Members.</p>		

Purpose of Decision:

To ensure Members are aware of recent changes in legislation and the impact these have on licences issued by the Authority.

To streamline the application process and bring the Authority's standards in line with 'good practice' guidance and to enable a more robust 'fit and proper' test.

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

Financial:	The Authority must ensure that any fees generated are used to manage the process of administration only and that the overall costs are neutral to this Authority (excluding any enforcement costs, which must be accounted for separately).
Legal:	The Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015
Safeguarding:	Proposal ensures that Private Hire Operators undergo a criminal records check. Proposal increases the medical standard to Group 2 in line with other professional drivers.
Equalities/Diversity:	Some current and prospective drivers may no longer meet the proposed medical standards.
Customer Impact:	Although the intention of the legislation is to reduce the burden on business, the initial costs of finding a larger licence fee is likely to affect a significant proportion of licence holders in the short term. In the medium term, the reduction of the requirement to renew a driver's licence every year and a private hire operator's licence every 3 years will reduce the overall burden. Some current and prospective drivers may no longer meet the proposed medical standards.
Environment and Climate Change:	No implications arising from this report.
Consultation/Community Engagement:	Consultation with the trade via the Trade Liaison Forum, trade newsletter and internet.
Risks:	Some current and prospective drivers may no longer meet the proposed medical standards. Potential cost increase during transition to existing licence holders.
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1. Background

- 1.1 Braintree District Council currently requires all Hackney Carriage and Private Hire vehicle drivers to obtain a new licence every year and all Private Hire vehicle Operators to obtain a new licence every three years.
- 1.2 As part of the last Government's agenda to reduce unnecessary burdens on business, the Deregulation Act 2015 alters two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the granting of licences to drive Hackney Carriage and Private Hire vehicles and licences to operate Private Hire vehicles.
- 1.3 Subsection (2) of the Act changes the law in such a way as to establish a standard duration of three years for Hackney Carriage and Private Hire vehicle driver licences. The section specifies that a licence may be granted for a period of less than three years, but only in the circumstances of an individual case not because of a blanket policy.
- 1.4 Subsection (3) of the Act changes the law in such a way as to establish a standard duration of five years for a Private Hire vehicle operator's licence. The section specifies that a licence may be granted for a period of less than five years, but only in the circumstances of an individual case not because of a blanket policy.
- 1.5 The revised law will come into force on **1st October 2015**.
- 1.6 A separate report is being presented on the fee structure.

2. Review

The legislative changes made to the Local Government (Miscellaneous Provisions) Act 1976 have provided an opportunity for the Council to conduct a review of the affected licences. The review will look at streamlining the application processes and procedures.

3. Private Hire, Hackney Carriage and Dual Drivers' Licences

Duration

Braintree District Council currently issues Private Hire, Hackney Carriage and Dual Drivers' Licences for a period of one year. The amendments to the Local Government (Miscellaneous Provisions) Act 1976 will increase the duration of the licence to three years. Licences can now only be granted for less than three years in individual circumstances, for example following a decision by a Driver's Panel.

Medicals

Braintree District Council currently requests medicals every four years for drivers less than 65 years of age and annually for drivers over 65.

It is proposed that the frequency of medicals be reduced to fall in line with the three year driver's licence. It is good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter on each renewal.

There is general recognition that it is appropriate for Hackney Carriage and Private Hire vehicle drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

It is common for Licensing Authorities to apply the "Group 2" medical standards applied by DVLA to the licensing of lorry and bus drivers to Hackney Carriage and Private Hire vehicle drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie. 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to Hackney Carriage and Private Hire vehicle drivers with insulin treated diabetes. This is reinforced in best practise advice contained in the booklet "Fitness to Drive": A Guide for Health Professionals published by The Royal Society of Medicine Press Limited ((RSM) in 2006. This recommended that the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by Local Authorities to taxi drivers.

The current medical system falls considerably short of this standard and GP's often treat the form as a 'tick box' exercise. Under the current system, an applicant is required to obtain medical consent from their GP, who is then paid by the applicant. The fee for this service currently varies greatly and can reach £220 dependent on what surgery the applicant is registered with.

The current pressures on GP surgeries also mean that doctors are refusing to complete medicals. This leaves applicants in a position where they cannot comply with our application process. In these situations officers have had to take a pragmatic approach by allowing applicants to have the medical completed by another doctor. There are numerous private companies in addition to GP's that will conduct Group 2 medicals. This should dramatically increase the ease by which medicals could be obtained by applicants and it appears that medicals from private companies are considerably cheaper, ranging from £50-70.

It is proposed that medicals as part of the application and renewal process (every three years) be obtainable from any doctor and to be of a Group 2 medical standard.

Criminal Records Check

Braintree District Council currently requests a Disclosure and Barring Service certificate every three years for all drivers. This certificate gives the Authority a full criminal records history of both current and spent convictions for the applicant.

It would seem best practice for Disclosure and Barring Service disclosures to be sought when a licence is first applied for and then every three years. This allows the Authority to make an informed decision on an applicant's 'fit and proper' status.

It is proposed that a Disclosure and Barring Service certificate be obtained at the time of application and renewal in line with the three year licence duration.

DVLA Licence Check

Braintree District Council currently request IDS checks every year for all drivers as part of an application/renewal. This check enables the Authority to have a current DVLA driving record of convictions and permissions. This allows the Authority to make an informed decision on an applicant's 'fit and proper' status.

It is proposed that IDS checks be obtained at the time of application and renewal in line with the three year licence duration.

4. Private Hire Operator Licences

Braintree District Council currently issues Operator Licences for a period of three years. The Deregulation Act 2015 will increase this period to five years and a licence can now only be granted for less than five years in individual circumstances, for example following a decision by a Driver's Panel.

Braintree District Council does not currently conduct criminal records checks on applicants for Private Hire vehicle Operators licences. The current system relies on a certificate of good character and a statutory declaration.

Private Hire vehicle Operators (as opposed to Private Hire vehicle drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of the grant of an operator's licence. A Basic Disclosure will provide details of unspent convictions only.

It is proposed that in place of the certificate of good character and statutory declaration, a basic criminal disclosure is presented at the time of application and renewal (five years).

5. Transition

Private Hire, Hackney Carriage and Dual Drivers' Licences

Medicals

It is proposed that all new applicants and renewal applicants supply a Group 2 medical after 1st October 2015. This is to ensure that all checks align with the expiry date of the licence. An unfortunate consequence of this is that an applicant may have had a medical in the previous two years.

Criminal Records Check

It is proposed that all new applicants and renewal applicants supply a Disclosure & Barring Certificate after 1st October 2015. This is to ensure that all checks align with the expiry date of the licence. An unfortunate consequence of this is that an applicant may have had a Disclosure & Barring Certificate in the previous two years.

New applicants or renewal applicants that would normally require a Disclosure & Barring Certificate will not be affected by the proposed changes.

DVLA Licence Check

The proposed changes will mean that IDS checks are conducted on application and renewal. This will mean that over the term of a three year licence the licence holder will save £14.50 (£7.25 x 2).

Private Hire Operator Licences

The proposed changes are not expected to have a significant impact on existing licence holders.

Current holders of Private Hire Operator licences will only need to obtain a basic disclosure on renewal and their licence will be permitted to run for the remaining duration.

Prospective and current Private Hire Operators that hold a Private Hire or Hackney Carriage Vehicle Driver's Licence would **NOT** be required to obtain an additional criminal records check.

6. Consultation

- 6.1 The Council will consult with the trade and public via trade liaison meetings, the Taxi & Private Hire News and the Council's internet page. The consultation will run for a month and feed-back will be provided in a report to the Licensing Committee at the meeting to be held on 9th September 2015.

7. Compliance

- 7.1 As a result of the duration of Hackney Carriage and Private Hire vehicle drivers' licences increasing to three years, Members need to be aware of potential additional considerations.
- 7.2 Licensed drivers have always been under a duty to declare criminal and driving convictions obtained during the duration of their licence. However, as Members will be aware there is still an on-going problem of licence holders failing to declare convictions. If allowed to wait until the next application for renewal, these convictions could already be nearly three years old.
- 7.3 It is proposed that the Authority should undertake an awareness campaign of drivers' duty to declare convictions and inform them of the potential consequences. This would then need to be followed up by a robust stance to breaches, by Officers via enforcement and Members via decision making.
- 7.4 Members determining applications will, if required, have the opportunity to issue licences for a shorter term than three years. This would be a possible consideration when determining applications presented to a Driver's Panel.

8. Conclusion

- 8.1 These proposals have the potential to reduce the financial burden on applicants and, equally important, simplify the application process.
- 8.2 Applicants will no longer need to visit the Council annually to renew their licence, potentially saving time and money. This will have a more dramatic effect on drivers that live in more rural areas, or in other Districts.
- 8.3 If these proposals are approved, all licensed driver applications will require all three checks (Criminal, DVLA and Medical) at every application. This would avoid the current confusion with applicants trying to determine if they need one of the checks, or all three. This confusion has ultimately led to drivers being unable to continue working as a licensed driver due for example to the late submission of a Disclosure and Barring Service application.

Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage/Private Hire Vehicle Drivers' Licences and Private Hire Operators' Licences - Setting of Licence Application Fees	Agenda No: 9
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Portfolio	Environment and Place
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Corporate Priority:	Promoting safe and healthy living Boost employment skills and support business
Report presented by:	John Meddings, Licensing Officer
Report prepared by:	Daniel Mellini, Environmental Health Manager (Food, Health & Safety and Licensing)

Background Papers:	Public Report
1. Deregulation Act 2015 2. Local Government (Miscellaneous Provisions) Act 1976 3. The Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015	Key Decision: No

Executive Summary:

The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A), which gives powers to the Council to grant licences to the driver of Hackney Carriage and Private Hire Vehicles and to grant licences to operators of Private Hire Vehicles, has been amended by the Deregulation Act 2015. The amendments come into force on 1st October 2015 and amend Sections 53 and 55 of LG(MP)A.

Currently Section 53 of the LG(MP)A allows for a driver's licence for a Hackney Carriage or Private Hire Vehicle to be granted for a period of up to three years. The Council currently grants licences for a period of one year, requiring drivers to re-apply annually for a licence. The amendment to Section 53 of the LG(MP)A will make three years the standard duration of a licence granted under this Section unless the Council thinks that it is appropriate in the circumstances of the case to grant a licence for a lesser period.

Section 55 of the LG(MP)A allows for an Operator of Private Hire vehicles to be granted a licence for a period of up to five years. The Council currently grants licences for a period of three years. The amendment to Section 55 of the LG(MP)A will make five years the standard duration of a licence granted under this Section unless the Council thinks that it is appropriate in the circumstances of the case to grant a licence for a lesser period.

The focus of this report is the requirement to review the Council's fees following the amendments to the duration of licences granted by the Council to drivers of Hackney Carriage and Private Hire vehicles and the Operators of Private Hire vehicles.

The Council is required to consult on the proposed fees with the Hackney Carriage and Private Hire trade and wider public in accordance with statutory requirements and other established routes. Consultation results will be presented to Full Council with the final recommendations.

The criteria and application process, including the alignment of medical, criminal records and driver's licence checks for obtaining a driver's licence under Section 53 and an Operator's licence under Section 55, are the subject of a separate report.

Decision: That Members:

1. Approve the proposed fee schedule for consultation with the Hackney Carriage and Private Hire trade and general public.
2. That delegated authority is given to the Corporate Director, in consultation with the Chairman of the Licensing Committee, to adjust the fee schedule if required following the consultation period.
3. Subject to 2 above, recommend the proposed fees to Full Council for approval, to come into effect from 1st October 2015.

Purpose of Decision:

Members are requested to consider the new fee structure with respect to the issue of three year Hackney Carriage and Private Hire drivers' licences and five year Private Hire Operators' licences before the commencement date of 1st October 2015.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	The Authority must ensure that any fees generated are used to manage the process of administration only and that the overall costs are neutral to this Authority (excluding any enforcement costs, which must be accounted for separately).
Legal:	Drivers and Private Hire Operators' licence fees must be set in accordance with S.53(2) and S.70 of the Local Government (Miscellaneous Provisions) Act 1976. Private Hire Operators' fees must be advertised before being implemented. The Authority will be subject to scrutiny and/or challenge in the event that fees are not set in accordance with guiding principles, case law and legislation. European Legislation relevant to the setting of fees generally is not relevant in this case.
Safeguarding:	No implications arising from this report.
Equalities/Diversity:	No implications arising from this report.
Customer Impact:	<p>Although the intention of the legislation is to reduce the burden on business, the initial costs of finding a larger licence fee is likely to affect a significant proportion of licence holders in the short term.</p> <p>The Council has looked into the possibility of introducing a system of paying by instalments. However, the cost of administering the system would increase the cost of the initial fee.</p> <p>In the medium term, the change in the requirement to renew a driver's licence every year and a Private Hire Operator's licence every three years will reduce the overall burden.</p>
Environment and Climate Change:	No implications arising from this report
Consultation/Community Engagement:	Statutory consultation with respect to Private Hire Operator's licence in accordance with S.70 Local Government (Miscellaneous Provisions) Act 1976. Further consultation with the trade via the Taxi Liaison Forum and taxi newsletter.
Risks:	<p>Drivers or operators who act outside the conditions of a licence may not be detected until that licence has expired and a new application is submitted. This could affect the public's confidence in the licensing system.</p> <p>In order to maintain confidence, the Council will increase compliance checks with drivers and Private Hire Operators.</p>
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1. Background

- 1.1 Braintree District Council is the Licensing Authority responsible for the granting of a range of taxi licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The range of licences currently issued are;
- i) Hackney Carriage Driver's Licences
 - ii) Hackney Carriage Vehicle Licences
 - iii) Private Hire Driver's Licences
 - iv) Private Hire Vehicle Licences
 - v) Private Hire Operator's Licences
- 1.2 In accordance with the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) the Licensing Authority has the power currently to set the length of Hackney Carriage/Private Hire Driver's Licences and Private Hire Operator's Licences. The length of the licences can be set between one and three years for drivers' licences and one and five years for Private Hire Operators' licences.
- 1.3 Braintree District Council requires all drivers to obtain a new licence every year and all Private Hire Operators to obtain a new licence every three years.
- 1.4 As part of the last Government's agenda to reduce unnecessary burdens on business, the Deregulation Act 2015 has amended the licensing provisions of Sections 53 and 55 of the (LG(MP)A) that deal with the granting of licences to drive Hackney Carriage and Private Hire Vehicles and licences to operate Private Hire Vehicles. The amendments come into force on 1st October 2015.
- 1.5 Section 53 of the LG(MP)A has been amended to establish a standard duration of three years for Hackney Carriage and Private Hire Vehicle Driver's Licences. A Licence may be granted for a period of less than three years, but only in the circumstances of an individual case not because of a blanket policy. This will enable the Council to grant a licence for a lesser period further to the consideration of the "fit and proper person" test in accordance with Section 53.
- 1.6 Section 55 of the LG(MP)A has been amended to establish a standard duration of five years for a Private Hire Vehicle Operator's licence. The section specifies that a licence may be granted for a period of less than five years, but only in the circumstances of an individual case not because of a blanket policy. This will enable the Council to grant a licence for a lesser period further to the consideration of the "fit and proper person" test in accordance with Section 55.

2. Determination of Licence Fees

- 2.1 In accordance with LG(MP)A, the Council may request a reasonable fee for the work it undertakes to process Drivers and Private Hire Operator's Licences.
- 2.2 Full Council last determined the fees with respect to all Drivers' licences and Private Hire Operators' Licences as part of the annual review of fees on 16th February 2015.

3. Fees 2015/16

- 3.1 To meet the requirements of the amendments to the LG(MP)A that come into force on 1st October 2015, the Council's current fees have been reviewed to take into consideration the changes the Council will need to make to the duration of the licences it grants under Sections 53 and 55.

Set out in the table below are the Council's current fees and the proposed fees for Licence Applications:

Licence type	Current Duration of licence	Existing fee £	Duration of licence as of 1 st October 2015	Proposed fee (per 3/5 year licence) £	Variance +/- (3/5 year period) £
Hackney Carriage Driver	1 year	92	3 year	263	-13
Private Hire Driver	1 year	92	3 year	263	-13
Dual Hackney Carriage/ Private Hire Driver	1 year	92	3 year	263	-13
Private Hire Operator	3 year	327	5 year	515	-30

- 3.2 The cost of all existing drivers' licences is currently £92 per annum. The cost of a new three year licence has been calculated at £263. The implication of issuing a three year licence will reduce the overall cost of the licence by £13 over a three year period, or £4.33 per annum.
- 3.3 The cost of an existing Private Hire Operator's licence is £327 per three year period. The cost of a new five year Private Hire Operator's licence has been calculated at £515. The implication of issuing a five year licence will reduce the overall cost of the licence by £30 over a five year period or £6 per annum.
- 3.4 The changes to the legislation allow the Council to issue licences for a lesser period in individual cases under certain circumstances. In such cases, the fee will be calculated on a pro rata basis.

4. Variances of Income

- 4.1 The information in the table below details the income the Authority would expect to receive based on the current and proposed levels of fees and the numbers of licences it currently issues.

Type of licence	Number of licences in force (as at 15.07.15)	Proposed Fee £	Current income (£)	Expected income (£)	Income variance (£)
Drivers	288	263 (3 year)	26,496(1 year)	25,248 (1 year)	-1,248
Private Hire Operators	46	515 (5 year)	15,042 (3 year)	14,214 (3 year)	-828

- 4.2 Based on the information provided, it is expected that income in the short term will decrease. However, the fees will be reviewed on an annual basis to ensure that the total income generated through the collection of fees does not exceed the anticipated costs of issuing Licences, or vice versa.
- 4.3 It is intended to submit the proposed fees for the following financial year 2016/17 within the fees and charges appendix of the annual budget setting process based on this cost recovery methodology.
- 4.4 Should the accounts highlight any surplus, or deficit then this amount will be transferred to the following financial year. It is necessary to retain the flexibility to amend fees part way through a financial year should there be very significant variances to service expenditure. In the unlikely event that this occurs, a separate report will be produced at that time with recommendations as to a revised fee.

5. Consultation

- 5.1 The Council is required to consult with the Hackney Carriage and Private Hire Trade and the wider public in accordance with the statutory requirements of the LG(MP)A. In addition to the Statutory Notices, the Council will utilise the Taxi Liaison Meetings, the Taxi & Private Hire News and the Council's website to convey information to the Hackney Carriage and Private Hire Trade.
- 5.2 The results of consultation will be presented to Full Council with the final recommendations to introduce the new fees on 1st October 2015.
- 5.3 In the event that the Council receives objections to the Private Hire Operator's fee via the statutory consultation, the Council must consider those objections. The Council would also consider any objections to the proposed driver's fee at the same time.
- 5.4 The Council is not obliged to change the fee as a result of objections to the proposed Private Hire Operator fee and can chose to determine that the original fee is introduced.

Braintree and District Taxi Association Liaison Panel and Drivers' Panel – Appointment of Members		Agenda No: 10
<p>Corporate Priority: People feel good – Supporting vulnerable people in our community, Promoting safe and healthy living</p> <p>Report presented by: Alison Webb, Governance and Members Officer</p> <p>Report prepared by: Alison Webb, Governance and Members Officer</p>		
<p>Background Papers:</p> <p>Not applicable.</p>		<p>Public Report</p>
<p>Options:</p> <p>Not applicable.</p>		<p>Key Decision: No</p>
<p>Executive Summary:</p> <p>1 Braintree and District Taxi Association Liaison Panel - To appoint five Members of the Licensing Committee to the Braintree and District Taxi Association Liaison Panel for the 2015/16 Civic Year.</p> <p><i>(NOTE: Ten Members were appointed in 2014/15 including Councillors Mrs J Allen, M Banthorpe, J Baugh, H Johnson and Mrs J Pell. Five of the Members appointed did not stand for re-Election).</i></p> <p>2 Drivers' Panel – To appoint Members of the Licensing Committee to the Drivers' Panel for the 2015/16 Civic Year.</p> <p>The Constitution states that membership of the Drivers' Panel must comprise any four Members drawn from the Licensing Committee to include the Chairman and/or the Vice-Chairman of the Committee. Meetings of the Panel are often called at short notice and it would be helpful if those Members with an interest, and who can be called upon at short notice, could make themselves known.</p> <p><i>(NOTE: all Members of the Licensing Committee were appointed to the Panel in 2014/15).</i></p>		
<p>Decision:</p> <p>To determine which Members to appoint to the Braintree and District Taxi Association Liaison Panel and the Drivers' Panel for the 2015/16 Civic Year.</p>		

Purpose of Decision:

To appoint Members to the Braintree and District Taxi Association Liaison Panel and Drivers' Panel for the 2015/16 Civic Year.

Corporate Implications

Financial:	Not applicable.
Legal:	Not applicable.
Safeguarding:	Not applicable.
Equalities/Diversity:	Not applicable.
Customer Impact:	Not applicable.
Environment and Climate Change:	Not applicable.
Consultation/Community Engagement:	Not applicable.
Risks:	Not applicable.
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