

LICENSING COMMITTEE

AGENDA

Wednesday 28th July 2021 at 7.15pm

Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB

THIS MEETING IS OPEN TO THE PUBLIC

*(Please note this meeting will be broadcast via the Councils YouTube Channel,
webcast and audio recorded)* www.braintree.gov.uk www.braintree.gov.uk/youtube

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

Membership:-

Councillor J Baugh (Chairman)	Councillor Mrs J Pell
Councillor Mrs J Beavis	Councillor S Rehman
Councillor Mrs M Cunningham	Councillor B Rose (Vice Chairman)
Councillor P Euesden	Councillor P Schwier
Councillor A Hensman	Councillor R van Dulken
Councillor S Hicks	Councillor Mrs L Walters
Councillor H Johnson	Councillor B Wright

Substitutes: Councillors J Coleridge, A Munday, Mrs I Parker, Mrs J Sandum, Vacancy, Vacancy *(Substitutes who wish to observe the meeting will be required to do so via the Council's YouTube Channel).*

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

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members team, no later than one hour before the start of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)

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

Public Question Time – Registration and Speaking:

The Agenda allows for a period of up to 30 minutes for Public Question Time.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Friday, (where there is a bank holiday Monday you will need to register by midday on the previous Thursday).

The Council reserves the right to decline any requests to register for Public Question Time if they are received after the registration deadline.

All questions or statements should be concise and should be able to be read within 3 minutes allotted for each question/statement. The Chairman of the Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee

Public Attendance at Meetings:

Public attendance is welcomed but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors' safe.

Public attendance is limited and will be on first come first served basis with priority given to Public Registered Speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible, only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast or to contact the Governance and Members team to reserve a seat within the public gallery.

Health and Safety/COVID:

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

Documents:

There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

Substitute Members:

Only the named Substitutes on this Agenda can be appointed by a Member of the Committee to attend in their absence. The appointed substitute becomes a full member of the Committee with participation and voting rights.

WiFi:

Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

Mobile Phones:

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording:

Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-tv/core/portal/home>. The Meeting will also be broadcast via the Council YouTube Channel.

Comments and Suggestions:

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

PUBLIC SESSION

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- 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 26th May 2021 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 Business and Planning Act 2020 – Pavement Licences** **5-9**
- 6 Hackney Carriage and Private Hire Vehicle Policies – Creation of Working Group** **10-12**
- 7 Licensing Committee Update** **13-18**
- 8 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 9 Exclusion of the Public and Press**
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.
At the time of compiling this Agenda there were none.

PRIVATE SESSION

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

Report Title: Business and Planning Act 2020 - Pavement Licences	
Report to: Licensing Committee	
Date: 28th July 2021	For: Decision
Key Decision: No	Decision Planner Ref No: Not Applicable
Report Presented by: John Meddings, Principal Licensing Officer	
Enquiries to: John Meddings, Principal Licensing Officer	

1. Purpose of the Report

- 1.1 The purpose of this report is to brief the Licensing Committee on the amendments to the provisions of the Business and Planning Act 2020 for Pavement Licences by the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 (the Amendment Regulation) which seek to extend the provision to grant a Pavement Licence to September 2022 and to extend the Council's governance arrangements for the application process. The Amendments Regulation came into effect on 20 July 2021
- 1.2 The provisions of the Amendment Regulation only apply to applications which are made on or after the date upon which the Amendment Regulation come into force. Pavement Licences granted before the commencement date of the new Amendment Regulations will expire on 30th September 2021.

2. Recommendation

2.1 The Licensing Committee:

- 2.1.1 Note that all applications for pavement licences made on or after the date upon which the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 comes into force will expire on 30th September 2022.
- 2.1.2 Agree that the application Fee for a pavement licence as set by the Licensing Committee on 14th August 2020 to remain at £100.
- 2.1.3 Agree that the Standard Conditions are amended for Pavement Licences applied for after the date upon which the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 comes into force to as set out in section 7 of this report.
- 2.1.4 Agree that the Officer Scheme of delegation as agreed by the Licensing Committee on 14th August 2021 is reaffirmed and will remain in place until the

provisions for Pavement Licences under the Business and Planning Act 2020 cease.

3. Summary of Issues

- 3.1 In response to the coronavirus pandemic, The Business and Planning Act 2020 (“the 2020 Act”) made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the Council for the placement of furniture such as tables and chairs on the highway adjacent to their premises (a “Pavement Licence”).
- 3.2 The Licensing Committee considered a report on 14th August 2020 which introduced the new legislation. The Committee agreed to set the fee for Pavement Licences at £100, determined that all Pavement Licences where approved would expire on 30th September 2021, agreed standard conditions to be attached to all Pavement Licences and agreed a Scheme of Officer delegation.
- 3.3 The Licensing Authority has to date determined 16 applications for a Pavement Licence in accordance with the legislation.
- 3.4 The Authority has issued a licence in each case. However, on a number of occasions the application has been varied by issuing a licence for a smaller scheme than was originally applied for.
- 3.5 The Amendment Regulations seek to extend the provision to 30th September 2022.
- 3.6 Pavement Licences which have been already been issued will expire on 30th September 2021. Any application for a Pavement Licence made before the Amendment Regulations come into force, if granted will also expire on 30th September 2021 in accordance with the current provisions of the Business and Planning Act 2020. Businesses that wish to extend their current Pavement Licence beyond 30th September 2021 will be required to apply for a new licence.
- 3.7 Any licences issued after the commencement date of the legislation will expire on 30th September 2022.

4. Options

- 4.1 There are no options being considered within this report.

5. Financial Implications

- 5.1 Section 2(1)(c) of the Business and Planning Act 2020 allows Local Authorities to determine a fee to accompany an application not exceeding £100. The licensing Committee of 14th August 2020 determined that an application should be accompanied by the maximum fee allowable.

5.2 The cost of processing and determining an application is far in excess of the maximum allowable fee and the Authority does not recover its full costs in this regard.

5.3 The Authority has received £1,600 in application fees to date.

6. Legal Implications

6.1 There are no legal issues arising from this report. This report seeks to bring into effect the new statutory provisions.

7. Other Implications

7.1 A Pavement Licence may be granted by the Council subject to conditions which it considers reasonable. The Council must publish those standard conditions it wishes to add to a licence in advance so that applicants can have sight of what will be expected of them. It is expected that the Council may also be required to add additional conditions to a specific licence in certain circumstances due to the nature of an application, or as a result of specific site conditions. Applicants that wish to add conditions to a licence should also be allowed to do so as long as those conditions are relevant. The Council has published a set of standard conditions on its website.

7.2 After a review of the standard conditions, there is a need to revise the standard conditions which were agreed by the Licensing Committee on 14th August 2021. One condition needs to be removed, another amended and a new condition included.

7.2.1 The following condition is to be removed:

Licensees must adopt a suitable system for the collection of relevant customer information to be provided to the relevant Government Agency in the event of a Covid-19 outbreak or incident connected to the premises or other nearby premises. The information to be collected is to be limited to staff, customer and visitor details including the lead party member's name, telephone number, and date and time of arrival and departure. The information must be kept in accordance with Data Protection Principles and disposed of in a suitable manner after 21 days.

7.2.2 The requirement to collect track and trace details ceases beyond 19th July 2021 and therefore this condition becomes redundant.

7.2.3 The following condition is to be amended:

Without prejudice to the ability of the Braintree District Council or Essex County Council to remove the tables and chairs, barriers and posts by reason of Statute, common law, and/or for breach of any of the terms and conditions of this consent, this consent shall remain in force until 30th September 2021.

7.2.4 The Condition will now read:

Without prejudice to the ability of the Braintree District Council or Essex County Council to remove the tables and chairs, barriers and posts by reason of Statute, common law, and/or for breach of any of the terms and conditions of this consent, this consent shall remain in force until 30th September 2022.

- 7.2.5 This is to reflect the extended licence period from 2021 to 2022.
- 7.3 The Council has received feedback that businesses with a Pavement Licence should be held responsible for cleaning the area where street furniture is permitted, especially where stains can occur. The Authority already attaches a condition to licences to remove litter from the licence area.
- 7.4 The condition will apply where there is clear evidence that the activities of a particular business have caused the pavement area to become stained.
- 7.4.1 As a result the following condition is to be added to the standard conditions.
- The Licensee shall ensure that the surface of the permitted area is kept clean and ensure that any stains created in the course of their business activities are removed immediately.
- 7.4.2 A condition is currently attached to all Pavement Licences which ensures that:
- Furniture will not be placed on the highway before 09:00 and after 22:00 Monday to Sunday.*
- 7.4.3 This condition was added to help minimise the potential impacts of public nuisance especially in mixed use areas that include residential dwellings and to reduce the risk of crime and disorder especially in a town centre location.
- 7.4.4 The Council has received requests from a number of businesses that either intend to, or have submitted an application to extend the licence period beyond 22:00.
- 7.4.5 The Licensing Team have not received any complaints with respect to nuisance arising from a business that holds a Pavement Licence. However, the original concerns remain. As a result it is not intended to increase the terminal hour beyond 22:00 at this time.

8. Equality and Diversity Implications

- 8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 The Equality Impact Assessment indicates that the proposals in this report will/will not have a disproportionately adverse impact on any people with a particular characteristic. There has been no significant changes since the original decision was taken by the Licensing Committee on 14th August 2020 requiring a new EIA to implement the statutory arrangements for pavement licences under the Business and Planning Act 2020.

9. Background Papers

- 9.1 Licensing Committee Report and Minutes 14th August 2020.
<https://braintree.cmis.uk.com/braintree/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/983/Committee/7/Default.aspx>

Agenda Item: 6

Report Title: Creation of a Member and Officer Working Group for Hackney Carriage and Private Hire Vehicle Policies	
Report to: Licensing Committee	
Date: 28th July 2021	For: Decision
Key Decision: No	Decision Planner Ref No: Not Applicable
Report Presented by: John Meddings, Principal Licensing Officer	
Enquiries to: John Meddings, Principal Licensing Officer	

1. Purpose of the Report

- 1.1 The purpose of this report is make a recommendation to the Licensing Committee to form a Member and Officer Working Group to review all existing Council policies for the licensing of Hackney Carriage and Private Hire, with the aim of producing a single policy document.

2. Recommendation

- 2.1 To form a Member and Officer Working Group known as the Licensing Policy Review Working Group (LPRWG) consisting of no more than five Members from the Licensing Committee to undertake a review of all the Council's existing Policies and to prepare a draft new Policy for Hackney Carriage and Private Hire Licensing for the Licensing Committee's consideration.
- 2.2 The LPRWG has no decision making powers and will report the outcome of its review, including proposed draft policies, to the Licensing Committee.
- 2.3 Expressions of interest to be received by the Governance Service from Members who wish to sit on the LPRWG. The Members to be determined by the Chairman of the Licensing Committee in consultation with the Governance and Members Manager.

3. Summary of Issues

- 3.1 The Licensing Committee was introduced to the Department for Transport 'Statutory Taxi and Private Hire Vehicle Standards' on 10th February 2021.
- 3.2 At its meeting on 26th May 2021, the Licensing Committee approved a work plan for achieving compliance with the requirements of the Statutory Guidance. Officers have commenced the work set out in the approved plan, which has included reviewing the Council's Policies.
- 3.3 Following the initial work for compliance with the Statutory Guidance, Officers consider that there should be a comprehensive review of all the Council's Hackney Carriage and Private Hire Policies, procedures and conditions with a view to creating one single cohesive policy document in line with the Department for Transport's recommendation.

- 3.4 Traditionally, Officers would conduct the review and present its findings and recommendations to the Licensing Committee. After informal discussions with some Licensing Committee Members it was agreed that to maximise engagement and utilise expertise it would be sensible to create a LPRWG to undertake this review.
- 3.5 The work already completed as part of the work plan will be fed into the work of the LPRWG where necessary or appropriate to do so.
- 3.6 It is proposed to limit the number to five Members from the Licensing Committee to form part of the LPRWG. It would not be prudent to have a larger membership as the Group could potentially be made up of the majority of the Licensing Committee itself, which would defeat the purpose of a smaller Working Group.
- 3.7 The LPRWG would meet on a regular basis (every 8 weeks) outside of the Licensing Committee. As the LPRWG, will not be a formal Committee of the Council it can meet informally in person, or by a virtual meeting.
- 3.8 The LPRWG will select its own Chairman from those Members selected from the expressions of interest, who will provide updates to the Licensing Committee on the progress of the review, summarising progress and highlighting any issues.
- 3.9 The LPRWG will also consist of Officers of the Licensing Team and where appropriate support from the Governance Service for legal and governance advice.

4. Next Steps

- 4.1 Members will be invited to put forward their expressions of interest on sitting on the LPRWG.
- 4.2 The Chairman of the Licensing Committee, in consultation with the Governance and Members Manager, will determine the five Members who will form the LPRWG.
- 4.3 The timetable for the review will be set down. However, it is anticipated that the review will take between at least six to nine months. This will be kept under review.

5. Financial Implications

- 5.1 Members of the LPRWG will be able to claim allowances in accordance with the Members Allowance Scheme for attending meetings of the Working Group.

6. Legal Implications

- 6.1 There are no other implications arising from this report.

7. Other Implications

7.1 There are no other implications arising from this report.

8. Equality and Diversity Implications

8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

8.3 This report seeks to create a Working Group for the review of the Council's Policies for Hackney Carriage and Private Hire Licensing and there is no need for an Equality Impact Assessment (EIA) for this report. An EIA will be carried out as part of the review of the Policies and when decisions are taken by the Licensing Committee.

9. List of Appendices

9.1 There are no appendices.

10. Background Papers

[Department for Transport 'Statutory Taxi and Private Hire Vehicle Standards' July 2020](#)

[Licensing Committee Agenda 10th February 2021](#)

[Licensing Committee Minutes 10th February 2021](#)

[Licensing Committee Agenda 26th May 2021](#)

[Licensing Committee Minutes 26th May 2021](#)

Report Title: Licensing Committee Update	
Report to: Licensing Committee	
Date: 28th July 2021	For: Noting
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: John Meddings, Principal Licensing Officer	
Enquiries to: John Meddings, Principal Licensing Officer	

1. Purpose of the Report

- 1.1 Members have requested regular updates on applications determined by the Licensing Sub-Committee and Drivers' Panel. A summary of all applications determined since the previous Licensing Committee on 26th May 2021 are highlighted below.
- 1.2 The report will also highlight other significant issues relevant to licensing.

2. Recommendations

- 2.1 The report is for information only and Members are only required to note the content.

3. Updates**Hackney Carriage & Private Hire Drivers' Licences**

- 3.1 There have been nine matters presented to the Drivers' Panel since the previous update.
- 3.2 On 14th June 2021 an application for a new Private Hire vehicle was considered that fell outside the Council's vehicle criteria. The application was granted.
- 3.3 On 14th June 2021 an application for a Private Hire driver's licence (exempt) was presented for determination as a result of the applicant exceeding the maximum number of penalty points on their DVLA driving licence. The application was refused.
- 3.4 On 14th June 2021 a dual driver's licence holder, who had previously had their licence suspended with immediate effect, appeared before the Panel. The Panel determined that the licence should be revoked as the driver posed a risk to the travelling public.
- 3.5 On 15th June 2021 an application for a dual driver's licence was considered as a result of the applicant exceeding the maximum number of penalty points on their DVLA driving licence. The application was granted.

- 3.6 On 15th June 2021 two applications for Private Hire vehicle licences from the same applicant were considered that fell outside the Council's vehicle criteria. The applications were both granted.
- 3.7 On 17th June 2021 two applications for Private Hire vehicle licences and exemptions from the same applicant were considered that fell outside the Council's vehicle criteria. The applications were both granted.
- 3.8 On 13th July 2021 two applications for Private Hire vehicle licences were considered that fell outside the Council's vehicle criteria. The applications were both approved.

Licensing Act

- 3.9 On 21st May 2021 a new premises licence application for the Old Essex Barn, Cranes Lane, Kelvedon was determined. The application received representations regarding the prevention of public nuisance licensing objective. The application was granted without amendment.
- 3.10 The Council received nine further applications for premises licences. Eight licences were granted by Officers as unopposed applications under the Officer Scheme of delegation and one application was invalid.
- 3.11 The Council received seven applications for a minor variation to a premises licence. Six applications were granted by Officers as unopposed applications under the Officer Scheme of Delegation and one application was rejected on the grounds of having an adverse impact on the public nuisance objective. The applicant was invited to submit an application for a full variation to a premises licence. Three applications for full variations to a premises licence were received and granted by Officers as unopposed applications under the Officer Scheme of Delegation.
- 3.12 The Council received four applications for a full variation to a club premises certificate. Two applications were withdrawn and two granted by Officers as unopposed applications under the Officer Scheme of Delegation.
- 3.13 The Council received 12 applications to Transfer a Premises Licence and 25 applications for the variation of a designated premises supervisor.
- 3.14 The Council processed 78 Temporary Event Notices.

4 The Licensing Act 2003 (2020 UEFA European Championship Licensing Hours) Order 2021

- 4.1 The Order provided a period during which premises licences and club premises certificates would have effect as if the specified time were included in the opening hours under the licence or certificate. This was introduced to cover the eventuality of extra time for the 2020 UEFA European Championship final.

Article 1(2) of the Order prescribes the specified time as the period between the end of the premises' permitted opening hours under the premises licence

or club premises certificate, and 11.15pm on 11th July 2021. Paragraph (2) of Article 2 provides that this Order only applies to licences and certificates which authorise licensable activities to be carried out during the celebration period, being between 9.00am and 11.59pm on 11th July 2021.

Paragraph (3) of Article 2 permits premises to be used for the provision of late night refreshment at the specified time only if during that time the premises may also be used for the sale or supply of alcohol.

5 Face to Face Right to Work Checks

- 5.1 The Government has announced that it will delay the requirements to undertake face to face right to work checks to August.
- 5.2 Face to face checks were delayed to 21st June 2021. However, as a result of the Government's announcement on 14th June 2021 to extend the date for the easing of lockdown restrictions and social distancing measures, the temporary COVID-19 adjusted right to work checks will now end on 31st August 2021.
- 5.3 Therefore, from 1st September 2021 employers will revert to face to face and physical document checks as set out in legislation and guidance. This will ensure employers have sufficient notice to put measures in place to enable face to face document checks.

6. Government Launch Action Plan for Animal Welfare

- 6.1 The [Action Plan for Animal Welfare](#) sets out the plans, aims and ambitions across 5 key areas:
 - Sentience and Enforcement
 - International Trade and Advocacy
 - Farm Animals
 - Pets and Sporting Animals
 - Wild Animals

7. Enforcement Action

- 7.1 Joint scrap metal site and collector visits were conducted by Officers from Braintree District Council and Essex Police. Several fixed penalty notices were issued for the unlawful carriage of waste without a permit.
- 7.2 A warrant was served on a residential property regarding unlicensed breeding and animal welfare concerns. The operation was conducted by Officers from Essex Police, Braintree District Council and the RSPCA. 35 dogs and puppies were seized and an individual was charged with multiple offences under the Animal Welfare Act.
- 7.3 Operation Coachman – A joint operation involving five Local Authorities and Essex County Council conducting checks on licensed vehicles involved in delivering school contracts. These checks were carried out over the months of June and July and are expected to be repeated in the new school year

(September onwards). The checks conducted in the Braintree District found a good level of compliance with only a few minor issues.

8. Covid-19 Compliance

- 8.1 Officers from the Licensing Team have continued to work closely with colleagues from Environmental Health by taking an active role in providing support and advice to licence holders during the Covid-19 Pandemic and have helped ensure businesses comply with the relevant restriction requirements in place.
- 8.2 Since the last Committee update of 26th May 2021, Environmental Health have received 75 Covid-19 related enquiries and complaints across all sectors. In response, Officers have followed up on each complaint and enquiry within the agreed time frame, undertaken at least 12 reactive visits to businesses including licensed premises, and made a further 313 proactive observations and visits to businesses including licensed premises.
- 8.3 Since the pandemic started in March 2020, the Environmental Health Team have received 1550 Covid-19 related enquiries and complaints across all sectors. In response, Officers have followed up on each complaint and enquiry within the agreed time frame, undertaken at least 209 reactive visits to businesses including licensed premises, and made a further 1284 proactive observations and visits to businesses including licensed premises.

9. The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021

- 9.1 The modifications provide automatic extensions of premises licences that only permit sales of alcohol for consumption on the premises (“on-sales”) to allow sales of alcohol for consumption off the premises (“off-sales”). They also apply temporary conditions to licences where there is a pre-existing permission for off-sales, to enable those premises to operate in the same ways as those granted the new permission, and provide for off-sales reviews to take place on grounds which are relevant to the licensing objective.
- 9.2 Regulation 2 extends the application of the modifications to 30th September 2022.
- 9.3 These Regulations also amend Section 107 of the Licensing Act 2003 (2003 Act), which requires a Licensing Authority to issue a Counter Notice on receipt of a Temporary Event Notice (TEN) where certain permitted limits are exceeded. The effect of giving a Counter Notice is that the proposed event is not authorised to proceed.
- 9.4 Regulation 3 amends Section 107(4) and (5) of the 2003 Act to increase (for the years 2022 and 2023) the number of TENs which may be given in relation to the same premises in the calendar year without a Counter Notice being issued from 15 to 20 and the number of days in the calendar year on which a single premises can be used to carry on licensable activities from 21 to 26 days.

- 9.5 Regulation 4 makes consequential amendments to the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (S.I. 2005/42) so as to replace the form, respectively, for a TEN and counter notice prescribed in Schedules 1 and 4 to those Regulations to reflect the temporary TENs increases.
- 9.6 The amendments are made to mitigate the effects of the Coronavirus pandemic.

9. Hackney Carriage Proprietors licence

- 9.1 The Council currently limits the number of Hackney Carriage Proprietors licences it issues to 84. A Proprietor's Licence has been surrendered and is to be allocated in accordance with policy. A letter has been sent to those eligible, and the licence will be allocated in due course at a Licensing Committee.

10. Quantity Restrictions – Hackney Carriage

- 10.1 In September 2019 the Licensing Committee agreed to undertake a consultation with stakeholders to seek their views on whether the Council should continue to limit the number of Hackney Carriage licences it issues.
- 10.2 Due to the pandemic, in consultation with the Chairman and Vice-Chairman of the Licensing Committee, it was considered appropriate to pause the work on this consultation. Initial work had commenced in Spring 2020, but due to the taxi trade being severely impacted by the pandemic and Officers being diverted to the Council's management of the pandemic and supporting the District it was considered appropriate to pause this work. However, as a result of the easing of the Covid-19 restrictions, Officers are now in a position to recommence the work for this consultation

11. Face Coverings

- 11.1 The Licensing Team have distributed 6,000 face coverings to Hackney Carriage Proprietors and Private Hire Operators from the Department of Transport to be used by passengers using taxi and private hire vehicles.

12. Financial Implications

- 12.1 There are no financial implications associated with this report.

13. Legal Implications

- 13.1 This report seeks to update Members of the Licensing Committee and there are no legal implications associated with this report.

14. Equality and Diversity Implications

- 14.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 14.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 14.3 This update report does not require an Equality Impact Assessment (EIA). Any EIA will be considered at time decisions are made.