

LICENSING COMMITTEE AGENDA

Thursday, 20th July 2023 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:
<http://www.braintree.gov.uk/youtube>

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

Councillor J Ayten	Councillor R Ramage
Councillor J Baugh (Chairman)	Councillor P Schwier
Councillor M Green	Councillor M Staines
Councillor P Heath	Councillor W Taylor
Councillor I Parker	Councillor R van Dulken
Councillor J Pell	Councillor L Walters
Councillor G Prime (Vice-Chairman)	Councillor B Wright

Substitutes: Councillor J Beavis, Councillor J Coleridge, Councillor C Dervish, Councillor J Martin, Councillor S Mason, Councillor A Munday, Councillor M Thorogood Councillor T Walsh and Councillor E Williams.

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.

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non- Pecuniary Interests (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 may ask questions or make statement to the Committee on matters listed on the agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the meeting.

For example, if the Committee meeting is 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 to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

The Chairman of the Committee has discretion to extend the time allocated to registered speakers and to amend the order in which they may speak.

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#).

Health and Safety

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

Substitute Members

Only the named Substitutes on this Agenda may 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.

Documents

Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

Data Processing

For further information on how the Council processes data, please see the Council's Privacy Policy:

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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 may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's 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 may 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 21st March 2023 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Police Licensing Officer Insight

To receive a presentation by Mr Ronan McManus, Senior Licensing Officer, Essex Police.

6 Licensing Committee Update

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7 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.

8 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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9 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: Licensing Committee Update	
Report to: Licensing Committee	
Date: 20 th July 2023	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 Licensing Sub-Committees and Drivers' Panels. A summary of all applications determined since the last report submitted to the Committee on 21st March 2023 is included in this report.
- 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.

Updates

3. Licensing application statistics - 2022/2023

- 3.1 The Licensing Team processed a record number of applications in 2022/23. The data collected was compared with the period when electronic records were started in 2000/01. The Team processed 2,743 applications for Licences, Consents, Permits and Notices in total in 2022/23. This compares with 1,511 applications processed in the previous year 2021/22. There were significant increases with respect to specific application types including Taxis, Private Hire and Temporary Event Notices.

Applications/Notices received	2022/23	2021/22
Licensing Act 2003 (Total)	734	549
Temporary Event Notices	516	343
Premises Licences (Grant)	21	18
Personal Licences	84	62
Taxis and Private Hire (Total)	1,760	664
Vehicles (Grant)	641	133
Vehicles (Renewal)	275	191
Drivers (Grant)	640	210
Drivers (Renewal)	122	81
Driver Knowledge Tests	727	227

Animal Welfare licences (Total)	64	30
Special Treatments	52	66
Scrap Metal	10	3
Charity Collections	43	44
Gambling Act 2005 (Total)	87	80
Street Trading/Pavement Licences	28	40

3.2 The Team facilitated 727 separate driver knowledge tests in 2022/23 compared to 227 tests the previous year. Applicants are required to pass a driver knowledge test before a driver's licence can be granted.

3.3 To summarise the key areas of licensing activity at this time, as at 5th July 2023 the Council has 872 licensed drivers, 731 licensed vehicles and 42 Private Hire Operators. There are 514 businesses licensed to sell alcohol or provide "Regulated Entertainment" or "Late Night Refreshment" under the Licensing Act 2003 and there were 93 licences issued under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

4. Taxis

4.1 Unmet Demand Survey

4.1.1 The Licensing Committee of 21st March 2023 made the decision not to remove the restriction with respect to the number of Hackney Carriage Proprietors (Taxi) Licences the Council issues in the Braintree district.

4.1.2 As a result, the Council must now justify its position in accordance with S.16 of the Transport Act 1985 and has commissioned an independent Hackney Carriage unmet demand survey, in accordance with Government guidance, which recommends such surveys periodically. A specialist company (LVSA) has been commissioned to undertake the survey. LVSA installed cameras and undertook rank observations at all the key ranks for a 2–3-week period over June and July 2023 and has opened a public and trade survey which will close at the end of July.

4.1.3 LVSA have also held a workshop session for consultation with members of the trade on 28th June 2023 at the Council offices.

4.1.4 The results of the survey will be presented to the Licensing Committee later in the year.

4.2 Drivers' Panel

Ten reports were presented to the Drivers' Panel for determination since the last update.

- Three vehicle applications were approved following applications that fall outside the vehicle standards policy.
- Five applications for drivers' licences were determined. Four were approved and one was refused.

- Two existing licensed drivers had their fit and proper status considered, one licence was revoked and the other had no further action taken.

4.3 Vehicles

The Department for Transport [have published revised home-to-school travel statutory guidance](#) including updated guidance on information sharing between licensing and education authorities.

The updated guidance published on 29th June 2023 aims to help local authorities perform their functions in relation to home to school travel for children of compulsory school age.

The joint Local Government Association and Institute of Licensing "School transport guidance note" is referenced and linked in the revised guidance under "Safeguarding" that states:

"The safeguarding of children is of paramount importance. Local authorities should ensure that they share any concerns they have about the driver of a taxi or private hire vehicle with the authority that licenses them. The Local Government Association and Institute of Licensing have produced a short guidance note to assist with this.

5. Animal Licensing

5.1 Primates as Pets

- 5.1.1 Next steps to ban the keeping of primates as pets have been set out by the Government on 20th June 2023.
- 5.1.2 Primates are a group of mammals which include marmosets, squirrel monkeys, lemurs and capuchins. The latest estimate from the RSPCA is that between 1,000 and 5,000 primates are currently kept as pets in the UK. These species have complex welfare and social needs which experts believe cannot be met in a domestic environment.
- 5.1.3 The Government proposals, subject to a four-week public consultation, will ensure that all primates in England are kept to zoo-level standards and will in effect ban primates from being kept as pets. Views are now being sought on a new licensing scheme for privately owned primates in England and new draft standards for privately kept primate care and management.
- 5.1.4 Currently, it is an offence under the Animal Welfare Act to keep a primate while not providing for their welfare needs or to cause them unnecessary suffering, but these plans would tighten the rules further.
- 5.1.5 As part of the flagship Action Plan for Animal Welfare, the Government is committed to protecting wild animals by making it illegal to keep primates as pets. In 2020, it consulted on how the new licensing scheme will work in practice and confirmed it would ban the keeping of primates other than by persons holding a relevant licence.

5.1.6 The consultation will run for four weeks until 18th July 2023. Once confirmed, the new measures will be implemented under the powers of the Animal Welfare Act 2006.

6. Pavement Licensing

6.1 The Department for Levelling Up, Housing and Communities have published the Regulations necessary to extend the Pavement Licensing regime beyond September 2023. The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023 were laid in both Houses of Parliament on 7th June 2023 under the draft affirmative procedure.

6.2 The sole purpose of the amendment legislation is to change the four references to the expiry date of the temporary pavement licence provisions in the legislation from 30 September 2023 to 30 September 2024. They do not change any other part of the temporary pavement licence provisions, so the process for applying for a licence during the extended period will not change.

6.3 Officers will provide the Licensing Committee with more detail in the event the legislation is passed by Parliament.

7. Proactive Enforcement

7.1 Officers took part in a joint operation with colleagues from Chelmsford City Council at the Chelmsford Racecourse.

The 'Clock Stock' event took place on 1st July 2023 with 12,000 attendees. A number of Braintree District Council licensed vehicles and drivers attending the venue underwent compliance checks.

7.2 Scheduled joint visits with Essex Police continued conducting compliance checks on licensed premises, drivers and vehicles throughout the district on an alternate monthly basis.