

Minutes

Licensing Committee

11th April 2024



Present:

Councillors	Present	Councillors	Present
J Ayten	Yes (from 7.17pm)	R Ramage	Apologies
J Baugh (Chairman)	Apologies	P Schwier	Apologies
M Green	Yes	M Staines	No
P Heath	Yes	W Taylor	Yes
I Parker	Apologies	R van Dulken	Yes
J Pell	Apologies	L Walters	Yes
G Prime (Vice-Chairman in the Chair)	Yes	R Wright	Apologies

Substitute

Councillor C Finch attended the meeting as a substitute for Councillor R Wright.

17 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

18 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 25th January 2024 be approved as a correct record and signed by the Chairman.

19 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

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

20 **HACKNEY CARRIAGE VEHICLE PROPRIETORS' LICENCES – ALLOCATION**

INFORMATION: Consideration was given to a report on, and the allocation of, eight Hackney Carriage Vehicle Proprietors' Licences.

Members of the Licensing Committee were reminded that Braintree District Council, as the Licensing Authority, was responsible for issuing Hackney Carriage

Vehicle Proprietors' Licences in accordance with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Allocation Policy, which had been agreed in 2014. The Policy ensured that the allocation of Licences was handled in a fair, open and transparent way and it required that the allocation of Licences should be by a random ballot.

It was reported that the Council had discretion to restrict the number of Hackney Carriage Vehicle Proprietors' Licences which it issued, in accordance with the provisions of Section 16 of the Transport Act 1985 and Best Practice Guidance issued by the Department for Transport. This was subject to the Council being satisfied that there was not a significant unmet demand for taxi services in the District. The Council was required to commission a survey at regular intervals to determine whether there was an unmet demand.

Previously the Council had limited the number of Hackney Carriage Vehicle Proprietors' Licences which it issued to 84, but at the Licensing Committee meeting held on 25th January 2024 Members had been asked to consider lifting this restriction. The report presented to the Committee had provided information about the outcome of a survey undertaken by LVSA (Licensed Vehicle Surveys and Assessments) to establish if there was an unmet demand for taxis in the District. The survey had determined that there was a significant unmet demand. In order to comply with Section 16 of the Transport Act 1985, the Committee had considered whether to maintain the restriction on the number of Hackney Carriage Vehicle Licences issued and to decide if measures should be introduced to reduce unmet demand to a less than significant level.

The Committee had decided to continue to restrict the number of Hackney Carriage Vehicle Proprietor Licences, but to increase the number of Licences issued by eight (from 84 to 92). The Committee had also agreed to make an exemption to the Council's Hackney Carriage Allocation Policy 2014 to require that four of the eight additional Licences should be allocated to electric powered vehicles, which could be either wheelchair accessible, or not. The remaining four Licences would be allocated to wheelchair accessible vehicles in accordance with the Policy.

All currently licensed Braintree District Council Hackney Carriage and/or Private Hire drivers and Private Hire Operators had been notified that eight Hackney Carriage Proprietors' Licences were available for allocation and they had been invited to register their interest in obtaining the Licences. An advertisement had also been placed on the Council's website. Expressions of interest had been invited for either an electric vehicle Licence, a wheelchair accessible vehicle Licence, or both. It had been made clear that should an applicant for both types of Licence be successful in each ballot, they would only be awarded one Licence. The other Licence would be subject to re-allocation.

A total of 36 valid expressions of interest had been submitted for the four electric vehicle Licences and these had been entered into the ballot to be drawn at this

meeting of the Licensing Committee. The expressions of interest had been allocated a number from 1 to 36. Details of the numbers and the corresponding name of each applicant were set out in the report. The numbers attached to each individual would be used as identifiers in the ballot.

A total of 41 valid expressions of interest had been submitted for the four wheelchair accessible vehicle Licences and these had been entered into the ballot to be drawn at this meeting of the Licensing Committee. The expressions of interest had been allocated a number from 1 to 41. Details of the numbers and the corresponding name of each applicant were set out in the report. The numbers attached to each individual would be used as identifiers in the ballot.

The report explained that the ballots would be conducted using a web-based, independent number generator called 'Calculator.net' in order to draw lots randomly from the numbers 1 to 36 (electric vehicle Licences) and 1 to 41 (wheelchair accessible vehicle Licences) corresponding to the expressions of interest submitted. This process would be administered by the Council's Legal and Governance Manager, who was independent and not part of the Council's Licensing Service. A total of four lots would be drawn for the electric vehicle Licences, followed by four lots for the wheelchair accessible vehicle Licences. Lots would then be drawn for four reserves for the electric vehicle Licences, followed by four reserves for the wheelchair accessible vehicle Licences should the successful applicants be unable to meet the Council's requirements. In the event that the same number was drawn more than once, the repeated drawn number would be discounted and a new number would be generated.

The successful applicants would each be required to submit an application for a Licence for an electric or wheelchair accessible vehicle, as appropriate, within 28 days of the ballots and to meet the Council's current vehicle criteria. The successful applicants would also be required to complete a declaration that the Proprietors' Licences would not be sold, or transferred for a period of five years. Furthermore, if one of the successful applicants was an existing Hackney Carriage Vehicle Proprietor he/she would be required to complete a declaration not to sell, or transfer their existing Licence(s) for a period of five years.

The Legal and Governance Manager conducted a test during the meeting to demonstrate to the Members of the Licensing Committee, Officers and members of the public present at the meeting and watching via the Council's YouTube channel how 'Calculator.net' would be used to draw the required lots. The Legal and Governance Manager then drew the actual ballots at the meeting via 'Calculator.net'. The outcome of the ballots is recorded below.

DECISION:

- (1) That a Hackney Carriage Vehicle Proprietor's Licence (electric vehicle) be issued to each of the following applicants, subject to the Council's requirements being met:-

<u>Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	14	Lee Baker
2	12	Kashif Zia
3	20	Mohsin Rafiq
4	1	Ahsan Rafiq

- (2) That, if any of the above-mentioned applicants is not able to meet the Council's requirements, the Hackney Carriage Vehicle Proprietors' Licences (electric vehicle) be issued to the following applicants on the reserve, approved list, subject to the Council's requirements being met:-

<u>Reserve Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	30	Tony Wiley
2	35	Zahid Hussain
3	21	Moulay Garnaoui
4	9	Ibrahim Adam Ismail Tibin

- (3) That a Hackney Carriage Vehicle Proprietor's Licence (wheelchair accessible vehicle) be issued to each of the following applicants, subject to the Council's requirements being met:-

<u>Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	22	Mohammed Shariq Khan
2	20	Mohammad Abbas
3	17	Lee Brown
4	40	Yiannis Ioannou

- (4) That, if any of the above-mentioned applicants is not able to meet the Council's requirements, the Hackney Carriage Vehicle Proprietors' Licences (wheelchair accessible vehicle) be issued to the following applicants on the reserve, approved list, subject to the Council's requirements being met:-

<u>Reserve Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	29	Ramcoumar Ramadassou
2	13	Kamran Sabir
3	2	Alick Nkhata
4	41	Zeeshan Gultasib

21 **GAMBLING ACT 2005 - REVISED STATEMENT OF LICENSING POLICY 2025-2028**

INFORMATION: The Licensing Committee was advised that the Gambling Act 2005 placed a statutory responsibility on Local Authorities to issue various permissions, permits and notices for the use of premises for gambling activities.

Each Authority was legally required to formulate its own Statement of Licensing Policy for Gambling which had to be reviewed and re-published every three years. The Policy had to be based on three licensing objectives, which were to prevent gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime; to ensure that gambling was conducted in a fair and open way; and to protect children and other vulnerable people from being harmed or exploited by gaming.

Members of the Committee were advised that the draft revised Statement of Licensing Policy for 2025, which was attached at Appendix 1 to the Agenda report, was based upon the Essex Authorities' generic framework and it set out the principles which the Council would generally apply to promote the licensing objectives when making decisions on applications made under the Act. It was reported that no changes had been made to the draft Policy, which remained the same as the existing Policy. However, it was acknowledged that the Policy contained some typographical and continuity errors. These would be corrected prior to the Policy being published for public consultation.

It was reported that in April 2023 the Government had published a White Paper regarding a national review of gambling. This review could lead to changes being made to the guidance issued to Local Authorities by the Gambling Commission, which would have an impact on the Council's Statement of Licensing Policy. The conclusion of the national review was likely to coincide with the review of the Council's Policy. However, the Council could not extend its existing Policy beyond the conclusion of the national review and was required to publish its revised Policy by 31st January 2025. In the circumstances, it was proposed that the Council should carry out an initial 'light touch' review of its Policy in 2024 followed by a more comprehensive review once the Gambling Commission's updated guidance had been published. It was anticipated that the comprehensive review would take place in 2025-26.

The initial draft Statement of Licensing Policy would be subject to public consultation for a period of 12 weeks. Once public consultation had concluded, a further report would be submitted to the Licensing Committee regarding the draft Policy, including details of any responses submitted. The Committee would be requested to recommend to Full Council that the Policy should be approved.

DECISION: That the draft revised Gambling Act 2005 - Statement of Licensing Policy 2025-2028 be approved for the purpose of public consultation.

22 **LICENSING COMMITTEE UPDATE**

INFORMATION: Members of the Licensing Committee received an update on applications determined by the Drivers' Panel and the Licensing Sub-Committee, and on current licensing matters.

DECISION: That the Licensing Committee update be noted.

The meeting closed at 7.53pm.

Councillor G Prime
(Vice-Chairman in the Chair)