

# **LICENSING COMMITTEE AGENDA**

**Wednesday 26th May 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](http://www.braintree.gov.uk)*

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**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](mailto: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 on a Planning Application/Agenda Item**

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee 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.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://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.

**Public Attendance at Meeting:** 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 public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, 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 arrangement 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.

**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-i.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](mailto:governance@braintree.gov.uk)

## **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 24th March 2021 (copy previously circulated).
- 4 Public Question Time**  
(See paragraph above)
- 5 Street Trading Consent Application – Church Street, Bocking** **5-21**
- 6 Street Trading Consent Application – High Street, Braintree** **22-33**
- 7 Street Trading Consent Application – Bluebridge Industrial Estate, Halstead** **34-44**
- 8 Statutory Taxi and Private Hire Vehicle Standards – Post Consultation** **45-61**
- 9 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.
- 10 Exclusion of the Public and Press**  
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.  
*At the time of compiling this Agenda there were none.*

## **PRIVATE SESSION**

## **Page**

- 11 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.



**Agenda Item: 5**

<b>Report Title: APPLICATION FOR STREET TRADING CONSENT - OUTSIDE CHURCH HALL, CHURCH STREET, BOCKING</b>	
<b>Report to: LICENSING COMMITTEE</b>	
<b>Date:</b> 26th May 2021	<b>For:</b> Decision
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> John Meddings, Principal Licensing Officer	
<b>Enquiries to:</b> John Meddings, Principal Licensing Officer	

**1. Purpose of the Report**

- 1.1 Members of the Licensing Committee are requested to consider an application made by Mr Ian Birch for a Street Trading Consent outside Church Hall, Church Street, Bocking.

**2. Recommendations.** To determine one of the following options:-

1. To **GRANT** the application for a Street Trading Consent.
2. To **GRANT** the application for a Street Trading Consent with amendments.
3. To **GRANT** the application for a Street Trading Consent with additional conditions.
4. To **REFUSE** the application for a Street Trading Consent

**3. Summary of Issues**

**Application**

- 3.1 The Licensing Authority received an application for a Street Trading Consent from Mr Ian Birch on 6th April 2021 which was then validated on 13th April 2021 (Appendix 1).
- 3.2 In accordance with the Council's Street Trading Policy the Licensing Department consulted with the following:
- Essex Police,  
Essex County Council Highways and Highways Agency  
Local Ward Members  
Parish/Town Council  
Braintree District Council – Planning Department  
Braintree District Council – Environmental Health  
Relevant local traders selling similar commodities within 500m radius of the proposed site
- 3.3 The hours the applicant is proposing to trade are set out below:

## **Saturday**

**09:00 – 16:00**

- 3.4 The applicant proposes to sell hot food including, burgers, hotdogs, prepacked food items and hot/cold drinks

### **Background**

- 3.5 The location detailed in the application has not previously had any Street Trading Consents associated with it.
- 3.6 The Council received a complaint regarding unauthorised street trading at the location detailed in this application. On 3rd April 2021 a member of the Licensing Team visited the site and advised the operator that a Street Trading Consent would be required. This was subsequently followed up by the application detailed within this report. The trader continued to trade without the required consent whilst the application was being determined.

### **Representation**

- 3.7 During the consultation period, the application received an objection from Mr Bell, The Retreat Pub and Restaurant (Appendix 2) and comments from Essex County Council (Highways) (Appendix 3).
- 3.8 Essex County Council (Highways) confirmed in their correspondence that the land is not public highway and not part of their remit. However, they have chosen to make some observations regarding the siting of the vehicle.

### **Policy**

- 3.9 Street Trading is controlled under the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council adopted this Schedule on 15th March 1984. As a result, all streets within Braintree District are designated as Consent Streets. This means that anyone who wishes to trade on a street, highway, or other area to which the public have access without payment must hold a Street Trading Consent.
- 3.10 There are additional requirements where a trader is conducting their business from private land. In such cases, the applicant must make enquiries with regard to planning permission and to seek the landowner's permission to trade.
- 3.11 The Braintree District Council Street Trading Policy states:

Each application for grant or renewal of a street trading consent will be considered on its merits.

For every such application, or renewal, Braintree District Council may impose such conditions as may be reasonable, having regard to all the circumstances to prevent:-

- (a) Obstruction of the street or danger to persons using it; or
- (b) Nuisance or annoyance (whether to persons using the street or otherwise).

Standard conditions will be imposed unless circumstances dictate otherwise.

Where the imposition of conditions is not adequate to control potential problems, applications will be refused. Refusal or withdrawal of street trading consents will be normal in the following circumstances:-

- (a) Where the granting of the application is likely to give rise to nuisances or loss of amenity caused by noise, mal-odour, litter, disturbance or anti-social behaviour.
- (b) In respect of applications for hot, mal-odorous food where granting the application is likely to give rise to mal-odour, litter, disturbance or anti-social behaviour.
- (c) Where there is not enough space in the street for the applicant to engage in the trading in which he/she desires without causing undue interference or inconvenience to persons using the street.
- (d) Where granting of a consent for the sale of goods or services would conflict with those provided by nearby shops.
- (e) Where the applicant is unsuitable to hold a consent by reason of having been convicted of an offence, or for any other reason.
- (f) Where the applicant has at any time been granted a Street Trading Consent by the Council, and has persistently refused, or neglected to pay fees due to them for it or charges due to them for services rendered.
- (g) Where applicant or operator of the stall is under the age of 17 years.
- (h) Where a trader has failed to comply with the conditions attached to the Consent.
- (i) Where street trading in a particular location will conflict with concessions granted to traders.
- (j) Where the street trading may damage the structure, or surface of the street.
- (k) Where the appearance of the trading equipment, or structure in use is not compatible with the character of the area in which it is proposed to be situated.

- (l) Where the quality of stall and the impact of its activities may be detrimental to the character and appearance of the area in which it is proposed to trade.

### **Decision**

- 3.12 Following the determination of an application by the Committee, the applicant and any objectors will be notified of the decision at the end of the meeting. The Licensing Team will then send a confirmation in writing, as soon as possible after the decision, or in any case within seven days of the meeting.
- 3.13 There is **no right of appeal against a refusal** to issue consent; therefore any applicant that is aggrieved by the Council's decision has an option to seek a Judicial Review. Where an application is refused, **payment of the application fee shall be refunded**.

The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:

- A sustainable environment and a great place to live, work and play;
- A well connected and growing district with high quality homes and infrastructure;
- A prosperous district that attracts business growth and provides high quality employment opportunities;
- Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

## **4. Options**

1. To **GRANT** the application for a Street Trading Consent.
2. To **GRANT** the application for a Street Trading Consent with amendments.
3. To **GRANT** the application for a Street Trading Consent with additional conditions.
4. To **REFUSE** the application for a Street Trading Consent

## **5. Financial Implications**

If the application is unsuccessful the fee will be returned to the applicant.

## **6. Legal Implications**

There is no right of appeal against a refusal to issue a Street Trading Consent; therefore any applicant that is aggrieved by the Council's decision has the option to seek a Judicial Review.

Street Trading is controlled under the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

## **7. Other Implications**

None 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 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **9. List of Appendices**

- 1. Application for Street Trading Consent made by Mr Ian Birch (Appendix 1)
- 2. Representation received during the consultation period – Mr Bell, The Retreat Pub and Restaurant (Appendix 2)
- 3. Essex County Council (Highways) correspondence (Appendix 3)

## **10. Background Papers**

- 1. Braintree District Council Street Trading and Collections Policy

Please return to LICENSING,  
Braintree District Council,  
Causeway House, Bocking End,  
Braintree, Essex CM7 9HB



**BRAINTREE DISTRICT COUNCIL**

**Application for the  
Grant or Renewal of a Street Trading Consent**

Local Government (Miscellaneous Provisions) Act, 1982 Section 3. Schedule 4)

**NOTE:** Before completing this form applicants are requested to read the Braintree District Council Street Trading Policy, which accompanies this application form

You are requested to complete this form in block capitals

1. I, Ian Birch

.....

.....

Date of Birth:-.. ..

Daytime telephone number:- ..

e-mail:-

hereby apply for a street trading consent to trade in the following streets:-  
(Please specify streets and areas in which you wish to trade)

I propose to trade within an unnamed road off of church street Bocking,  
Braintree. Outside of the church hall.

.....

.....

.....

PLEASE ENSURE YOU DO NOT INCLUDE ANY REQUEST FOR MARKET DAY  
TRADING (See Braintree District Council Street Trading Policy – item 9)

2. I wish to trade on the following days between the hours specified.  
(Please see Note – See Braintree District Council Street Trading Policy – Item 8)

Saturday From 09.00 To 16.00.

3. If you wish to trade for a short period, please specify what period below. (i.e Month of January). You will pay the day's trading fee per day you wish to trade.

.....

4. I proposed to trade in the following items:-

Hot food including burgers and hotdogs as well as prepacked food items. Hot and cold drinks. Vegetarian and vegan options will also be available. ...Menu included in extra information.....

5. The registration number of the vehicle from which I propose to trade is:-

**A photograph or fully drawn details of the proposed stall/vehicle, giving dimensions, must be submitted with new applications or if the stall/vehicle has changed.**

6. Trading Name : Torsbeanie

7. I am registered as a food business with (Name of Local Authority)

Braintree district council.

8. Date of last Food Hygiene Inspection and Food Hygiene Rating:-

05/08/2020.

### **Special Events**

At special events, we will issue one consent to the person organising the event, rather than to each individual trader. We will issue a single consent, which will cover a number of traders. Traders wishing to sell hot or cold food are not covered by a consent

issued for a special event. Each trader wishing to sell food is required to apply for an individual consent

**NOTE** :\* If the event is being held on behalf of raising funds for a charity etc the fee will be waived.

Please identify the number of traders to be covered:

Category 1 – Up to 10 traders

Category 2 – Between 11 and 19 traders

Category 3 – Over 20 traders

**A photograph or fully drawn details of the proposed stalls/vehicles, giving dimensions, must be submitted with applications.**

9. I enclose a payment of:-

For 1 day's trading per week per annum 111.00

#### **Special Events**

Category 1 – Up to 10 traders	44.00
Category 2 – Between 11 and 19 traders	60.00
Category 3 – Over 20 traders	77.00

(Cheques should be made payable to "Braintree District Council")

10. I am 17 years of age, or over

Signature: I. Birch Date: 05/04/2021

**IMPORTANT** if you intend to be a 'static trader', to assist in the consideration of your application, you are asked to provide a small sketch of the area from which you wish to trade and the proposed position of the vehicle. Please specify one or two roads and landmarks to help with identifying your proposal.

However, if you apply to renew the consent you currently hold and that application is for precisely the same site, a sketch will not be required.

The Information given here may be used in conjunction with other Local Authorities for the prevention and detection of fraud and is held on computer, which is subject to the Data protection Act 1998.





**Torsbeanie's Breakfast**  
Torsbeanie's Chick - 2 bacon, 2 Sausages,  
2 Egg & mushrooms in french fries £6.50  
Torsbeanie's Big Chick - 2 bacon, 2 Sausages,  
2 Eggs, mushrooms, cheese & hash brown  
in french fries £7.50  
Delicious double bacon Served in a  
soft shell roll or french fries  
Classic Bacon £4.50  
Bacon & egg £4.75  
Bacon & mushroom £4.90  
Bacon & cheese £5.00  
Delicious Corned Beef Sausage Served in  
a soft shell roll or french fries  
Classic Sausage £4.50  
Sausage & egg £4.75  
Sausage & mushroom £4.90  
Sausage & cheese £5.00  
Add extras: hash, onion, onion, sweet  
corn, egg, mushrooms, egg, hash,  
hash brown £3.50  
Hash brown £3.50  
Tee - £1.50 Hot Chocolate - £1.50  
Coffee £1.50 Cons - £1.50

**Vegetarian Menu**  
Halloumi Steak - sliced,  
halloumi, lettuce, onion, tomato,  
served in a wrap £4.50  
Bombay Bad Boy - (veg)  
A Thai inspired burger with  
lamb, onion & lime leaf £4.50  
Mediterranean Burger (veg)  
Pesto, tomato, onion, cheese  
£4.50  
Sausage Bag (veg) £4.50  
Egg & mushroom Bagette £4.50  
Halloumi, fries - £4.50  
Skin on, fries - £4.50  
Hash brown - 3 for £2.50

**Torsbeanie's Specials**  
Bacon & Brie Burger £6.50  
Chicken & Chorizo Burger £6.50  
Halloumi Cheese Burger £6.50  
Chilli Hotdog £5.50  
Loaded fries - cheese, Bacon, Chilli - £5.50  
Mozzarella stick 3 for £3.50  
Salmon Fried Burger - £6.50  
Onion Chilli Chicken Wrap £5.50

**Torsbeanie's Daytime Menu**  
Our Burgers are served in a  
"Torsbeanie" roll with salad & toppings  
Classic Burger £4.50 £5.50  
Cheese Burger £4.75 £5.75  
Egg Burger £4.75 £5.75  
Egg & Bacon Burger £5.00 £6.00  
Bacon & Cheese Burger £5.00 £6.00  
Torsbeanie Burger - 2 burgers, onion,  
cheese, mushrooms & egg £5.50  
Chicken Greek Burger - Curry chicken,  
fries, onion, tomato, cheese & chickpeas  
£6.50  
Classic Cheese Hotdog £4.50  
The Cheese Dog - £4.50  
Cheese & Bacon Dog £5.50  
Skin on fries £3.50 with Cheese £3.50  
Hash brown 3 for £3.50  
Halloumi fries - £4.50

**Torsbeanie catering**

Burgers  
Hotdogs

All day breakfast

Bacon  
Sausage



**Torsbeanie Catering**  
Good food on the go!

**Vegetarian options available!**

Call 0789089684  
to order



← 51.901446,0.553255



Bumblebee Bridal  
- Hairstylist and...



† Saint Marys Church

Sallywags Day Nurse

Boutique

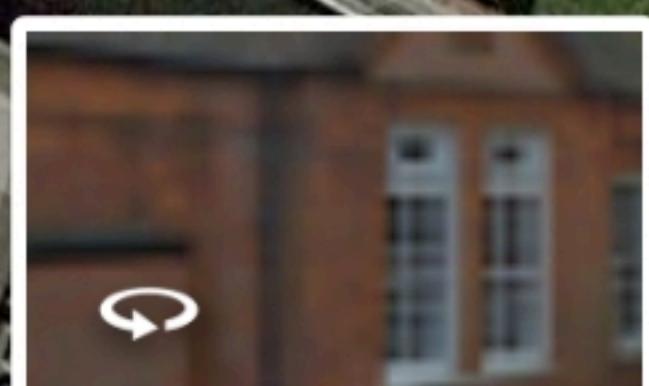
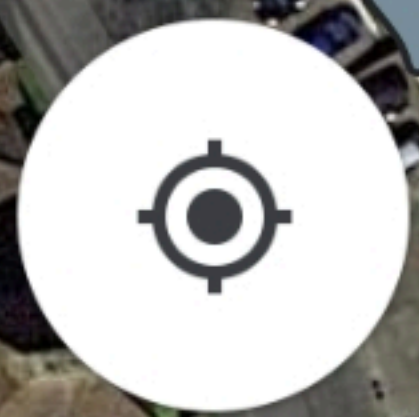
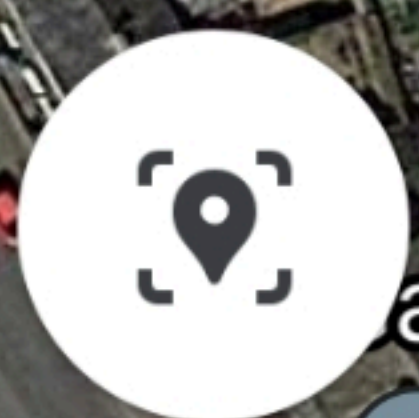


Mews Ct

Bovingdon Rd

Church St

THE RETRO  
Temporarily



Dropped pin

Near Bocking, Braintree, CM7 5JN · 🚗 4 min

📍 Directions

▶ Start





**From:**  
**Sent:** 20 April 2021 22:18  
**To:** Licensing  
**Subject:** To whom it concern

## To whom it concern

Reference:

Street trading license application made by Torsbeanie for the sale of food and drink in the road outside St Mary's Church .

I strongly object to the above licence being granted for the following reasons:  
The site is directly opposite my business The Retreat Pub & Restaurant.

For the last 20 years we have worked closely with St Marys Church in regard to the provision of drinks etc for participants attending events, weddings etc taking place at the church.

The events are traditionally held on weekends, prior to the pandemic,  
on a Saturday lunchtime, from one wedding party we could benefit by an average of £200.00.  
This extra trade has amounted to as much as £700.00 on a Saturday afternoon.

Over the years we have made sure that the Church has also benefited from the extra trade, we have given support to the church by way of a complete PA System which we purchased and donated to the church hall and we have made various cash donations ,one of which was a £1000.00 towards the restoration of the war memorial within the church.

During the lockdown we we were given a grant to be used to enhance our business.

We decide to invest in the necessary equipment and packaging to enable us to provide takeaway food for the village.

This takeaway service has proved to be quite successful, our intention is to continue this service for the foreseeable future, we have employed a new member of staff to help and expand this business.

Some months ago when the catering van appeared outside the church I was told that Torsbenie were waiting for a site in Braintree Town and when the site became available the van would move on.

At the time we were limited in regard to the service we could provide due government restrictions and so I though that the van seemed a good idea, as it would move on when the shops open in town ,which would coincide with the some of the restrictions on the pub being lifted.

This is now not the case, I understand that the site offered in town has been rejected by the Torsbeanie and the application to trade from the road outside the church has been submitted.

To add insult to injury our car park is now being used by the burger van customers, which I will stop , which in turn will cause parking issues around the church and village green.

That will not work when the church events get back to normal.

For the last 35 years The Retreat has traded as a pub and restaurant, prior to the pandemic we would not have considered that a takeaway service would be popular enough to justify spending £2000.00 in the kitchen and employing staff to expand the service.

Within one week we sold  
30 portions of Fish and Chips  
70 Homemade Pie and Chips  
40 Sunday Roasts

This has not been the case every week ,but i think that it proves that there is a market for the service from which many of our older villagers have benefited during the lockdown.

We have spent some time establishing how we could improve the service, it was the general census of opinion that a pizza oven would be popular , we have invested a further £1000.00 to provide this service.

If this license is granted,

As the current restrictions are lifted from the pub and the church takes on more bookings it will undoubtedly reduce the sales that we benefit from in regard to the events which take place on a Saturday.

As we expand the food service , to include Saturday lunchtimes ,which we can do as and when the restrictions are lifted, the presence of the van must have an adverse effect on any future trade in which we have invested a considerable amount of money ,some of which was received in the form of a grant from the government.

What a complete waste of money that would be if the trade of an old established business,the only pub in the village which provides support to the local community was effected by a resident Burger Van. You must understand that this has been a very challenging time for hospitality industry, we have survived through the last year by creating a new string to our bow and by the financial assistance given by government.

Let's make sure that all the work and investment has not been in vain.

As I mentioned earlier we have invested £1000.00 on a commercial pizza oven.

Encouraged by the presence of the burger van we now have a resident pizza van which appears after the burger van on a monthly basis on a Saturday evening and parks on the road directly opposite the pub. Their visits can be monitored on Facebook under Nonnas Pizza.

I find this whole situation totally unacceptable, and I repeat I strongly object to this licence application. Bocking is a quite little village not a street market, and I am opposed to any business that thinks it can park up trade off of our back.

Regards

Alan Bell Licensee.  
The Retreat Pub and Restaurant  
42 Church Street  
Bocking  
CM75JY

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## Webb, Alison

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**Subject:** FW: 21/00283/STR - Torsbeanie - Outside Church Hall, Church Street, Bocking, Braintree, Essex, CM7 5JY

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**From:** Olive Porter [mailto:[Olive.Porter@essexhighways.org](mailto:Olive.Porter@essexhighways.org)]

**Sent:** 13 April 2021 7:22 PM

**To:** Mellini, Daniel <[daniel.mellini@braintree.gov.uk](mailto:daniel.mellini@braintree.gov.uk)>

**Subject:** RE: 21/00283/STR - Torsbeanie - Outside Church Hall, Church Street, Bocking, Braintree, Essex, CM7 5JY

Good evening

Having had a quick look and no going to highway records , the road in question does not seem to form part of the public highway, however I would raise high concerns over the chosen location.

- 1) There are no footways
- 2) All customers are expected to use the verge to gain access to the hatch, and this will become slippery in wet weather which becomes a safety issue
- 3) Due to not having a footway and only a verge, not all the members of public will be able to access this, such as disabled and wheel chair users so this will be classed as discriminate









Regards

**Olive Porter CIHT, IHE | Network Assurance Officer  
Highways**



**SAFER / GREENER / HEALTHIER**

T: 01245 342895

[Olive.Porter@essexhighways.org](mailto:Olive.Porter@essexhighways.org)

[Chat with me on Teams](#)

[www.essex.gov.uk/highways](http://www.essex.gov.uk/highways)





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**From:** Mellini, Daniel <[daniel.mellini@braintree.gov.uk](mailto:daniel.mellini@braintree.gov.uk)>

**Sent:** 13 April 2021 09:34

**Subject:** 21/00283/STR - Torsbeanie - Outside Church Hall, Church Street, Bocking, Braintree, Essex, CM7 5JY

Dear colleagues

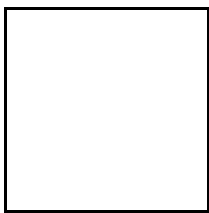
The licensing authority has validated a street trading application with respect to the above. Should you have any comments, the close of consultation will be 27<sup>th</sup> April 2021.

Regards

**Licensing**

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

☎ 01376 557790 | [www.braintree.gov.uk](http://www.braintree.gov.uk) | ✉ [licensing@braintree.gov.uk](mailto:licensing@braintree.gov.uk)



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<b>Report Title: APPLICATION FOR STREET TRADING CONSENT - OUTSIDE HSBC, HIGH STREET, BRAINTREE</b>	
<b>Report to: LICENSING COMMITTEE</b>	
<b>Date:</b> 26th May 2021	<b>For:</b> Decision
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> John Meddings, Principal Licensing Officer	
<b>Enquiries to:</b> John Meddings, Principal Licensing Officer	

## **1. Purpose of the Report**

- 1.1 Members of the Licensing Committee are requested to consider an application made by Mr Laine Rich for a Street Trading Consent at HSBC, High Street, Braintree.

## **2. Recommendations.** To determine one of the following options:-

1. To **GRANT** the application for a Street Trading Consent.
2. To **GRANT** the application for a Street Trading Consent with amendments.
3. To **GRANT** the application for a Street Trading Consent with additional conditions.
4. To **REFUSE** the application for a Street Trading Consent

## **3. Summary of Issues**

### **Application**

- 3.1 The Licensing Authority received an application for a Street Trading Consent from Mr Laine Rich on 8th September 2020 which was validated the following day (Appendix 1).
- 3.2 In accordance with the Council's Street Trading Policy the Licensing Department consulted with the following:
- Essex Police,  
Essex County Council Highways and Highways Agency  
Local Ward Members  
Parish/Town Council  
Braintree District Council – Planning Department  
Braintree District Council – Environmental Health  
Relevant local traders selling similar commodities within 500m radius of the proposed site
- 3.3 The hours the applicant is proposing to trade are set out below:

## **Monday, Tuesday, Thursday, Friday and Sunday**

**09:00 – 17:30**

- 3.4 The applicant proposes to sell ice cream, ice lollies, sweets and cold drinks for takeaway.

### **Background**

- 3.5 A Street Trading cConsent has been in place for this vehicle and area since 2008. It is understood that the previous holder (Mr Green) has retired and sold the business as a going concern to the applicant, Mr Rich.
- 3.6 An application for Mr Green was previously determined by the Licensing Committee in 2019 following a representation from Environmental Health. The application was subsequently granted.
- 3.7 Due to the pedestrianisation of the High Street in Braintree Town Centre, the site location has been amended from previous applications to accommodate these changes. It is understood that the applicant has worked with the town centre management team to determine a suitable post pedestrianisation location. The location proposed is also the location allocated to the applicant for market days (Wednesday and Saturday), which does not form part of this application.
- 3.8 The pedestrianisation of Braintree town centre is predicted to be completed by the end of Summer 2021.

### **Representation**

- 3.9 During the consultation period the application received comments from Essex County Council (Highways) (Appendix 3). These comments have been submitted during consultation for the last two applications for the previous location held by Mr Green.
- 3.10 The comments raise the following points for consideration:
- He is parked on the footway which has been constructed to take pedestrians and not vehicles
  - The van is on a pedestrian area and there could be a safety issue and conflict with pedestrians
  - The van is facing the wrong way on a one way system
  - The van is narrowing the width of the footway in a location where there are a lot of pedestrians
  - This area is a dedicated pedestrian area
  - The van is going to enter this section of public highway via an official crossing point
  - The van is going to have to drive the wrong way down a one way system
  - The van is going to have to reverse out facing the wrong way

- 3.11 The email correspondence stating the above comments from Essex County Council (Highways) makes reference to the photos supporting the application. The photos presented as part of the application are supplied to determine the suitability of the vehicle and **not** to identify the trading location. The trading location is determined by the plan supplied as part of the application.
- 3.12 Essex County Council (Highways) have confirmed that the comments still stand for the amended site location.

### **Policy**

- 3.13 Street Trading is controlled under the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council adopted this Schedule on 15th March 1984. As a result, all streets within Braintree District are designated as Consent Streets. This means that anyone who wishes to trade on a street, highway, or other area to which the public have access without payment must hold a Street Trading Consent.

There are additional requirements where a trader is conducting their business from private land. In such cases, the applicant must make enquiries with regard to planning permission and to seek the landowner's permission to trade.

The Braintree District Council Street Trading Policy states:

Each application for grant or renewal of a street trading consent will be considered on its merits.

For every such application, or renewal, Braintree District Council may impose such conditions as may be reasonable, having regard to all the circumstances to prevent:-

- (a) Obstruction of the street or danger to persons using it; or
- (b) Nuisance or annoyance (whether to persons using the street or otherwise).

Standard conditions will be imposed unless circumstances dictate otherwise.

Where the imposition of conditions is not adequate to control potential problems, applications will be refused. Refusal or withdrawal of street trading consents will be normal in the following circumstances:-

- (a) Where the granting of the application is likely to give rise to nuisances or loss of amenity caused by noise, mal-odour, litter, disturbance or anti-social behaviour.
- (b) In respect of applications for hot, mal-odorous food where granting the application is likely to give rise to mal-odour, litter, disturbance or anti-social behaviour.

- (c) Where there is not enough space in the street for the applicant to engage in the trading in which he/she desires without causing undue interference or inconvenience to persons using the street.
- (d) Where granting of a consent for the sale of goods or services would conflict with those provided by nearby shops.
- (e) Where the applicant is unsuitable to hold a consent by reason of having been convicted of an offence, or for any other reason.
- (f) Where the applicant has at any time been granted a Street Trading Consent by the Council, and has persistently refused or neglected to pay fees due to them for it or charges due to them for services rendered.
- (g) Where applicant or operator of the stall is under the age of 17 years.
- (h) Where a trader has failed to comply with the conditions attached to the Consent.
- (i) Where street trading in a particular location will conflict with concessions granted to traders.
- (j) Where the street trading may damage the structure or surface of the street.
- (k) Where the appearance of the trading equipment or structure in use is not compatible with the character of the area in which it is proposed to be situated.
- (l) Where the quality of stall and the impact of its activities may be detrimental to the character and appearance of the area in which it is proposed to trade.

### **Decision**

- 3.14 Following the determination of an application by the Committee, the applicant and any objectors will be notified of the decision at the end of the meeting. The Licensing Team will then send a confirmation in writing, as soon as possible after the decision, or in any case within seven days of the meeting.
- 3.15 There is **no right of appeal against a refusal** to issue consent; therefore any applicant that is aggrieved by the Council's decision has an option to seek a Judicial Review. Where an application is refused, **payment of the application fee shall be refunded**.

The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:

- A sustainable environment and a great place to live, work and play;

- A well connected and growing district with high quality homes and infrastructure;
- A prosperous district that attracts business growth and provides high quality employment opportunities;
- Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

#### **4. Options**

1. To **GRANT** the application for a Street Trading Consent.
2. To **GRANT** the application for a Street Trading Consent with amendments.
3. To **GRANT** the application for a Street Trading Consent with additional conditions.
4. To **REFUSE** the application for a Street Trading Consent

#### **5. Financial Implications**

If the application is unsuccessful the fee will be returned to the applicant.

#### **6. Legal Implications**

There is no right of appeal against a refusal to issue Street Trading Consent; therefore any applicant that is aggrieved by the Council's decision has the option to seek a Judicial Review.

Street Trading is controlled under the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

#### **7. Other Implications**

None 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 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **9. List of Appendices**

1. Application for Street Trading Consent made by Mr Laine Rich (Appendix 1)
2. Location plan (Appendix 2)
3. Representation received during the consultation period – Essex County Council (Highways) -(Appendix 3)

## **10. Background Papers**

1. Braintree District Council Street Trading and Collections Policy
2. [Pedestrianisation information - Braintree Town Centre](#)

BRAINTREE

SEP 2020

DISTRICT COUNCIL

Please return to LICENSING,  
Braintree District Council,  
Causeway House, Bocking End,  
Braintree, Essex CM7 9HB



## BRAINTREE DISTRICT COUNCIL

### Application for the Grant or Renewal of a Street Trading Consent

Local Government (Miscellaneous Provisions) Act, 1982 Section 3, Schedule 4)

**NOTE:** Before completing this form applicants are requested to read the Braintree District Council Street Trading Policy, which accompanies this application form

You are requested to complete this form in block capitals

1. I, ..... L A I N E R I C H .....  
of .

Date of Birth:-

Daytime telephone number:-

e-mail:-

hereby apply for a street trading consent to trade in the following streets:-  
(Please specify streets and areas in which you wish to trade)

Outside Connally Jewellers  
High Street, Braintree

PLEASE ENSURE YOU DO **NOT** INCLUDE ANY REQUEST FOR MARKET DAY  
TRADING (See Braintree District Council Street Trading Policy – item 9)



2. I wish to trade on the following days between the hours specified.  
(Please see Note – See Braintree District Council Street Trading Policy – Item 8)

Monday: From 09:00 To 17:30 Friday: From 09:00 To 17:30  
Tuesday: From 09:00 To 17:30 Saturday: From 09:00 To 17:30  
Wednesday: From 09:00 To 17:30 Sunday: From 09:00 To 17:30  
Thursday: From 09:00 To 17:30

3. If you wish to trade for a short period, please specify what period below. (i.e Month of January). You will pay the day's trading fee per day you wish to trade.

4. I proposed to trade in the following items:-

ICE CREAM, ICE LOLLIS, COLD DRINKS  
SWEETS

5. The registration number of the vehicle from which I propose to trade is:-

A photograph or fully drawn details of the proposed stall/vehicle, giving dimensions, must be submitted with new applications or if the stall/vehicle has changed. \* SAME

6. Trading Name : Conibel ICE CREAM LTD

7. I am registered as a food business with (Name of Local Authority)

SWALE COUNCIL

8. Date of last Food Hygiene Inspection and Food Hygiene Rating:-

BOOKED FOR INSPECTION SEPTEMBER 2020, NEW PURCHASE  
FROM MR R. GREEN. OUR COMPANY VEHICLES ARE ALL  
5 STAR RATED.

### Special Events

At special events, we will issue one consent to the person organising the event, rather than to each individual trader. We will issue a single consent, which will cover a number of traders. Traders wishing to sell hot or cold food are not covered by a consent issued for a special event. Each trader wishing to sell food is required to apply for an individual consent

**NOTE :**\* If the event is being held on behalf of raising funds for a charity etc the fee will be waived.

Please identify the number of traders to be covered:

Category 1 – Up to 10 traders

Category 2 – Between 11 and 19 traders

Category 3 – Over 20 traders

✓

**A photograph or fully drawn details of the proposed stalls/vehicles, giving dimensions, must be submitted with applications.**

9. I enclose a payment of:-

For 1 day's trading per week per annum	111.00
For 2 day's trading per week per annum	194.00
For 3 day's trading per week per annum	265.00
For 4 day's trading per week per annum	332.00
For 5 day's trading per week per annum	441.00
For 6 day's trading per week per annum	498.00
For 7 day's trading per week per annum	553.00

One day's trading 23.00 per day

**Special Events**

Category 1 – Up to 10 traders	44.00
Category 2 – Between 11 and 19 traders	60.00
Category 3 – Over 20 traders	77.00

(Cheques should be made payable to "Braintree District Council")

10. I am 17 years of age, or over

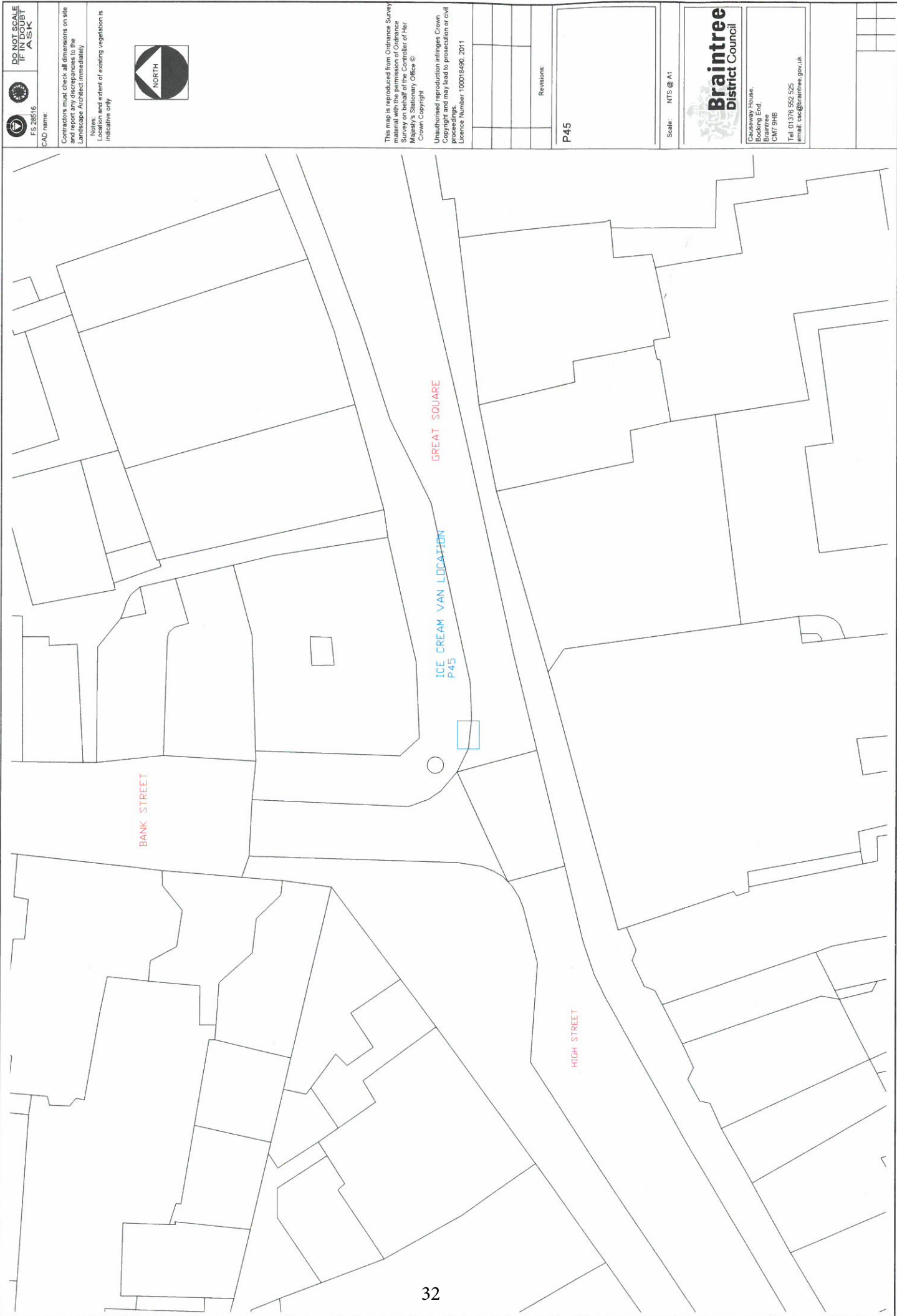
Signature ..... Date: 03/09/20.

**IMPORTANT** if you intend to be a 'static trader', to assist in the consideration of your application, you are asked to provide a small sketch of the area from which you wish to trade and the proposed position of the vehicle. Please specify one or two roads and landmarks to help with identifying your proposal.

However, if you apply to renew the consent you currently hold and that application is for precisely the same site, a sketch will not be required.

The information given here may be used in conjunction with other Local Authorities for the prevention and detection of fraud and is held on computer, which is subject to the Data protection Act 1998.





Good morning

Whilst I appreciate the vendor has been trading for some time at this location, I would like you to consider my comments below:-

The points below are for the pictures that have been sent in which is different to what the application states

- He is parked on the footway which has been constructed to take pedestrians and not vehicles
- The van is on a pedestrian area and there could be a safety issue and conflict with pedestrians
- The van is facing the wrong way on a one way system
- The van is narrowing the width of the footway in a location where there is a lot of pedestrians

The points below are for the what is stated on the application and not for the pictures they have sent in

- He is parked on the footway which has been constructed to take pedestrians and not vehicles
- The van is on a pedestrian area and there could be a safety issue and conflict with pedestrians hence why the area has bollards round it
- This area is a dedicated pedestrian area
- The van is going to enter this section of public highway via an official crossing point
- The van is going to have to drive the wrong way down a one way system
- The van is going to have to reverse out facing the wrong way

The above points are concerns and for those reasons I am unable to support this request for this location

Regards

**Olive Porter CIHT, IHE | Network Assurance Officer  
Essex Highways**

Seax House 2<sup>nd</sup> Floor Annexe , Victoria Road South, Chelmsford, CM1 1QH

T: 01245 342895

E: [Olive.Porter@essexhighways.org](mailto:Olive.Porter@essexhighways.org)

W: [www.essex.gov.uk/highways](http://www.essex.gov.uk/highways)



[communications@essexhighways.org](mailto:communications@essexhighways.org)  
[www.essex.gov.uk/highways](http://www.essex.gov.uk/highways)





<b>Report Title: APPLICATION FOR STREET TRADING CONSENT - SECOND AVENUE, BLUEBRIDGE INDUSTRIAL ESTATE, HALSTEAD</b>	
<b>Report to: LICENSING COMMITTEE</b>	
<b>Date:</b> 26th May 2021	<b>For:</b> Decision
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> John Meddings, Principal Licensing Officer	
<b>Enquiries to:</b> John Meddings, Principal Licensing Officer	

## **1. Purpose of the Report**

- 1.1 Members of the Licensing Committee are requested to consider an application made by Mr Christos Bantounas for a Street Trading Consent for Second Avenue, Bluebridge Industrial Estate, Halstead.

## **2. Recommendations.** To determine one of the following options:-

1. To **GRANT** the application for a Street Trading Consent.
2. To **GRANT** the application for a Street Trading Consent with amendments.
3. To **GRANT** the application for a Street Trading Consent with additional conditions.
4. To **REFUSE** the application for a Street Trading Consent

## **3. Summary of Issues**

### **Application**

- 3.1 The Licensing Authority received an application for a Street Trading Consent from Mr Christos Bantounas on 2nd December 2020 which was then validated on 17th December 2020 (Appendix 1).
- 3.2 In accordance with the Council's Street Trading Policy the Licensing Department consulted with the following:
- Essex Police,  
Essex County Council Highways and Highways Agency  
Local Ward Members  
Parish/Town Council  
Braintree District Council – Planning Department  
Braintree District Council – Environmental Health  
Relevant local traders selling similar commodities within 500m radius of the proposed site
- 3.3 The hours the applicant is proposing to trade are set out below:

## **Monday to Friday**

**07:00 – 15:00**

- 3.4 The applicant proposes to sell hot and cold food.

### **Background**

- 3.5 The location detailed in the application has previously held a Street Trading Consent for the year prior to this application.
- 3.6 The previous consent was granted through officer delegation as no objections had been received from the consultees. Once Mr Bantounas began trading the Council received correspondence from Mr Johnstone an existing street trader in the vicinity explaining that he had previously purchased Mr Bantounas' street trading business and that Mr Bantounas had returned to Bluebridge Industrial Estate and was trading in close proximity to his site. It became apparent at this stage that Mr Johnstone should have been consulted as an existing street trader selling similar commodities giving him the opportunity to object to the application.
- 3.7 On advice, it was determined that the application had already been granted and Mr Bantounas had already been issued a Street Trading Consent for the applied location. It was acknowledged that Mr Johnstone should have been consulted and would be given the opportunity when the application was applied for in the future.

### **Representation**

- 3.8 During the consultation period the application received an objection from Mr Sam Johnstone, T/A Bobo's, Third Avenue, Bluebridge Industrial Estate, Halstead (Appendix 2).

### **Policy**

- 3.9 Street Trading is controlled under the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council adopted this Schedule on 15th March 1984. As a result, all streets within Braintree District are designated as Consent Streets. This means that anyone who wishes to trade on a street, highway, or other area to which the public have access without payment must hold a Street Trading Consent.

There are additional requirements where a trader is conducting their business from private land. In such cases, the applicant must make enquiries with regard to planning permission and to seek the landowner's permission to trade.

The Braintree District Council Street Trading Policy states:

Each application for grant or renewal of a street trading consent will be considered on its merits.

For every such application, or renewal, Braintree District Council may impose such conditions as may be reasonable, having regard to all the circumstances to prevent:-

- (a) Obstruction of the street or danger to persons using it; or
- (b) Nuisance or annoyance (whether to persons using the street or otherwise).

Standard conditions will be imposed unless circumstances dictate otherwise.

Where the imposition of conditions is not adequate to control potential problems, applications will be refused. Refusal or withdrawal of street trading consents will be normal in the following circumstances:-

- (a) Where the granting of the application is likely to give rise to nuisances or loss of amenity caused by noise, mal-odour, litter, disturbance or anti-social behaviour.
- (b) In respect of applications for hot, mal-odorous food where granting the application is likely to give rise to mal-odour, litter, disturbance or anti-social behaviour.
- (c) Where there is not enough space in the street for the applicant to engage in the trading in which he/she desires without causing undue interference or inconvenience to persons using the street.
- (d) Where granting of a consent for the sale of goods or services would conflict with those provided by nearby shops.
- (e) Where the applicant is unsuitable to hold a consent by reason of having been convicted of an offence, or for any other reason.
- (f) Where the applicant has at any time been granted a Street Trading Consent by the Council and has persistently refused or neglected to pay fees due to them for it or charges due to them for services rendered.
- (g) Where the applicant or operator of the stall is under the age of 17 years.
- (h) Where a trader has failed to comply with the conditions attached to the Consent.
- (i) Where street trading in a particular location will conflict with concessions granted to traders.
- (j) Where the street trading may damage the structure or surface of the street.



- (k) Where the appearance of the trading equipment or structure in use is not compatible with the character of the area in which it is proposed to be situated.
- (l) Where the quality of stall and the impact of its activities may be detrimental to the character and appearance of the area in which it is proposed to trade.

### **Decision**

- 3.10 Following the determination of an application by the Committee, the applicant and any objectors will be notified of the decision at the end of the meeting. The Licensing Team will then send a confirmation in writing, as soon as possible after the decision, or in any case within seven days of the meeting.
- 3.11 There is **no right of appeal against a refusal** to issue consent; therefore any applicant that is aggrieved by the Council's decision has an option to seek a Judicial Review. Where an application is refused, **payment of the application fee shall be refunded**.

The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:

- A sustainable environment and a great place to live, work and play;
- A well connected and growing district with high quality homes and infrastructure;
- A prosperous district that attracts business growth and provides high quality employment opportunities;
- Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

## **4. Options**

- 1. To **GRANT** the application for a Street Trading Consent.
- 2. To **GRANT** the application for a Street Trading Consent with amendments.
- 3. To **GRANT** the application for a Street Trading Consent with additional conditions.
- 4. To **REFUSE** the application for a Street Trading Consent

## **5. Financial Implications**

If the application is unsuccessful the fee will be returned to the applicant.

## **6. Legal Implications**

There is no right of appeal against a refusal to issue a Street Trading Consent; therefore any applicant that is aggrieved by the Council's decision has the option to seek a Judicial Review.

Street Trading is controlled under the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

## **7. Other Implications**

None 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 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **9. List of Appendices**

- 1. Application for Street Trading Consent made by Mr Christos Bantounas (Appendix 1)
- 2. Representation received during the consultation period – Mr Sam Johnstone, Bobo's an existing consent holder within 500m (Appendix 2)
- 3. Bluebridge Industrial Estate Map - Best Foods Location (Appendix 3)

## **10. Background Papers**

- 1. Braintree District Council Street Trading and Collections Policy

Please return to LICENSING,  
Braintree District Council,  
Causeway House, Bocking End,  
Braintree, Essex CM7 9HB



**BRAINTREE DISTRICT COUNCIL**

**Application for the Grant or Renewal of a  
Street Trading Consent**

Local Government (Miscellaneous Provisions) Act, 1982 Section 3, Schedule 4)

**NOTE:** Before completing this form applicants are requested to read the Braintree District Council Street Trading Policy, which accompanies this application form

You are requested to complete this form in block capitals

1. I, Mr. Christos Zantanas

of .....

Date of Birth:-..

Daytime telephone number:- .....

e-mail:-..

hereby apply for a street trading consent to trade in the following streets:-  
(Please specify streets and areas in which you wish to trade)

2nd Avenue, BlueBridge Industrial  
estate, Halstead, CO9 2SU

PLEASE ENSURE YOU DO NOT INCLUDE ANY REQUEST FOR MARKET DAY  
TRADING (See Braintree District Council Street Trading Policy – Item 9)

2. I wish to trade on the following days between the hours specified.  
(Please see Note – See Braintree District Council Street Trading Policy – Item 8)
- Monday: From 07 To 15:00 Friday: From 07 To 18:00  
 Tuesday: From 07 To 15:00 Saturday: From ..... To .....  
 Wednesday: From 07 To 15:00 Sunday: From ..... To .....  
 Thursday: From 07 To 15:00
3. If you wish to trade for a short period, please specify what period below. (i.e Month of January). You will pay the day's trading fee per day you wish to trade.  
 .....
4. I proposed to trade in the following items:-  
 HOT + COLD FOOD
5. The registration number of the vehicle from which I propose to trade is:-  
 ...  
**A photograph or fully drawn details of the proposed stall/vehicle, giving dimensions, must be submitted with new applications or if the stall/vehicle has changed.**
6. Trading Name : BEST FOOD
7. I am registered as a food business with (Name of Local Authority)  
 Braintree
8. Date of last Food Hygiene Inspection and Food Hygiene Rating:-  
 1.3.20

### Special Events

At special events, we will issue one consent to the person organising the event, rather than to each individual trader. We will issue a single consent, which will cover a number of traders. Traders wishing to sell hot or cold food are not covered by a consent issued for a special event. Each trader wishing to sell food is required to apply for an individual consent

**NOTE :\*** If the event is being held on behalf of raising funds for a charity etc the fee will be waived.

Please identify the number of traders to be covered:

Category 1 – Up to 10 traders

Category 2 – Between 11 and 19 traders

Category 3 – Over 20 traders


**A photograph or fully drawn details of the proposed stalls/vehicles, giving dimensions, must be submitted with applications.**

9. I enclose a payment of:-

For 1 day's trading per week per annum	111.00
For 2 day's trading per week per annum	194.00
For 3 day's trading per week per annum	265.00
For 4 day's trading per week per annum	332.00
For 5 day's trading per week per annum	441.00
For 6 day's trading per week per annum	498.00
For 7 day's trading per week per annum	553.00

One day's trading 23.00 per day

**Special Events**

Category 1 – Up to 10 traders	44.00
Category 2 – Between 11 and 19 traders	60.00
Category 3 – Over 20 traders	77.00

(Cheques should be made payable to "Braintree District Council")

10. I am 17 years of age, or over

Signature: ..... Date: 30.11.20

**IMPORTANT** If you intend to be a 'static trader', to assist in the consideration of your application, you are asked to provide a small sketch of the area from which you wish to trade and the proposed position of the vehicle. Please specify one or two roads and landmarks to help with identifying your proposal.

However, if you apply to renew the consent you currently hold and that application is for precisely the same site, a sketch will not be required.

The Information given here may be used in conjunction with other Local Authorities for the prevention and detection of fraud and is held on computer, which is subject to the Data protection Act 1998.

## Webb, Alison

---

**From:**  
**Sent:** 27 January 2021 08:56  
**To:** Licensing  
**Subject:** Fwd: RE: Application for Street Trading Consent (renewal) - 20/01042/STR - Mr C Bantounas - trading site - Site Fronting 11, Second Avenue, Bluebridge Industrial Estate, Halstead

Dear Sirs,

Application for Street Trading Consent (renewal) - 20/01042/STR - Mr C Bantounas - trading site - Site Fronting 11, Second Avenue, Bluebridge Industrial Estate, Halstead.

I wish to make representation against this application.

As discussed previously, and through your admission.  
He is positioned too close to our address of trading as known to you.  
He is selling the same Food and Drinks products, as known to you.

As discussed previously, I had informed you of the purchase of said trading business. At some substantial cost to ourselves, from Mr. Christos Bantounas, who thinks he can happily sell a business and custom, then restart with the aid of the Council 0.1 of a mile away.

Thank you, for giving me the opportunity to oppose this application, as discussed at great length. When the application was granted with no consideration to the points made, above.

Yours Faithfully,  
Sam Johnstone.

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**From:**  
**Date:** Wednesday, 20 January 2021  
**Subject:** RE: Application for Street Trading Consent (renewal) - 20/01042/STR - Mr C Bantounas - trading site - Site Fronting 11, Second Avenue, Bluebridge Industrial Estate, Halstead  
**To:** licensing <licensing@braintree.gov.uk>

Dear Sirs,

Thank you, for sending me this email and attachments. Please can you let me know how I can Oppose the application ? As you have now informed me of it.

As discussed previously, and through admission.

He is positioned too close to our address of trading as known to you.

He is selling the same Food Drinks products, as known to you.

As discussed previously, I had informed you of the purchase of said trading business. At some substantial cost to ourselves, from Mr. Christos Bantounas, who thinks he can happily sell a business and custom, then restart with the aid of the Council 0.1 of mile away.

Yours Faithfully,

Sam Johnstone.

On Wednesday, 20 January 2021 Licensing <licensing@braintree.gov.uk> wrote:

Dear Sirs

The Authority has received and validated a renewal application for Street Trading Consent from Mr Christos Bantounas, ' to trade on Site Fronting 11, Second Avenue, Bluebridge Industrial Estate, Halstead.

A copy of the application form, plans of the trading site and a photograph of the trading vehicle are attached. Please note the dimensions of the trading vehicle are 7ft x 5ft.

Please can your forward your observations to the Licencing Authority by 3rd February 2021.

Thank you

Kind regards

Licensing

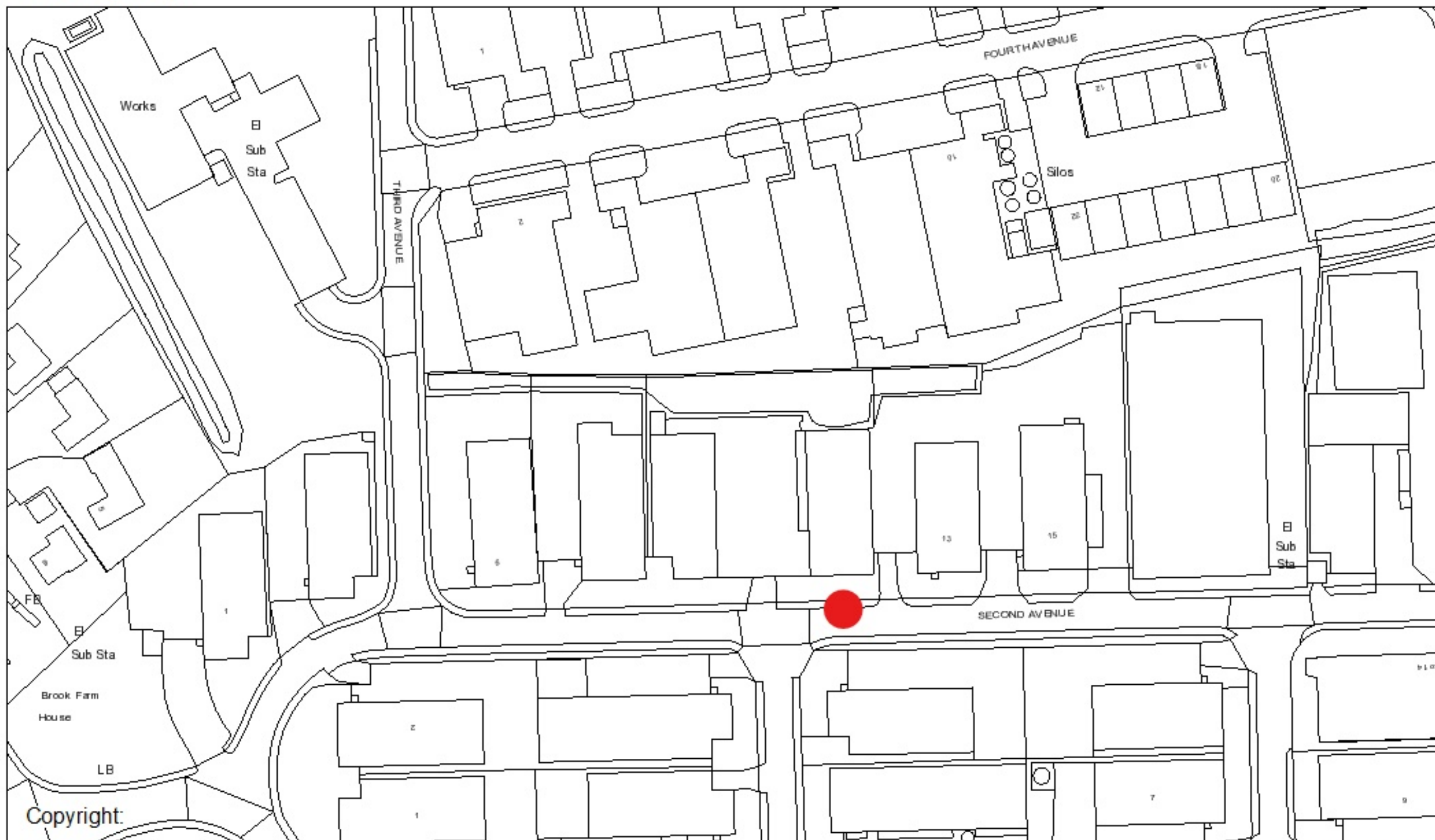
Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

( 01376 557790 | [www.braintree.gov.uk](http://www.braintree.gov.uk) | \* [licensing@braintree.gov.uk](mailto:licensing@braintree.gov.uk)

Think before you print!

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# Title: My Map



Date: 13 May 2021

Author: John Meddings

0.00 0.015 0.03 0.045 0.06 km

Scale: 1:1,250





**Agenda Item: 8**

<b>Report Title: STATUTORY TAXI &amp; PRIVATE HIRE VEHICLE STANDARDS- POST CONSULTATION</b>	
<b>Report to: LICENSING COMMITTEE</b>	
<b>Date:</b> 26 <sup>th</sup> May 2021	<b>For:</b> Decision
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Report Presented by:</b> John Meddings, Principal Licensing Officer	
<b>Enquiries to:</b> John Meddings, Principal Licensing Officer	

**1. Purpose of the Report**

- 1.1 To inform the Committee of the consultation responses to the changes proposed in the Department for Transport (DfT) published “Statutory Taxi and Private Hire Vehicle Standards”, and Officers’ proposals regarding working towards compliance with those standards.

**2. Recommendations**

To approve proposed work plan regarding achieving compliance with the requirements of the Statutory Guidance “Statutory Taxi & Private Hire Vehicle Standards”.

**3. Summary of Issues**

- 3.1 The Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 3.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue Statutory Guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals (who are over 18) from harm when using these service.
- 3.3 On 21 July 2020 the Department for Transport (DfT) published Statutory Guidance “[Statutory Taxi and Private Hire Vehicle Standards](#)”.
- 3.4 Whilst the focus of the Guidance is on the protection of children and adults at risk from harm, all passengers will benefit from the recommendations contained within it. The DfT advise that there is consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector, and the recommendations contained in the Guidance are the result of detailed discussion with the trade, regulators and safety campaign groups.

- 3.5 The DfT expects the recommendations contained within the Guidance to be implemented by Licensing Authorities unless there is a compelling local reason not to do so. This will enable the Council to determine what is appropriate for the district as the Licensing Authority, however, the Council would have to demonstrate why it has departed from the Guidance recommendations.
- 3.6 As consequence of this Statutory Guidance the Council will need to review its existing Taxi Licensing Policies and Standards so that as a minimum they meet the standards outlined in the DfT document but that any standards adopted must be appropriate for Braintree District Council's local needs, and the Council will need to be transparent in explaining the reasons for the standards it adopts.
- 3.7 Although the Council has yet to decide on the implementation of any changes the Guidance has already been published and the authority must have regard to it.
- 3.8 The Council must have regard to the statutory standards and provide clear reasons if it chooses to depart from it.
- 3.9 The standards within the guidance are minimum standards and it is up to each authority to raise their standards to protect the local community through policy work and training.

#### **4. Policy**

- 4.1 The Guidance recommends that Local Authorities provide a "taxi licensing policy" a single point of reference which includes all information relevant to private hire and taxi licensing. Whilst Braintree District Council has several taxi licensing policies and procedures these are not contained in a single document.
- 4.2 The differences between the Guidance recommendations and the Council's current policies and procedures have been detailed in the comparison chart (Appendix 1)
- 4.3 It is the intention to work towards a single Taxi Licensing Policy as a matter of priority and it is also advocated that the Council's Taxi Licensing Policy should be reviewed every 5 years as a matter of course or sooner if appropriate. This change falls in line with more modern licensing legislation that stipulate review periods in legislation such as Licensing Act 2003 and Gambling Act 2005.
- 4.4 The Guidance states that any changes in licensing requirements should be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence.
- 4.5 That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate

to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.

- 4.6 Where a more subjective change has been introduced, for example an amended Policy on previous convictions, a Licensing Authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, Licensing Authorities should consider doing so. Licensing Authorities should record the reasons for any deviation from the policies in place.

## **5. Drivers**

- 5.1 The Guidance states that licence holders be required to notify the issuing Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing Authority as to whether the licence holder is fit to continue to hold a licence issued by the Authority. This must not however be seen as a direction that a licence should be suspended or revoked; it is for the Licensing Authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an Authority place an obligation on Licensees to notify under these circumstances, Authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.
- 5.2 Importantly, a failure by a licence holder to disclose an arrest that the issuing Authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.
- 5.3 Currently, licence holders are required to notify the Council within 7 days and includes less trigger scenarios than detailed in the proposed change.
- 5.4 The Local Government Association (LGA) commissioned the National Anti-Fraud Network (NAFN) to develop a National Register of Taxi and Private Hire Vehicle Driver Licence refusals and revocations (the register is known as 'NR3').
- 5.5 The Guidance states that tools such as NR3 should be used by Licensing Authorities to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants.
- 5.6 If notification of a refused or revoked licence is disclosed, the relevant Licensing Authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances,

the relevant Licensing Authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under Data Protection Legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing Authorities should not simply replicate a previous decision, Authorities must consider each application on its own merits and with regard to its own policies.

- 5.7 The Council is a registered member of the National Anti-Fraud Network (NAFN) and the registration process to access the NR3 database is in progress. It will also be necessary to ensure our own data protection arrangements are agreed before any data sharing agreements can be put in place.
- 5.8 The Guidance states that passengers need to know who to complain to, Licensing Authorities should produce guidance for passengers on making complaints directly to the Licensing Authority that should be available on their website. Ways to make complaint to the Authority should be displayed in all licensed vehicles.
- 5.9 Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator.
- 5.10 Work will begin on how best to display information on how to complain when issues arise for passengers. The diverse nature of our fleet of licensed vehicles makes this a challenge as it would be a simple task to add the information to purpose built vehicles.
- 5.11 The Guidance states that Licensing Authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

***Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?***

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

- 5.12 Licensing Authorities have to make difficult decisions however the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'.

If the Committee (Officer with delegated authority) is only “50/50” as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

- 5.13 Drivers Panel reports currently assist Members in their decision making referencing to appropriate case law on the interpretation of ‘fit and proper’. It will be a simple process to add this additional guidance to reports to further aid Members in their decision making.
- 5.14 The Guidance states that all licensed drivers should also be required to evidence continuous registration with the Disclosure and Baring Service (DBS) update service to enable the licensing authority to routinely check for new information every six months.
- 5.15 Currently, it is a condition of licence to be subscribed to the DBS update service and provide evidence of registration. However, this check is only conducted at first application and then every 3 years. Checking a licence holders DBS record every 6 months will allow the Council to check the subscription to the update service is active and give an early warning of any non-disclosed convictions.
- 5.16 The Guidance states that all Licensing Authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.
- 5.17 Licensing Authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.
- 5.18 Safeguarding does currently form part of the knowledge test but it is acknowledged that more formal mandatory training is required. A series of voluntary safeguarding trainings days have taken place for some existing licence holders. A jointly hosted safeguarding seminar with Chelmsford City Council has also taken place which had an open invitation to all licence holders in both areas.
- 5.20 This will be addressed in a wider review of the training required for applicants and existing licence holders. It is proposed that as a minimum this will include child sexual abuse and exploitation (CSAE) and county lines drug training.
- 5.21 The Guidance states that Licensing Authority’s test a driver’s proficiency for both oral and written English language skills.

- 5.22 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.
- 5.23 The ability of a driver's proficiency in oral English language skills is assessed during the application and knowledge test stages through engagement with officers. There is currently no formal test of a drivers oral and written English language skills but this will form part of the wider review of driver training.

## **6. Vehicles**

- 6.1 The Guidance states that Licensing Authorities should require vehicle proprietors produce a basic disclosure from the DBS and that a check is undertaken annually.
- 6.2 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that Licensing Authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.
- 6.3 Enhanced DBS and barred list checks are not available for vehicle licensing. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC).
- 6.4 However, it is important that it is acknowledged that in many cases individuals that license a vehicle are in the majority of cases also licensed as a driver. If the Council undertakes biannual DBS checks recommended for drivers we would not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the Council will instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.
- 6.5 The Guidance states that all Licensing Authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

- 6.6 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.
- 6.7 The DfT's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:
- deterring and preventing the occurrence of crime;
  - reducing the fear of crime;
  - assisting the police in investigating incidents of crime;
  - assisting insurance companies in investigating motor vehicle accidents.
- 6.8 The consultation on CCTV is not an indication that the Council proposes to mandate CCTV in licensed vehicles and there would need to have further consideration of the Council's potential obligations under Data Protection Legislation and Guidance from office of the Information Commissioner

## **7. Operators**

- 7.1 The Guidance states that Licensing Authorities should request a basic disclosure from the DBS for private hire operators and that the check is undertaken annually.
- 7.2 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that Licensing Authorities are assured that those that are granted a Private Hire Vehicle Operator Licence also pose no threat to the public and have no links to serious criminal activity. Although Private Hire Vehicle Operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.
- 7.3 A Private Hire Vehicle Operator Licence may be applied for by a company or partnership; Licensing Authorities should apply the 'fit and proper' test to each of the Directors or Partners in that company or partnership. For this to be effective Private Hire Vehicle Operators should be required to advise the Licensing Authority of any change in Directors or Partners.
- 7.4 Basic disclosure from the DBS is currently required at application and renewal, in the majority of cases this is every 5 years.
- 7.5 The Guidance states that Licensing Authorities should be satisfied that Private Hire Vehicle Operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing Authorities should, as a condition of granting an Operator Licence, require a register of all staff that will take bookings or dispatch vehicles is kept.
- 7.6 Private Hire Vehicle Drivers are not the only direct contact that private hire vehicle users have with Private Hire Vehicle Operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 7.7 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.
- 7.8 Licensing Authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the



register as above. As with the threshold to obtaining a Private Hire Vehicle Operators' Licence, those with a conviction for offences provided in the annex to this report (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

- 7.9 The Guidance state that Licensing Authorities should as a minimum require Private Hire Vehicle Operators to record the following information for each booking:
- the name of the passenger;
  - the time of the request;
  - the pick-up point;
  - the destination;
  - the name of the driver;
  - the driver's licence number;
  - the vehicle registration number of the vehicle;
  - the name of any individual that responded to the booking request;
  - the name of any individual that dispatched the vehicle.
- 7.10 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.
- 7.11 Private Hire Vehicle Operators have a duty under Data Protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a Data Controller and how to meet their obligations.
- 7.12 To implement these changes would require conditions attached to Private Hire Operator licences to be amended.
- 7.13 The Guidance state that the use of a driver who holds a public service vehicle (PSV) licence and the use of a PSV such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the Private Hire Vehicle Operator's licence without the informed consent of the person making the booking.
- 7.14 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the person making the booking should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## **8. Enforcement**

- 8.1 The Guidance states that Licensing Authorities should, where the need arises, jointly authorise Officers from other Authorities so that compliance and enforcement action can be taken against licensees from outside their area.
- 8.2 An agreement between Licensing Authorities to jointly authorise Officers enables the use of enforcement powers regardless of which Authority within the agreement the Officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those Authorities to take action against vehicles and drivers that are licensed by the other Authority when they cross over boundaries.
- 8.3 A number of Authorities in Essex are currently utilising the ability to jointly authorise Officers. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:

- A sustainable environment and a great place to live, work and play;
- A well connected and growing district with high quality homes and infrastructure;
- A prosperous district that attracts business growth and provides high quality employment opportunities;
- Delivering better outcomes for residents and businesses and reducing costs to taxpayers.

## **9. Consultation**

- 9.1 The DfT advised Licensing Authorities to consult on any proposed changes to licensing rules that may have significant impacts on passengers and/or the trade.
- 9.2 The consultation took place in total for 10 weeks, the original 6 weeks was extended to allow additional time for consultees to respond. The consultation document include a comparison chart (Appendix 1) to assist consultees in identifying the relevant sections and changes.
- 9.3 The consultation document also include the previously approved review of the Hackney Carriage and Private Hire Driver Criminal Convictions Policy. To include the recommendations detailed in the Institute of Licencing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'
- 9.4 The consultation included the taxi and private hire vehicle trades in and groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest, and groups responsible for safeguarding

- 9.5 During the consultation period Officers of the Licensing Team engaged with a number of drivers and operators regarding the proposed changes and their impact, both positive and negative.
- 9.6 After the initial 6 week consultation had passed without any responses it was decided that the consultation would be extended for a further 4 weeks. This extension would not disadvantage anyone or effect the timescale for implementation. This also allowed for some of the individuals and groups to also be notified via email, in addition to the postal consultation to ensure greater coverage.
- 9.7 Despite numerous attempts to engage and encourage consultees to respond the consultation closed on the 9<sup>th</sup> May 2021 without any responses. Historically, consultations conducted by The Council regarding the Hackney Carriage and Private Hire trade receive few responses. However, this may be further impacted by the current pandemic and the greater economic effect on this industry. In Officers' conversations with consultees there is also a feeling of inevitability about the 'National Standards' and any responses potential impact on decision making.

## **10. Options**

To approve proposed work plan regarding achieving compliance with the requirements of the Statutory Guidance "Statutory Taxi & Private Hire Vehicle Standards".

## **11. Next Steps**

Officers will create a work plan on the implementation of the proposed changes to policy. This will include specifics on changes, impact, transitional arrangements and timescale. The timescales will vary for each item, some will be able to be implemented expediently and others may require agreements across multiple team within the Council.

## **12. Financial Implications**

None arising from the report

## **13. Legal Implications**

- 13.1 The Statutory Guidance is issues under the Police and Crime Act 2017 and must have regard to it. This Statutory Guidance replaces, in part, the DfT Best Practice Guidance.
- 13.2 It is important to note that there is an expectation from the DfT that the recommendations set out in the Statutory Guidance are implemented by the Licensing Authority unless there is a compelling local reason not to.
- 13.3 The Council as the Licensing Authority must be able to demonstrate the local reason to depart from the Guidance recommendations.

## **14. Other Implications**

- 14.1 The Statutory Guidance has been introduced by the DfT to protect children and vulnerable adults who are over the age of 18 years from harm when using taxi services.
- 14.2 The recommendations set out in the Statutory Guidance seek to strengthen the role the Council, as the Licensing Authority, plays in this regard.

## **15. Equality and Diversity Implications**

- 15.1 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.
- 15.2 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).
- 15.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **16. List of Appendices**

- 1. Comparisons table detailing the proposed changes to that of the existing policy (Appendix 1)

## **17. Background Papers**

- 1. [Statutory Taxi & Private Hire Vehicle Standards, DfT](#)
- 2. [LGA's Councillor's Handbook](#)
- 3. Consultation document
- 4. Letter from Baroness Vere of Nobiton to Chief Executive

## National Standards comparison with Braintree District Council's policies and procedures (Appendix 1)

No.	Section*	Licensing Area	Item	Current situation	Proposed change
1	3.5	Policy	Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues or changes that arise.	There is no timeframe for review process.	Policies will be reviewed every five years or earlier. Work will begin on the creation of a single policy document.
2	3.14	Policy	Any changes in licensing requirements should be followed by a review of the licences already issued.	Licences are assessed against new standards at renewal.	A review will take place when changes are introduced.
3	4.12	Drivers	Licence holders be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	Licence holders are required to notify within 7 days with less trigger scenarios.	To update condition of licences to reflect enhanced criteria.
4	4.20-21	Drivers	Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants.	Questions are asked as part of the application but no checks on non-disclosure.	Work has begun on implementing the national register (NR3) which will form part of the application process in the future.
5	4.29-31	Drivers Vehicles Operators	All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Ways to make complaint to the	Comprehensive complaints system. No details of how	Options are being explored on how best to achieve greater customer

## National Standards comparison with Braintree District Council's policies and procedures (Appendix 1)

			authority should be displayed in all licensed vehicles.	to complain in licensed vehicles.	awareness (including the use of signage in licensed vehicles).
<b>6</b>	5.12	Drivers	Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?	Drivers' Panel reports currently make reference to 'Lord Bingham, Lord Chief Justice' interpretation of 'fit and proper'.	Drivers' Panel reports will now reference the National Standards guidance on 'fit and proper'.
<b>7</b>	6.2	Drivers	All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months.	Checked every 3 years.	Increase checks to every 6 months.
<b>8</b>	6.6	Drivers	All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.	Safeguarding is addressed in the knowledge test and through optional training days.	Training for new and existing licence holders is currently being reviewed. Mandatory safeguarding training is likely to form part of any amended training.
<b>9</b>	6.15	Drivers	A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.	English language proficiency and numeracy is examined to an extent in the Knowledge Test,	Seek views on requiring applicants to obtain a recognised qualification or pass an approved

## National Standards comparison with Braintree District Council's policies and procedures (Appendix 1)

				which all applicants must pass	course in English language proficiency
<b>10</b>	7.2	Vehicles	Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.	Not required	Every 12 months
<b>11</b>	7.9	Vehicles	All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.	Licence holders can install their own independent CCTV in vehicles.	As detailed in the standards a consultation will take place to identify local circumstances.
<b>12</b>	8.2	Operators	Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.	Every 5 years	Every 12 months
<b>13</b>	8.8	Operators	Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.	Not required	It shall become a condition of the licence that the operator maintains a live register of all booking and dispatch staff, where applicable.
<b>14</b>	8.9	Operators	Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.	Not required	It shall become a condition of the licence that the operator must require and declare that all booking and dispatch staff have

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					been subject to a Basic Disclosure, where applicable.
15	8.13	Operators	<p>Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <ul style="list-style-type: none"> <li>• the name of the passenger;</li> <li>• the time of the request;</li> <li>• the pick-up point;</li> <li>• the destination;</li> <li>• the name of the driver;</li> <li>• the driver's licence number;</li> <li>• the vehicle registration number of the vehicle;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul>	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Starting point</li> <li>• Destination</li> <li>• Name of passenger</li> <li>• Name of driver</li> <li>• Reg. No of vehicle</li> </ul>	As detailed in 'Item' column
16	8.15	Operators	Registration with the Information Commissioner's Office as a data controller.	Some operators are registered with The Information Commissioner's Office (ICO), but this is not mandated by the Council.	It shall become a condition of the licence that the operator must register with ICO as a data controller, where applicable.
17	8.16	Operators	The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.	Not a condition attached to operator licences.	It shall become a condition of the licence that the operator must not use a PCV licensed driver and



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					PSV to fulfil a booking without the consent of the booker. Where used, the booker must be advised the driver is subject to different checks.
<b>18</b>	9.2	Enforcement	Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.	Not currently utilised	A number of Essex authorities have authorised neighbouring authority's officers. Work is currently being undertaken to look at the possibilities of doing something similar.

\*Refers to the relevant section number within the 'Statutory Taxi & Private Hire Vehicle Standards' document