

# LICENSING COMMITTEE AGENDA

**Wednesday, 24 March 2021 at 7.15pm**

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.  
To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

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

## **Membership:-**

Councillor J Baugh (Chairman)	Councillor S Rehman
Councillor Mrs J Beavis	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 Mrs S Wilson
Councillor Mrs J Pell	Councillor B Wright

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.

A WRIGHT  
Chief Executive

## INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

### Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

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

### Public Question Time – Registration and Speaking:

In response to the Coronavirus the Council has implemented procedures for Public Question Time for its virtual meetings which are hosted via Zoom.

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

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

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

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

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk). In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

The Chairman of the Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

**Documents:** Agendas, Reports, Minutes and Public Question Time questions and statements can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Data Processing:** During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy. [https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

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**

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**1 Apologies for Absence**

**2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 10th February 2021 (copy previously circulated).

**4 Public Question Time**

(See paragraph above)

**5 Hackney Carriage Proprietor Licences - Allocation**

**5 - 9**

**6 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.

**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**

**7 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.

<b>HACKNEY CARRIAGE PROPRIETOR LICENCE ALLOCATION</b>		<b>Agenda No: 5</b>
<p><b>Portfolio</b> Environment and Place  <b>Corporate Outcome:</b> A sustainable environment and a great place to live, work and play  <b>Report presented by:</b> John Meddings, Principal Licensing Officer  <b>Report prepared by:</b> John Meddings, Principal Licensing Officer</p>		
<b>Background Papers:</b>		<b>Public Report</b>
<ol style="list-style-type: none"> <li>1. Hackney Carriage Proprietors' Licences Allocation Policy</li> <li>2. 34 Expressions of interest (32 valid and 2 invalid)</li> </ol>		<b>Key Decision: No</b>
<p><b>Executive Summary:</b></p> <p>Braintree District Council is the Licensing Authority for Hackney Carriage Proprietors' Licences.</p> <p>The Council currently limits the number of Hackney Carriage Proprietors' Licences it issues to 84. Licences returned to the Council are required to be allocated in accordance with the Council's Allocation of Hackney Carriage Proprietors' Licences Policy.</p> <p>The Council's policy provides for the allocation of the Licences by random ballot. This report sets out how the ballot will be conducted to allocate the two Hackney Carriage Proprietors' Licences currently held by Braintree District Council.</p>		
<p><b>Recommended Decision:</b></p> <p>To issue the Hackney Carriage Proprietors' Licences by random ballot in accordance with the Hackney Carriage Proprietors' Licences Allocation Policy.</p>		
<p><b>Purpose of Decision:</b></p> <p>To issue Hackney Carriage Proprietors' Licences held by Braintree District Council and maintain the determined number of Hackney Carriages in service within the District.</p>		

<b>Any Corporate implications in relation to the following should be explained in detail.</b>	
<b>Financial:</b>	No issues arising from this report.
<b>Legal:</b>	No issues arising from this report.  The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 place on Braintree District Council, as the Licensing Authority, the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles.
<b>Safeguarding:</b>	No issues arising from this report.
<b>Equalities/Diversity:</b>	No issues arising from this report.
<b>Customer Impact:</b>	Proprietors and prospective applicants of Hackney Carriage Vehicles could both be affected by this decision. The general public may also be affected by the reduced number of Hackney Carriages presently operating within the District.
<b>Environment and Climate Change:</b>	No issues arising from this report.
<b>Consultation/Community Engagement:</b>	All licensed drivers and operators have been consulted in accordance with the Hackney Carriage Proprietors' Licences Allocation Policy.
<b>Risks:</b>	No issues arising from this report.
<b>Officer Contact:</b> John Meddings	
<b>Designation:</b> Principal Licensing Officer	
<b>Ext. No:</b> 2213	
<b>E-mail:</b> <a href="mailto:john.meddings@braintree.gov.uk">john.meddings@braintree.gov.uk</a>	

## Background

- 1.1 The Council currently limits the number of Hackney Carriage Proprietors' Licences it issues to 84. The limitation of numbers creates a demand amongst prospective licence holders and an artificial value to holding a Hackney Carriage Proprietor's Licence.
- 1.2 The Policy for the allocation of Hackney Carriage Proprietors' Licences was introduced by the Licensing Committee on 14th February 2014 to ensure that the allocation of future licences is handled in a fair, open and transparent way.

## 2. Consultation

- 2.1 Expressions of interest were invited from the licensed Hackney Carriage Drivers, including the holders of Dual Vehicle Drivers' licences. Private Hire Operators were also notified of the availability of Hackney Carriage Proprietors' Licences.
- 2.2 The submission of expressions of interest were invited over a 6 week period from 16th December 2020 to 31st January 2021.
- 2.3 During the expressions of interest period the Council received 34 responses.
- 2.4 Two (2) of the expressions of interest received were from individuals that already held multiple Hackney Carriage Proprietors' Licences. In accordance with Braintree District Council's Hackney Carriage Allocation Policy, these were invalidated and are withdrawn from the ballot.

## 3. Declarations of Interest

- 3.1 The declarations are numbered in the order they were received by Braintree District Council. The numbers attached to each individual will be the identifiers used in the ballot.

1	Tarek Laaouad	17	Andrew Keen
2	Moulay Garnaoui	18	Robin Nigel Johnson
3	Yiannis Ioannou	19	Angela Kerrie Johnson
4	Adam Vaux	20	David Gentry
5	Laiq Rahimi	21	Bircan Ay
6	John Baker	22	Abbas Ghamari-Nejad
7	Muhammad Shah Nawaz	23	Hamid Uddin
8	Patricia Scott	24	David Heaney
9	Patrick Joseph Palmer	25	Mark Keen
10	Judith Benkerri	26	Sharaf Eldin Mohamed Ali
11	Adam Benkerri	27	Muhammad Ishaq Khan
12	Christopher Parkin	28	Zahid Hussain
13	Mark Skeet	29	Asim Majeed
14	Ramazon Gorgulu	30	Mauran Kunabalasingham
15	James Mark Davison	31	Paul Burlong
16	Yasir Mehmood	32	James Matthews

#### 4. Ballot

- 4.1 The Hackney Carriage Proprietors' Licences will be issued by random ballot in accordance with Braintree District Council's Hackney Carriage Allocation Policy.
- 4.2 In response to Coronavirus (COVID-19), the Council is holding its Committees as virtual meetings. This will mean that the way the ballot has been conducted in previous years needs to change to accommodate the current situation.
- 4.3 Individuals that are entered into the ballot will be able to follow the ballot 'live' on the Council's [YouTube channel](#). The ballot will be conducted openly and transparently with Members and viewers guided through the process.
- 4.4 The ballot will use a web-based number generator, [Calculator.net](#) to draw the required lots. This is an independent system and has no affiliation with Braintree District Council and is a publicly accessible website. The operation of the number generator and the drawing of lots will be controlled by a member of the Governance and Members' Team.
- 4.5 The number range entered will be 1 to 32 to correspond with the expressions of interest received, as detailed in paragraph 3.1. The website will then generate random numbers in the range on request.
- 4.6 Lots will be drawn for the two (2) Hackney Carriage Proprietors' Licences available. Then the reserves will be drawn to allow for potential unsuccessful applications and to avoid the need for another ballot to allocate the Licences in the future.
- 4.7 The **first** number generated will be the winner of the first Hackney Carriage Proprietors' Licence and be given the opportunity to complete an application within the next 28 days.
- 4.8 The **second** number generated will be the winner of the second Hackney Carriage Proprietors' Licence and be given the opportunity to complete an application within the next 28 days.
- 4.9 The **third** number generated will be the first reserve for the two available Hackney Carriage Proprietors' Licences. If either of the first two lots drawn fails to complete an application within 28 days the third lot drawn will be given the opportunity to complete an application in the required timeframe.
- 4.10 The **fourth** number generated will be the second reserve for the two available Hackney Carriage Proprietors' Licences. If any of the first three lots drawn fails to complete an application within 28 days the fourth lot drawn will be given the opportunity to complete an application in the required timeframe.
- 4.11 If any number generated is a duplicate of a previously generated number it will be considered void and a new number generated.



## **5. Successful Applicants**

- 5.1 The successful candidate will need to licence a wheelchair accessible vehicle within 28 days of the ballot.
- 5.2 The vehicle will also need to meet the current Braintree District Council vehicle criteria.
- 5.3 The applicant will be required to undertake a declaration that the Licence will not be sold or transferred for a period of five years.
- 5.4 Should the successful applicant already be an existing Hackney Carriage Proprietor, they will also be required to undertake a declaration not to sell or transfer any existing Licence.