

Minutes

Licensing Committee

20th July 2022



Present:

Councillors	Present	Councillors	Present
J Baugh (Chairman)	Yes	Mrs I Parker	Yes
Mrs J Beavis	Yes (from 7.20pm)	Mrs J Pell	Yes
Mrs M Cunningham	Yes	S Rehman	Apologies
P Euesden	Yes	W Rose (Vice-Chairman)	Yes
S Hicks	Apologies	P Schwier	Yes
H Johnson	Yes	Mrs L Walters	Yes
T McArdle	Apologies	R Wright	Yes

1 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

2 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 16th March 2022 be approved as a correct record and signed by the Chairman.

3 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

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

4 **REVISED STATEMENT OF LICENSING POLICY FOR SEX ESTABLISHMENTS (INCLUDING SEX SHOPS, SEXUAL ENTERTAINMENT VENUES AND SEX CINEMAS)**

INFORMATION: Consideration was given to a report on the draft Revised Statement of Licensing Policy for Sex Establishments (including sex shops, sexual entertainment venues and sex cinemas). The proposed Statement set out the Council's policy for regulating sex establishments and the procedures which would be followed in relation to applications for sex establishment licences. The policy was intended as a guide to assist applicants, licence holders, objectors and Members of the Licensing Committee. The current Statement of Licensing Policy

for Sex Establishments had been adopted by the Council in 2014 and it was considered to be an appropriate time to review the Policy.

Members of the Licensing Committee were advised that the Council had resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on 14th October 1982. This had enabled the Council to licence sex establishments. The Policing and Crime Act 2009 had amended the 1982 Act by adding the category of 'sexual entertainment venue' to the definition of a sex establishment and, in the circumstances, on 13th October 2011 the Council had resolved to re-adopt Schedule 3 of the 1982 Act. This required all premises operating as sex establishments in the Council's area, including sexual entertainment venues, to be licensed. The adoption of Schedule 3 enabled the Council to set terms, conditions and fees for the grant, renewal, transfer and variation of sex establishment licences and to control the number of licences that may be issued. It was noted that the Council, as the Licensing Authority, was required to implement the licensing regime in accordance with the law and not in accordance with any moral codes.

It was reported that there was currently one sex shop in the District which had been licensed since 2018. Whilst objections had been submitted to the initial application for these premises, no concerns had been raised subsequently. There were no sexual entertainment venues, or sex cinemas in the District and the Council had not imposed a restriction on the number of sex establishment licences which may be issued.

Details of the amendments which had been made to the Statement of Licensing Policy were set out in the Agenda report and a copy of the draft Revised Statement was attached at Appendix 1 to the report.

The draft Revised Statement would be made available for public consultation for a period of 12 weeks following 20th July 2022. At the conclusion of the consultation period a report would be presented to the Licensing Committee setting out details of representations submitted and recommending whether or not the Revised Statement should be adopted.

DECISION: That the draft Revised Statement of Licensing Policy for Sex Establishments be approved for the purpose of public consultation.

5 HACKNEY CARRIAGE PROPRIETOR'S LICENCE – ALLOCATION

INFORMATION: Consideration was given to a report on, and the allocation of, a Hackney Carriage Vehicle Proprietor's Licence.

Members of the Licensing Committee were reminded that the Council, as the Licensing Authority, was responsible for issuing Hackney Carriage Proprietors' Licences. Currently, the Council limited the number of such Licences issued to 84. Any Licences returned to the Council were required to be allocated in accordance with the Council's Policy for the Allocation of Hackney Carriage Proprietors'

Licences, which had been agreed in 2014. This ensured that the allocation of Licences was handled in a fair, open and transparent way. The Policy required that the allocation of Licences should be by a random ballot. It was reported that one Proprietor's Licence was currently available for allocation.

All currently licensed Braintree District Council Hackney Carriage and/or Private Hire drivers and Private Hire Operators had been notified that a Hackney Carriage Proprietor's Licence was available for allocation and they had been invited to register their interest in obtaining the Licence. A total of 17 expressions of interest had been submitted and these had been entered into the ballot to be drawn at this meeting of the Licensing Committee. The expressions of interest had been allocated a number from 1 to 17. Details of these numbers and the corresponding name of each applicant were set out in the report. The numbers attached to each individual would be used as identifiers in the ballot.

The report explained that the ballot would be conducted using a web-based, independent number generator called 'Calculator.net' in order to draw lots randomly from the numbers 1 to 17 corresponding with the expressions of interest submitted. This process would be administered by the Council's Governance and Members Manager, who was independent and not part of the Council's Licensing Service. One lot would be drawn for the Licence available, together with one reserve should the successful applicant be unable to meet the Council's requirements. The ballot would be conducted openly and transparently and members of the public would be able to follow the ballot at the meeting of the Licensing Committee, or via the Council's YouTube channel.

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

The Governance and Members Manager carried out a test during the meeting to demonstrate to the Members of the Licensing Committee, Officers and members of the public present at the meeting and watching via the Council's YouTube channel how 'Calculator.net' would be used to draw the required lots. The Governance and Members Manager then drew the actual ballot at the meeting via 'Calculator.net'. This process could be observed by Members of the Licensing Committee, Officers and members of the public present at the meeting and watching via YouTube.

The outcome of the ballot is recorded below.

DECISION:

- (1) That a Hackney Carriage Proprietor's Licence be issued to the following applicant, subject to the Council's requirements being met:-

<u>Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	9	Mr Bircan Ay

- (2) That, if the above-mentioned applicant is not able to meet the Council's requirements, the Hackney Carriage Proprietor's Licence be issued to the following applicant on the reserve, approved list, subject to the Council's requirements being met:-

<u>Reserve Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	4	Mr Tarek Laaouad

6 **LICENSING COMMITTEE UPDATE**

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

DECISION: That the Licensing Committee update be noted.

The meeting closed at 7.50pm.

Councillor J Baugh
(Chairman)

Following the meeting, Members of the Licensing Committee participated in a short training session with respect to Street Trading Permits. Substitute Members of the Licensing Committee had also been invited to attend the training session, but they were not present.