

Minutes

Licensing Committee

9th May 2018



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Yes	H Johnson	Yes
M Banthorpe (Chairman)	Apologies	Mrs J Pell	Yes
P Barlow	Yes	B Rose	Yes
J Baugh (Vice-Chairman in the Chair)	Yes	Mrs L Walters	No
J Elliott	Yes	Mrs S Wilson	Yes
J Goodman	Apologies	Vacancy	
A Hensman	No		

1 **DECLARATIONS OF INTEREST**

INFORMATION: There were no declarations of interest.

2 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 21st March 2018 be approved as a correct record and signed by the Chairman.

3 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made during Question Time.

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

4 **HACKNEY CARRIAGE PROPRIETOR LICENCE ALLOCATION**

INFORMATION: Consideration was given to the allocation of a Hackney Carriage vehicle proprietor's licence.

Members of the Committee were reminded that the Council currently limited the number of Hackney Carriage vehicle proprietors' licences issued under Section 37 of the Town Police Clauses Act 1847 to 84. Once the current licence had been allocated, all 84 Hackney Carriage vehicle proprietors' licences would be in service within the District.

All currently licensed Braintree District Council Private Hire and/or Hackney Carriage drivers and Private Hire Operators had been notified in writing 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 54 expressions of interest had been submitted and these had been entered into the ballot for the allocation of the proprietor's licence to be drawn at the Licensing Committee meeting on 9th May 2018. A reserve would also be drawn should the successful applicant be unable to proceed.

The successful applicant would be required to licence a wheelchair accessible vehicle within 28 days of the ballot and to meet the Council's current vehicle criteria. They 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 already an existing Hackney Carriage proprietor he/she would be required to complete a declaration not to sell, or transfer their existing licence.

Mr A Holden was invited as a representative of the 'taxi' trade to check the numbered balls and their inclusion in the ballot. The Vice-Chairman in the Chair then drew the ballot at the meeting observed by the public in attendance, Members of the Licensing Committee and Officers. 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	20	Mr David Gentry

- (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 same requirements being met:-

<u>Reserve Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	48	Mr Zain Ul Abdin

5 **PICTURE PALACE, FAIRFIELD ROAD, BRAINTREE - APPLICATION FOR PAVEMENT PERMIT**

INFORMATION: Consideration was given to an application submitted by J D Wetherspoon plc for a Pavement Permit in respect of the Picture Palace, Fairfield Road, Braintree for Monday to Sunday between the hours of 9.00am and 8.00pm. The application proposed that six tables, twelve chairs and a post and canvas barrier should be placed on the pavement. The application sought the

continuation of the existing Pavement Permit for the premises and no changes were proposed.

Members were advised that the Council's Pavement Permit policy stated that normal hours of operation were 9.00am to 6.00pm Monday to Sunday and that applications for a permit beyond 6.00pm and up to 10.00pm had to be referred to the Licensing Committee for determination. As part of the consultation process, Essex Highways had issued its consent. No objections had been submitted.

DECISION: That a Pavement Permit be granted in respect of the Picture Palace, Fairfield Road, Braintree for a period of one year, from Monday to Sunday between the hours of 9.00am and 8.00pm, subject to the standard Pavement Permit conditions and any conditions required by Essex Highways.

6 **GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF LICENSING POLICY**

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

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

Members were advised that the draft revised Statement of Licensing Policy attached to the Agenda at Appendix 1 was based upon the Essex Authorities generic framework and it set out the principles which the Council would generally apply to promote the licensing objectives when making decisions on applications made under the Act. If approved by the Committee, the draft Policy Statement would be subject to public consultation for a period of 12 weeks.

In accordance with the Council's obligations under the Equalities Act 2010, a Equality Impact Assessment had been completed in respect of the Policy. The assessment had determined that the Policy intended to treat everyone equally.

DECISION: That the draft revised Gambling Act 2005 - Statement of Licensing Policy 2019-2022 be approved for the purpose of public consultation.

The meeting closed at 7.30pm.

Councillor J Baugh
(Vice-Chairman in the Chair)