

Minutes

Licensing Committee

14th September 2016



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Apologies	H Johnson	Yes
M Banthorpe (Chairman)	Yes	Mrs J Money	Yes
J Baugh	Yes	Mrs J Pell	Apologies
S Canning	Apologies	R van Dulken	Apologies
J Elliott	Apologies	Mrs L Walters	Yes
J Goodman	Apologies	Mrs S Wilson	Yes
A Hensman	Yes		

11 **DECLARATIONS OF INTEREST**

INFORMATION: The following interest was declared:-

Councillor A Hensman declared a disclosable pecuniary interest in Agenda Item 5 – ‘Hackney Carriage Proprietors’ Licence – Allocation’ as a Private Hire and Hackney Carriage driver licensed by Braintree District Council and as an applicant for a Hackney Carriage Proprietors’ Licence. Councillor Hensman left the meeting for the consideration of this Item.

12 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 20th July 2016 be approved as a correct record and signed by the Chairman.

13 **QUESTION TIME**

INFORMATION: There was one statement made. Details of the person who spoke at the meeting are contained in the Appendix to these Minutes.

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

14 **HACKNEY CARRIAGE PROPRIETORS' LICENCE - ALLOCATION**

INFORMATION: Consideration was given to the allocation of a Hackney Carriage vehicle proprietors' 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 proprietors' licence was available for allocation and they had been invited to register their interest in obtaining the licence. A total of 59 expressions of interest had been deemed valid and these had been entered into the ballot for the allocation of the proprietors' licence to be drawn at the Licensing Committee meeting on 14th September 2016. 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.

A representative of the 'taxi' trade was invited by the Chairman to draw the ballot at the meeting observed by the Chairman, 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	6	Mr Neil Allsop

- (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	24	Mr Michael Haines

15 **APPLICATION FOR STREET TRADING CONSENT - THE BEST KEBAB, JUNCTION OF CRANES LANE AND B1024, KELVEDON**

(Mr Mehmet Aydeniz, the Agent for the application, made a statement during Question Time and he answered questions put to him by Members of the Committee during the consideration of this Item).

INFORMATION: Consideration was given to an application made by Mr Mehmet Dari on behalf of The Best Kebab for a Street Trading Consent to sell lamb doner, burgers, chicken kebabs, shish kebabs, veggie burgers, chips, sausages and hot and cold drinks (non-alcoholic) from land at the junction of Cranes Lane and B1024, Kelvedon. Mr Dari wished to trade on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays and Sundays between the hours of 5.00pm and 5.00am.

Following consultation on the application, three objections had been received from Essex Police, Essex County Council (Highways) and Councillor Robert Mitchell, a Local Ward Member. The main objections related to public safety, signage and litter. In particular, concern had been expressed about the speed of vehicles leaving the A12; there being no parking facilities at the site leading to customers parking on the highway at an unsuitable location; and customers seeking to re-join the A12. In accordance with the Council's Street Trading Policy, where representations are received, the application must be referred to the Licensing Committee for determination.

Mr Dari was represented at the meeting by his agent Mr Aydeniz, who presented the application and answered questions put to him by Councillors.

It was reported that the application site was not deemed to be public highway and that it was private land. Mr Aydeniz stated that he had not known that the site was private land and he had not obtained permission from the landowner to trade from the site.

It was reported that there was no right of appeal against a refusal to issue a Consent, but that an applicant had the option to seek a Judicial Review of the decision. If an application was refused, the application fee would be refunded to the applicant.

DECISION: That the application submitted by Mr Dari on behalf of The Best Kebab, for a Street Trading Consent to sell lamb doner, burgers, chicken kebabs, shish kebabs, veggie burgers, chips, sausages and hot and cold drinks (non-alcoholic) from land at the junction of Cranes Lane and B1024, Kelvedon on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays,

Saturdays and Sundays between the hours of 5.00pm and 5.00am be refused on the basis that it does not comply with Braintree District Council's Street Trading and Collections Policy on the following grounds:-

- Public Safety - Concern about the speed of vehicles leaving the A12 and travelling towards the site; there being no parking facilities at the site leading to customers parking on the highway at an unsuitable location; and customers seeking to re-join the A12.
- Land Ownership - The applicant/agent has not obtained permission from the landowner to trade from the site.

16 **LICENSING COMMITTEE UPDATE**

INFORMATION: Members of the Licensing Committee received an update on applications determined by the Drivers' Panel and the Licensing Sub-Committee since the Committee's last meeting.

It was reported that one application had been presented to the Drivers' Panel, which had been granted subject to the standard conditions.

Members were advised that the Licensing Sub-Committee had not met, but that a Hearing had been scheduled for 3rd October 2016 to consider an application by Essex Police for the review of the Premises Licence for Lakeview, Gosfield Lake Resort, Church Road, Gosfield. (Post Meeting Note: The application was subsequently withdrawn).

DECISION: That the Licensing Committee Update be noted.

REASON FOR DECISION: To update Councillors on applications determined during the last Committee cycle.

The meeting closed at 7.52pm.

Councillor M Banthorpe
(Chairman)

APPENDIX

LICENSING COMMITTEE

14th SEPTEMBER 2016

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1 Statement Relating to Agenda Item No. 6 - Application for Street Trading Consent - The Best Kebab, Junction of Cranes Lane and B1024, Kelvedon

Statement by Mr Mehmet Aydeniz, 159 Victoria Road, Laindon, Basildon, Essex SS15 6RB (Agent)

(In addition, Mr Aydeniz answered questions put to him by Members of the Committee during their consideration of this Item).