

# Minutes

## Licensing Committee

28th July 2021



Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
J Baugh (Chairman)	Apologies	Mrs J Pell	Apologies
Mrs J Beavis	Yes	S Rehman	Apologies
Mrs M Cunningham	Yes	B Rose (Vice-Chairman in the Chair)	Yes
P Euesden	Yes	P Schwier	Yes
A Hensman	Yes	R van Dulken	Yes
S Hicks	No	Mrs L Walters	Yes
H Johnson	Yes	B Wright	Apologies

### 8 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

### 9 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Licensing Committee held on 26th May 2021 be approved as a correct record and signed by the Chairman.

### 10 **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.

### 11 **BUSINESS AND PLANNING ACT 2020 – PAVEMENT LICENCES**

**INFORMATION:** Members of the Licensing Committee were reminded that in response to the Coronavirus pandemic, the Business and Planning Act 2020 had provided a temporary fast-track process for the grant of a pavement licence. The Act enabled businesses selling food or drink to obtain a pavement licence from the Council to place furniture, such as tables and chairs, on the highway adjacent to their premises. On 14th August 2020, the Licensing Committee had agreed to set the application fee for a pavement licence at the maximum of £100 and that all pavement licences should expire on 30th September 2021. The Committee had also agreed to a set of standard conditions to be attached to all pavement licences, and to a Scheme of Delegation to Officers.

It was reported that the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 had come into effect on 20th July 2021 and enabled Councils to grant a pavement licence for expiry on 30th September 2022. Any pavement licences applied for and granted after the commencement date of the amendment Regulations would expire on 30th September 2022 and businesses that wished to extend their current pavement licence beyond 30th September 2021 would be required to apply for a new licence.

In response to the amendment Regulations, the Council had reviewed its standard conditions and it was proposed that one of the conditions should be deleted, that another condition should be amended and that a new condition should be added.

It was reported that one of the standard conditions required pavement licence holders not to place furniture on the highway before 09:00 hours and after 22:00 hours Monday to Sunday, but that some businesses wished to extend their licence beyond 22:00 hours. This condition had been agreed to assist in minimising the impact of any public nuisance especially in areas which included residential use, and to reduce the risk of crime and disorder. Whilst the Council had not received any complaints about such issues, it was proposed that the terminal hour of a licence should not be extended.

#### **DECISION:**

- (1) That it be noted that all applications for pavement licences made on or after the date upon which the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 come into force will expire on 30th September 2022.
- (2) That, as agreed by the Licensing Committee on 14th August 2020, the application fee for a pavement licence shall remain at £100.
- (3) That the Council's standard conditions attached to pavement licences applied for after the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 come into force be amended as set out in section 7 of the Agenda report and summarised below:-.

#### Deleted Condition

'Licensees must adopt a suitable system for the collection of relevant customer information to be provided to the relevant Government Agency in the event of a Covid-19 outbreak or incident connected to the premises or other nearby premises. The information to be collected is to be limited to staff, customer and visitor details including the lead party member's name, telephone number and date and time of arrival and

departure. The information must be kept in accordance with Data Protection Principles and disposed of in a suitable manner after 21 days.'

*(It was reported that this condition was no longer applicable as the requirement to collect 'track and trace' details had ceased with effect from 19th July 2021).*

#### Amended Condition

*(Changes to the original text are shown in italics and underlined):-*

'Without prejudice to the ability of the Braintree District Council or Essex County Council to remove the tables and chairs, barriers and posts by reason of Statute, common law, and/or for breach of any of the terms and conditions of this consent, this consent shall remain in force until 30th September 2022.'

#### New Condition

'The Licensee shall ensure that the surface of the permitted area is kept clean and ensure that any stains created in the course of their business activities are removed immediately.'

- (4) That the Scheme of Delegation to Officers, as agreed by the Licensing Committee on 14th August 2020 be re-affirmed and remains in place until the provision for pavement licences under the Business and Planning Act 2020 ceases.

## 12 **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICIES – CREATION OF WORKING GROUP**

**INFORMATION:** Members of the Licensing Committee were reminded that at their meeting on 10th February 2021 consideration had been given to a report on Statutory Guidance issued by the Department for Transport ('DfT') regarding the licensing of taxi and private hire vehicles, drivers and operators. The 'Statutory Taxi and Private Hire Vehicle Standards' had been published on 21st July 2020. The 'DfT' had acknowledged that common core minimum standards were required to better regulate the taxi and private hire vehicle sector and it expected Licensing Authorities to implement the recommendations in the Guidance unless there was a compelling local reason not to do so.

Further consideration had been given to this matter at the Licensing Committee meeting held on 26th May 2021 when Members had received a report setting out how the Council, as the Licensing Authority, should comply with the ('DfT') standards. Information had also been received about the response to the Council's public consultation on the matter. The report had proposed that the Council should review its 'taxi' licensing policies and standards so that, as a minimum, they met the standards recommended in the Statutory Guidance and

were appropriate for the Braintree District. In particular, it was proposed that the Council should publish a 'taxi licensing policy' as a single point of reference, which would include all information relevant to private hire and taxi licensing. As a next step, it had been agreed that the Council's Officers should prepare a work plan setting out how the Council would comply with the new vehicle standards and the timescale for doing so.

It was proposed that a Working Group of Members and Officers should be formed to undertake a comprehensive review of the Council's Hackney Carriage and Private Hire policies, procedures and conditions. This Group would be known as the Licensing Policy Review Working Group (LPRWG) and it would comprise of five Members drawn from the membership of the Licensing Committee. The LPRWG would meet on a regular basis and it would appoint a Chairman, who would provide updates to the Licensing Committee on the progress of the review. It was anticipated that the review could take between six to nine months to complete. Members of the Committee were invited to notify the Governance and Members Manager by E-Mail if they wished to be a Member of the LPRWG. Attendance at meetings of the Working Group would be an approved duty in accordance with the Council's 'Members' Allowance Scheme'. The Chairman of the Licensing Committee, in consultation with the Governance and Members Manager, would determine which Members would form the LPRWG.

#### **DECISION:**

- (1) That a Member and Officer Working Group known as the Licensing Policy Review Working Group (LPRWG) be formed comprising of no more than five Members drawn from the membership of the Licensing Committee to undertake a comprehensive review of the Council's existing Hackney Carriage and Private Hire related policies, procedures and conditions and to prepare a draft new, single policy for Hackney Carriage and Private Hire licensing for consideration by the Licensing Committee.
- (2) The LPRWG shall have no decision making powers and it will report the outcome of its review, including a proposed draft policy, to the Licensing Committee.
- (3) That Members who wish to sit on the LPRWG submit their expressions of interest to the Governance and Members Manager and that the membership of the LPRWG be determined by the Chairman of the Licensing Committee in consultation with the Governance and Members Manager.

#### 13 **LICENSING COMMITTEE UPDATE**

**INFORMATION:** Members of the Committee received an update on applications determined by the Drivers' Panel and the Licensing Sub-Committee since 26th May 2021 and on current licensing matters.

**DECISION:** That the Licensing Committee update be noted.

The meeting closed at 8.24pm.

Councillor B Rose  
(Vice-Chairman in the Chair)