

# Regulatory Committee Agenda

**17 March 2022 at 7pm**

**Council Chamber, Civic Centre, Chelmsford**

## **Membership**

Councillor L.A. Mascot (Chair)  
Councillor D.G. Jones (Vice-Chair)

## **and Councillors**

R.H. Ambor, L. Ashley, D.J.R. Clark, A.E. Davidson, J.A. Frasca, P.V. Hughes, A.M. John, R.J. Lee, L.A. Millane, I.C. Roberts and T.E. Roper

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please email [daniel.bird@chelmsford.gov.uk](mailto:daniel.bird@chelmsford.gov.uk) or telephone (01245) 606523

# Regulatory Committee

17 March 2022

## AGENDA

### 1. Apologies for Absence

### 2. Minutes

To consider the minutes of the meeting held on 27 January 2022.

### 3. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

### 4. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) at least 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

5. Licensing of Tables and Chairs on the Public Highway

6. Taxi Policy Amendments

7. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES OF THE  
REGULATORY COMMITTEE

held on 27 January 2022 at 7pm

Present:

Councillor L. Mascot (Chair)  
Councillor D.G. Jones (Vice Chair)

Councillors R.H. Ambor, L. Ashley, A.E. Davidson, P.V. Hughes, R.J. Lee, and I.C. Roberts

Prior to the start of the meeting, the Committee observed a minute's silence and reflection for Holocaust Memorial Day.

1. **Apologies for Absence**

Apologies for absence were received from Councillors Clark and Frascona.

2. **Minutes**

The minutes of the meeting held on 18 November 2021 were agreed as a correct record and signed by the Chair.

3. **Declaration of Interests**

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

4. **Public Question Time**

A statement was received from a member of the public relating to Item 5. The Chair agreed to consider the statement after the officer report on Item 5.

5. **Licensing of Tables and Chairs on the Public Highway**

The Committee considered a report, seeking their approval for a revised Pavement Licence Policy ahead of the redevelopment of Tindal Square. It was noted by the Committee that at this stage, they were being asked to approve the policy for public consultation and final approval would be at their next meeting in March 2022. The Committee was informed that anyone wishing to place tables or chairs on the Public Highway, required a licence issued by the Council and that the Council supported the principle of outside seating for businesses.

The Committee heard that the development of Tindal Square would result in its pedestrianisation and it had been designed to accommodate an unobstructed walking route alongside building facades with a minimum width of 3 meters. Therefore, a revision of the existing policy was required. The Committee was also informed that during the pandemic, the Government has allowed a relaxation of the

licensing rules for tables and chairs and a light touch approach had been adopted under the Business and Planning Act 2020. Officers informed the Committee that the Business and Planning Act was expected to replace the Highways Act and any decision made by the Committee would be valid for whichever of the acts was in force after September 2022. The Committee was informed that the new policy would result in the High Street from Number 8 up to Shire Hall being unsuitable for current licences and that they would be revoked under the new policy.

The Committee also heard that there is no specific guidance in respect of types of furniture and each case was determined by officers on a case by case basis. Members were also informed of the key points of the revised policy and noted that the use of the area in front of Shire Hall was not included. It was noted that this was a key area of the redevelopment of Tindal Square and any application would therefore be considered separately by the Regulatory Committee. Members were also informed that the new policy would be in force from 1<sup>st</sup> April 2022. It was noted that prior to this a 28 day public consultation would be undertaken with all current licence holders and the BID. Following this, the Regulatory Committee would consider any comments at their next meeting on 17<sup>th</sup> March 2022.

In response to the statement from the member of the public, the Committee agreed to add the following condition to the policy before it goes out to public consultation.

‘Tables and chairs shall not be put on any cycle route, cycleway or any position which impedes cyclists ‘

In response to questions and discussion from the Committee, officers provided the following information;

- On a separate note, the new Traffic Regulation Order that will be in place after the redevelopment, will allow the Council greater enforcement powers against cycling or the use of e scooters on the High Street.
- Businesses do not have an automatic right to place tables and chairs on the public highway and some have been refused in the past.
- It was too much of a risk for public safety, to allow businesses to have seating further away from their premises, potentially outside businesses that are traditionally closed during the Night Time Economy. It was noted that it would be difficult for staff to manage customers who were not seated directly outside their own premises.
- In other locations, for example those outside of the City Centre, tables and chairs were often sited on private land rather than the public highway. The policy being discussed only referred to the public highway and officers would clarify this in the policy.
- An Equality Impact Assessment would be carried out after the public consultation period.
- Liability insurance would continue to be a requirement for any business using the public highway for tables and chairs.

- The 'no plastic white chair' policy would still stand in other areas of the City Centre. This is in place to prevent the domestic type of seating that isn't suitable for commercial use, rather than the 'white' element.
- 9/10 High Street was unlikely to be permitted to have tables and chairs outside as it would block the pedestrian walkway or if it was placed in line with others, i.e. 3m from the façade, it would obstruct pedestrian flow the other side of the High Street.
- The policy did not foresee what buildings may be used for and attempt to cover all possibilities. Individual applications would be dealt with as they arise.
- Exchange Way and Backnang Square are established seating areas that successfully accommodate a greater density of tables and chairs, therefore the current view is that the policy shouldn't adversely affect these areas and businesses.
- A lighter touch approach had been adopted to the Garrison's large seating area at the top of the High Street due to the pandemic and the fact that a new policy was being drafted.
- Close of business varied depending on the business, it was not closely monitored but flagged to businesses that tables and chairs do need to be removed every day.
- Any issues with outdoors entertainment were already managed and enforced by the premises licence or noise nuisance legislation.
- It would be too bureaucratic to pre approve furniture, the guidelines such as 'in keeping with' were there as a backstop to prevent something particularly objectionable being used.

Officers reminded the Committee, that after being adopted, the policy would continue to be a live policy document that could be amended by the Committee if required at later dates. The Committee agreed to put the policy forward for public consultation, with the above amendment referred to regarding cycleways.

**RESOLVED** that an amended revised Pavement Licensing Policy be approved for public consultation.

*(7.02 pm to 7.38 pm)*

## 6. Private Hire Vehicle Condition No. 3 – External Use of Wording – Taxi or Cab

The Committee received a report asking them to consider the wording of Condition No 3 of the Private Hire Vehicle licensing conditions and whether it remained necessary and proportionate to retain. Members were advised that the condition detailed 'No private hire vehicle shall have roof signs or display the words "Taxi" or "Cab". It was noted that the removal of this condition would not interfere with Section 64 of the Transport Act 1980, which regulated the roof area of vehicles.

The Committee was informed that over time the condition had not been enforced by officers and no complaints from customers being misled had been received. It was noted that many operators in Chelmsford were not complying with the condition, however as no complaints had been received or issues raised, it was being proposed by officers to remove the condition. Members were asked that if they were minded, to keep the condition in place, to provide officers with direction on how to enforce the condition. It was noted that this would be costly to both operators and the Council to enforce.

The Committee agreed with officer's recommendation to remove the condition.

**RESOLVED** that Condition No 3 of the Private Hire Vehicle licensing conditions be removed.

(7.39pm to 7.47pm)

The Chair adjourned the meeting for a short period at this point to allow members of the public to leave ahead of the confidential business that was due to be considered.

### Exclusion of the Public

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for Item 7 on the grounds that it involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

## 7. [Review of a Hackney Carriage and Dual Drivers Licence](#)

*Public interest statement: It is not in the public interest to disclose the content of the report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.*

The Committee was informed that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, a district council should not grant a licence to drive a hackney carriage or private hire vehicle unless it was satisfied that the applicant, amongst other criteria, is a fit and proper person to hold such a licence. It was noted by the Committee that there is no statutory definition of what constitutes a fit and proper person, but that Chelmsford City Council had established its own guidelines which the Committee was required to have regard to when determining applications.

The Committee was informed that they were being asked to consider a review of a dual hackney carriage/ private hire drivers licence held by Driver X to determine whether or not they were a fit and proper person to continue to hold the licence.

Members were advised that the following options were available to them;

- a) To issue a formal written warning
- b) To suspend the licence for a period and reason to be determined, or for a period subject to a condition that the licence holder follow a specific course

of action, and to propose a course of action to be followed or risk suspension until completed.

- c) To Revoke the licence.
- d) To take no action.

Officers introduced the matter to the Committee, it was noted that a complaint had been received via a taxi operator which resulted in an investigation by officers. The confidential report before the Committee, took them through the full details of the complaint a telephone recording of the taxi booking being made was played for the Committee to hear. In summary, a journey had been pre booked to two drop off locations, one within the Chelmsford boundary and one slightly outside, with a pre agreed fare. The Committee were informed that the customer's version of events did not match up with the Driver's version of events. There were discrepancies over the final drop off location and how much the journey should have cost. There was agreement from both sides however, that the taxi driver after not receiving in their opinion full payment, returned to the initial pick up location to ask for the fare. It was noted by officers that this was unacceptable behaviour for a licensed driver.

It was noted by the Committee, that no previous complaints were on Driver X's record. Officers also

Driver X attended the meeting to answer any questions from the Committee. Driver X provided the Committee with their version of events. These did not align with the complainants version of events provided to officers.

Officers also clarified that as it was a pre booked fare to a destination outside of the Chelmsford boundary, then the set fare when the customer booked the journey is the one that should have been charged, not one from the meter.

The Committee gave careful consideration to all of the evidence and the representation made by Driver X. The Committee noted that the first element of the complaint regarding the drop off locations and non payment of the fare could not be verified either way. It was clear however that the driver had returned to the pick up location to request the payment of the fare. It was noted that this could have been viewed as intimidating behaviour and was not the behaviour expected of licensed drivers in Chelmsford.

**RESOLVED** that Driver X be issued with a formal written warning by the Committee.

### **Reasons for Decision**

The Committee felt that the behaviour of Driver X was unacceptable. The Committee informed Driver X that a repeat of similar behaviour would lead to them being minded to revoke the licence in the future.

## 11. Urgent Business

There were no matters of urgent business.

The meeting closed at 9.04pm

Chair



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Chelmsford City Council      Regulatory Committee

17<sup>th</sup> March 2022

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Licensing of Tables and Chairs on the Public Highway

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Report by:  
Director of Public Places

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Officer Contact:

Paul Brookes, Public Health & Protection Services Manager,  
[paul.brookes@chelmsford.gov.uk](mailto:paul.brookes@chelmsford.gov.uk), 01245606436

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Purpose

To seek approval for a revised Pavement Licence Policy ahead of the redevelopment of Tindal Square.

Options

1. The revised Pavement Licence Policy be approved.
  2. An amended revised Pavement Licence Policy be approved.
  3. Not approve a revised Pavement Licence Policy.
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1. Introduction

- 1.1 Anyone who would like to place tables and chairs on the public highway requires a licence issued under the Business and Planning Act 2020.
- 1.2 Chelmsford City Council supports the principle of outdoor tables and chairs as they can help maximise the use of public spaces, aid the local economy and add to the facilities on offer, however, It is important that they are properly managed to ensure they make a positive contribution to their environment and

be in keeping with their surroundings, particularly within the setting of listed buildings and conservation areas.

- 1.3 The development of Tindal Square which will result in the pedestrianisation of Tindal Square has been designed to accommodate an unobstructed walking route alongside building facades with a minimum width of 3 metres. This requires a revision of the existing Pavement Licence Policy.
- 1.4 To assist food and drink businesses operate during the covid pandemic Government allowed a relaxation of tables and chairs licensing and introduced a light touch approach under the Business and Planning Act 2020. These licences, known as Pavement Licences, were initially in place until 30th September 2021 but due to the ongoing pandemic were extended to 30th September 2022. Prior to this licensing of tables and chairs was carried out under the Highways Act 1980.
- 1.5 It is believed that the Business and Planning Act will permanently replace the Highways Act as the means of licensing tables and chairs and this is reflected in the presentation of this report. Any decision made by the Regulatory Committee as a result of this report will be valid for either the Business and Planning Act or the Highways Act, whichever is in force after 30<sup>th</sup> September 2022.
- 1.6 The legislation allows revocation of the licence if the highway to which the licence relates has become unsuitable for any purpose in relation to which the licence has been granted. The redevelopment of Tindal Square as described in paragraph 1.3 above will result in the High Street, from number 8 up to Shire Hall, being unsuitable for the Pavement Licences currently issued under the Business and Planning Act 2020 and they will be revoked upon the implementation of the new Pavement Licence and Chairs Policy.

## 2. Existing Policy

- 2.1 The existing policy presumes that a licence will be issued unless a valid objection is received, generally, the only valid objections relate to public safety.
- 2.2 With the exception of public safety concerns, there is no specific guidance in respect of the type of furniture, or where tables and chairs can be placed, with each application being determined by officers on a case-by-case basis. Although there are standard conditions attached to every licence this can lead to a perceived unfairness by licence holders and other businesses.

## 3. New Policy

- 3.1 The revised policy, attached at Appendix 1, is more prescriptive than the current policy but it accommodates the design principles of the Tindal Square

development, and removes some of the officer discretion in approving applications thereby reducing the perceived unfairness of the current policy.

3.2 The key points of the revised policy are:

- Tables and chairs can only be placed in front of the façade the licence holder is responsible for.
- From 8 High Street up to the top of the High Street towards Shire Hall there must be a minimum width of 3 metres between the business façade and the tables and chairs, and a minimum 5 metre clear route along the centre of the street. The maximum depth of the area licensed for tables and chairs to be 2.5 metres. Attached at Appendix 2 is a schematic diagram showing the proposed layout, the red hatched areas are where tables and chairs will be permitted.
- To the south of 8 High Street and the other pedestrianised areas of the city centre tables and chairs are to be placed abutting the façade. The maximum depth of the area licensed for tables and chairs to be 2.5 metres. The maximum depth will not apply to Exchange Square or Backnang Square which successfully accommodate a wider area of tables and chairs.

3.3 The use of the area in front of Shire Hall is key to the Tindal Square development. Licensing of tables and chairs within this area is not included in the policy and any application will be considered separately by the Regulatory Committee. This will allow the application to be determined taking into account the proposed use of Shire Hall (when known) and how the space is being used after the development has been completed.

3.4. The new policy will be in force from 1<sup>st</sup> April 2022.

## 4. Consultation

4.1 Following approval at the Regulatory Committee on 27th January 2022 the revised policy underwent a 28 day public consultation which included emailing or writing to the city centre Business Improvement District (BID) and all businesses that currently have a tables and chairs licence or pavement licence.

4.2 Two written responses were received; one response from an affected business 'Another Level' (Chelmsford Hair Salon), and the other response from the BID. Both responses are attached at Appendix 3.

4.3 Following the consultation response an area of seating to the right of Shire Hall and in front of Another Level and neighbouring premises has been included in the revised policy, this is shown on the schematic diagram at Appendix 2.

## 5. Conclusion

- 5.1 The development of Tindal Square, which will result in the pedestrianisation of the area, requires a refresh of the Pavement Licence Policy.
- 5.2 The majority of businesses currently licensed will be unaffected by the new policy.
- 5.3 The revised draft Pavement Licence Policy underwent a public consultation and two responses were received including a response from the BID in which they stated they had no objections.

## 6. Recommendation

- 6.1 To approve the draft Pavement Licence Policy

### List of appendices:

Appendix 1 – Draft Pavement Licence Policy March 2022

Appendix 2 – Proposed layout of tables and chairs (Tindal Square /north end of High Street)

Appendix 3 – Consultation Responses

### Background papers:

None

### Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: Some potential impact on people with visual impairments and mobility issues. Mitigated by tables and chairs located in fixed and agreed locations with clear walkways.

Health and Safety: None

Digital: None

Other: None

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Consultees: Public Consultation

Relevant Policies and Strategies: None

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## **Pavement Licensing Policy**

### **1. Introduction**

The Business and Planning Act 2020 (The Act) (as amended) was introduced as temporary legislation effective until 30<sup>th</sup> September 2022 to assist businesses and remove existing bureaucracy around what were known as Tables and Chairs Licences under the Highways Act. It is anticipated that Business and Planning Act 2020 will remain as the overarching licensing regime, moving beyond September 2022.

The Act allows Chelmsford City Council to permit specified furniture to be placed on the highway (mostly footpaths and pedestrianised areas) although where applicable, businesses may still need the activity to be licensed, for example, sale of alcohol.

### **2. Definition of ‘pavement licence’**

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, and for certain purposes.

### **3. Eligible Businesses**

A person (which includes a body corporate) which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, ice cream parlours or similar.

A licence permits the business to use furniture placed on the highway in order to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

A pavement licence does not licence the activity, only the placing of the furnishings. The pavement licence is issued to a person or incorporated body. Where there is a change to that person or incorporated body then the licence will lapse, and a further application will need to be made by any new person.

### **4. Eligible Locations**

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

This policy is applicable throughout the Chelmsford City Council district, although its main impact is within the city centre as other areas with demand for tables and chairs tend to be on privately owned land.

From 8 High Street northwards to the top of the High Street tables and chairs are only permitted in the hatched areas of the plan at Appendix 1. There must be a minimum width of 3 metres between the business façade and the tables and chairs, and a minimum 5 metre clear route along the centre of the street. The maximum depth of the area licensed for tables and chairs to be 2.5 metres.

To the south of 8 High Street, including Springfield Road and Moulsham Street, tables and chairs to be placed abutting the façade. The maximum depth of the area licensed for tables and chairs is to be 2.5 metres. Maximum depth of 2.5 metres does not apply to Exchange Square or Backnang Square.

Tables and chairs can only be placed in front of the façade the licence holder is responsible for.

Tables and Chairs will not be permitted where they would restrict any pedestrianised public highway to less than 2.5 metres in width, or impede any designated cycle route.

Any application for tables and chairs in front of Shire Hall must be considered by the Council's Regulatory Committee.

## **5. Type of furniture permitted**

Seating, tables and, if required, umbrellas and heaters (together with a secure base) as well as any proposed barriers to enclose the seating area are permitted.

The furniture must be fit for purpose and designed specifically for commercial outdoor use (and comply with all relevant BS standards). It must be kept in good order; damaged or faded items must be replaced.

This furniture is required to be removable, meaning that it is not a permanent fixed structure, and is able to be moved easily, and should be stored away when the premises are closed for activity.

There is an expectation that the type and style of furniture would be 'in keeping' with the local area.

Picnic benches and plastic tables and chairs designed for domestic use (e.g. white plastic furniture) are not permitted.

Any form of gazebo or enclosed shelter with one or more sides is not permitted.

## 6. Barriers

When tables and chairs are in place a standard barrier of a fabric banner and associated post/rail system shall be used. The function of the barriers is to demarcate and contain the tables and chairs but also to give a clear warning particularly to people with visual impairments.

The barriers shall be secured by a purpose designed post and rail system with weighted post bases to prevent being knocked or blown over and be of a height range of 800mm to 1000mm so to not visually obstruct views down the street or be an obstructing hazard

Street café barriers should be of a design to complement the character of the surrounding area. Banners should be of one design, in a plain style and can incorporate the business name or brand logo. Posts and rails should be stainless steel, chrome plated or powder coated.

## 7. Times of Operation

The tables and chairs can be placed on the highway only when the premises are open for business and in any event not before 6.00 am and normally until the close of business.

Where nuisance is likely to be caused to residents e.g. late at night, businesses may be required to remove the tables and chairs before the close of business.

## 8. Planning Permission

Once a licence is granted the applicant will also benefit from deemed planning permission to use the land for anything done only pursuant to the licence while the licence is valid, but not for any other purpose.

## 9. Consultation

Applications are consulted upon for 7 days, starting with the day after that on which the application is made to the Council (an application will not be considered to have been properly made unless each requirement has been met) .

The Council will publish details of the application on its website at [www.chelmsford.gov.uk/business/licensing/find-a-licence/pavement-licence](http://www.chelmsford.gov.uk/business/licensing/find-a-licence/pavement-licence)

The Council is required by law to consult with the Essex County Council Highways Authority. In addition, to ensure that there are no detrimental effects in granting such a licence the Council will also consult with:

- Chelmsford City Council Environmental Health Service
- Chelmsford City Council Planning Department
- Essex Police
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider in their determination of the application.

#### 10. **Cost**

There is an application fee and an annual renewal fee. Details can be found on the application form and Chelmsford City Council website.

#### 11. **Insurance**

Operators must indemnify both Chelmsford City Council and Essex County Council in respect of injury, damage or loss arising out of the grant of permission (unless such claims arise out of the Councils' negligence). All operators must have public liability insurance in the sum of £5,000,000 in respect of any one event. A copy of this insurance must be produced to the Council before a licence will be issued.

The Licence holder shall make no claim or charge against the Council in the event of the furniture or other objects being lost, stolen or damaged in any way.

#### 12. **Litter**

Refuse and litter deposited on the highway in the vicinity of the chairs and tables must be collected at not less than hourly intervals (or more frequent intervals if required under the Environmental Protection Act 1990).

Litter is not to be placed in the litter bins situated on the highway for use by the general public, but in the trade refuse bins.

All tables must be cleared as soon as practicable after being vacated by customers to avoid litter being deposited unnecessarily on the highway.

#### 13. **Miscellaneous Conditions**

The Licence holder must remove any furniture if required to do so to permit works in or the use of the highway by the Council, the County Council, the emergency services any statutory undertaker or telecommunications code operator or where the Licence holder has been notified of a special event taking place.

No charge can be made by the Licence holder for the use of the furniture.

All licences are renewable yearly.



## Appendix 1 – Consultation Responses

**From:** Sara Tupper

**Sent:** 25 February 2022 12:57

**To:** Public Health and Protection Consultation Mailbox <[pspo.consultation@chelmsford.gov.uk](mailto:pspo.consultation@chelmsford.gov.uk)>

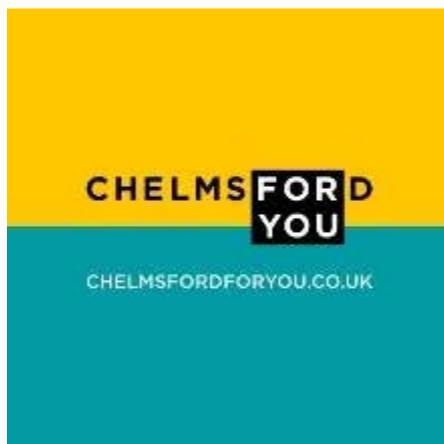
**Subject:** Pavement Licence Policy

Good afternoon,

On behalf of Chelmsford For You, the Business Improvement District, we have no objections or further comments regarding the Pavement Licence Policy consultation.

Many Thanks

Sara Tupper  
BID Manager



Dear Paul,

Further to our conversation last week, I would like to continue with my tables and chairs licence for this premises.

We are no longer a Cafe but we still wish to serve coffee and drinks to the public with great haircuts. This is a concept already in play all over England. Examples of such venues are such businesses as :

- The Canary at Bethnal Green London
- Cutters Yard at Bankside London
- Echo of Bloomsbury
- Natural Colour Works Soho Salon London
- Foureighty in Brentwood Essex

Above are just a few hairdressers using this new innovative concept of Coffee and Haircuts. Here at Chelmsford Hair Salon we also want to offer an innovative concept. We still have the equipment from the Cafe that was here previously as well as our tables and chairs license. Currently we are only using 3 tables and 6 chairs and that is all we would require.

We are so pleased with Chelmsford City Council's vision of Tindal Square. This is an exciting opportunity for Tindal Square and it's businesses. This will enable The Shire Hall also to develop and attract various business interest which is so necessary for the development of Tindal Square. As an owner of a business on the Square I have so welcomed this development by Chelmsford City Council.

If there is anything further please do not hesitate in contacting me. I look forward to hearing from you.

*Kind Regards*

*Perminder Gray |*

*Chelmsford Hair Salon  
1 Tindal Square | Chelmsford | Essex | CM1 1EH*



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## Chelmsford City Council Regulatory Committee

**DATE: 17<sup>th</sup> March 2022**

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### **TAXI POLICY AMENDMENTS**

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Report by: Lead Licensing Officer - Nigel Dermott

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Officer Contact: [nigel.dermott@chelmsford.gov.uk](mailto:nigel.dermott@chelmsford.gov.uk)  
01245 606341

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#### Purpose

This report updates Members in respect of factors impacting on the Council's Taxi Licensing Policy and proposed changes in respect of HM Revenue and Customs (HMRC) registration requirements, and also a change in respect of mechanical inspections for brand new vehicles.

#### Recommendations

It is recommended that the Taxi Licensing Policy is amended to take into account changes to HMRC registration requirements, and the change to the requirement of mechanical inspections in respect of brand-new vehicles.

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## 1. Introduction

### HMRC Registration – Finance Act 2021

- 1.1 The Council's Taxi Licensing Policy was approved on 17<sup>th</sup> June 2021. On 4<sup>th</sup> April 2022 Schedule 33 of The Finance Act 2021 will take effect requiring certain licence holders to register with HM Revenue & Customs.
- 1.2 The requirements of the Act are prescriptive and require specific action before a licence can be granted. Licensing Authorities are obliged to refuse an application if these requirements are not met.
- 1.3 These new obligations only affect:
  - Drivers and Private Hire Operators applying to re-licence
  - Drivers and Private Hire Operators applying for a new licence where the same licence was granted by this authority and expired within the previous 12 months
  - Holders of a drivers and Private Hire Operators licence with any other authority and applying for a licence with this authority.

Where a licence as described is a new grant application, the licensing authority are obliged to provide the applicant with information in respect of HMRC registration.

- 1.4 To reflect these changes the Taxi Licensing Policy requires an additional bullet point at paragraph 2.2.2 of the policy (pre- requisites of someone applying for a licence) and an additional sub paragraph at Part 4 of the policy (which will be numbered 4.1.7)
- 1.5 The proposed amendments are:

Paragraph 2.2.2

An additional bullet point as follows;

- *Register with HM Revenue and Customs and provide the licensing authority with a tax check code as proof (This is an absolute legal requirement and the licensing authority are unable to grant a licence without this information) \**

\* Guidance is provided on the Council's website Taxi application pages. As part of our application process the validity of the tax check code will be verified.

An additional paragraph under Part 4 as follows;

*4.1.7 Directors and partners must register with HM Revenue and Customs and provide the licensing authority with a tax check code as proof (This is an absolute legal requirement and the licensing authority are unable to grant a licence without this information). Requirement criteria can be found on the Council's website application pages.*

#### Mechanical Inspections – Brand new vehicles

- 1.6 The Licensing Authority has recently consulted on a change to licence fees. Within that consultation consideration was given to the necessity of a mechanical inspection of either a Hackney Carriage or a Private Hire vehicle when first licensed or replaced as a brand-new vehicle. New vehicles are expected to be mechanically sound. The removal of this requirement represents a cost saving to the vehicle owner. The mechanical inspection will be replaced by a compliance check prior to the vehicle being used for hire or reward. This affects the Taxi Licensing Policy at paragraph 3.5.2 which currently reads;

*'3.5.2 In addition to the MOT test inspection, both Taxi's and PHV's will be subject to a separate and distinct mechanical and compliance inspection at the Council Vehicle Testing Station, Freight House, Chelmsford at the time of first being licensed and every six months thereafter'*

- 1.7 It is proposed that the paragraph should read,

*'3.5.2 In addition to any MOT inspection, both Taxi's and PHV's will be subject to a compliance inspection by the Licensing Authority where first licensed or renewed as a brand new vehicle, and then every six months for a mechanical test and compliance check at the Council Vehicle Testing Station, Freight House, Chelmsford.'*

## 2. Options

- 2.1 The policy needs to be amended to reflect the HMRC legislative requirements.
- 2.2 With regards to changes in respect of mechanical inspections Members can:
- a) approve the amendments to the Taxi Licensing Policy as proposed at paragraph 1.7 of this report
  - b) not approve the amendments to the Taxi Licensing Policy as proposed at paragraph 1.7 of this report

#### Background reading:

Taxi Licensing Policy

## Corporate Implications

Legal/Constitutional: Finance Act 2021 – requirements of certain professions to register with HMRC

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None.

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None