

# Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Wednesday, 19 July 2017 at 18:00**

**The Licensing Committee** deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

## **Information for Members of the Public**

### **Access to information and meetings**

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# **COLCHESTER BOROUGH COUNCIL**

## **Licensing Committee Wednesday, 19 July 2017 at 18:00**

### **Member:**

Councillor Julie Young  
Councillor Nick Cope  
Councillor Roger Buston  
Councillor John Elliott  
Councillor Dave Harris  
Councillor Theresa Higgins  
Councillor Mike Hogg  
Councillor Darius Laws  
Councillor Patricia Moore  
Councillor Philip Oxford

### **Substitutes:**

All members of the Council who are not Cabinet members or members of this Panel.

## **AGENDA - Part A**

(open to the public including the press)

**Members of the public may wish to note that Agenda items 1 to 5 are normally brief.**

### **1 Appointment of Chairman**

To appoint a Chairman for the 2017-2018 Municipal Year.

### **2 Appointment of Deputy Chairman**

To appoint a Deputy Chairman for the 2017-2018 Municipal Year

### **3 Welcome and Announcements**

a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

#### **4 Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

#### **5 Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

#### **6 Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

#### **7 Minutes**

To confirm as a correct record the minutes of the meeting held on 8 March 2017

**Minutes - 8 March 2017**

7 - 10

**8 Have Your Say!**

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter relating to the terms of reference of the Committee/Panel not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter relating to the terms of reference of the Committee/Panel not on this agenda.

**9 Police Licensing Officer visit**

Committee to receive a presentation by Mr Alan Beckett, Police Licensing Officer

**10 Licensing Committee Work Plan 2017-2018**

11 - 14

See report from Assistant Director of Regulatory

**Part B**

(not open to the public including the press)

**11 Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



## **LICENSING COMMITTEE**

### **8 March 2017**

*Present:* - Councillor Nick Cope (Chairman)  
Councillors John Elliott, Mike Hogg, Darius Laws, Patricia Moore, Philip Oxford, Lee Scordis and Jessica Scott-Boutell

*Substitute Member:* - Councillor Pauline Hazell for Councillor Roger Buston  
Councillor Rosalind Scott for Councillor Dave Harris

**Councillor Hogg (in respect of the fact that he was the premises licence holder of the Oak Tree Centre) declared his non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure 7(5).**

#### **18. Hackney Carriage/Private Hire Policy Draft Policy**

The Committee considered a draft Hackney Carriage/Private Hire Policy given by the Head of Professional Services and invited the Committee to give views on the changes that had been made to date.

Mr Ruder, Licensing, Food and Safety Manager, Mrs Harrington, Planning, Licensing Service Manager and Mrs White, Licensing Officer introduced the draft policy Hackney Carriage/Private Hire Policy and welcomed any views from the Committee.

Mrs White, Licensing Officer, spoke to the Committee with regard to the Convictions Policy and explained to the Committee that colour coding had been added to the convictions charts to make it clear to new taxi applicants with convictions the likelihood of an application being granted for a Hackney Carriage/Private Hire License and also to help the Sub-Committee at appeal hearings. The convictions chart would work alongside the Council's penalty point scheme. Sarah also informed the Committee that the mobile phone penalty points would be reviewed to ensure that they matched the new Government ruling.

The Committee noted that the points scale stopped at 10 years and questioned what would happen after 10 years had elapsed. Mr Ruder confirmed that all convictions, regardless of time, have to be declared and were never officially spent. If an appeal was brought forward to the Sub-Committee, it would have to be decided by taking into consideration the nature of the conviction. The charts were purely for guidance and regardless of any amount of time the applicant always had a right to appeal. The Committee also acknowledged that the applicant will always have to pass the 'Fit and Proper' test.

With regard to the new points system officers informed the Committee that Braintree, Chelmsford and Basildon had a similar policy in place.

Consideration was given to the dress code set out in the Policy. Initial discussions with representatives of the trade indicated there was support for a prescriptive dress code. The Committee were happy with the dress code but felt that the Council should not specify the length of skirt that was acceptable.

The Committee asked about the levels of air pollution with regard to taxis and how the commitment in the policy would be enforced. Mr Ruder explained to the Committee that this was not his expert area but that Belinda Silkstone Environmental Protection Manager would be able to address this at a future meeting and also any implications as a result of Brexit since the air quality measures were based on European standards.

Mr Ruder informed the Committee that at a recent meeting with representatives of the trade they appeared supportive of measures to introduce CTV in licensed vehicles and most had their own already. It not only was safer for the driver but also for the passenger and would help address trafficking and child protection issues which had come to the fore with recent high profile cases. All vehicles would have to comply and it would need to be regulated for both Private Hire and Hackney Carriages. The Committee were then informed that all taxis would probably have different arrangements for CCTV recordings and storage and none of the recordings would belong to the Council but a clause would be included in the policy stating that if information was required then they have to release it or penalty points would be given.

The Committee discussed the different options with regard to CCTV: voice activation, panic button for driver and passenger and recording of conversations. The Committee were slightly concerned with regard to the recording of private conversations and whose decision it would be to activate recording but they also understood the importance of recordings.

Mrs Harrington, Planning, Licensing Service Manager, informed the Committee that the Policy, when completed, would go out for public consultation and the results of this would be brought to a future Committee meeting.

*RESOLVED* the draft policy be noted and amended in line with the comments made by the committee in relation to the Convictions Policy, Dress Code and CCTV.

## **19. Urgent Item - Review of the Statement of Licensing Policy**

Mr Ruder, Licensing, Food and Safety Manager submitted a report a copy of which had been circulated to each Committee Member.

Councillor Cope, Chairman of Licensing Committee, indicated that he had agreed that the Licensing Committee should consider the Review of the Statement of Licensing Policy as an urgent item to clarify the evidence base for the policy for the benefit of all future applicants.

The Policy was approved by full Council in December 2016 and implemented with effect from 1 January 2017. The Council has had recent feedback on the Policy in relation to the evidence that underpinned it and in the light of this feedback it was suggested that the Policy should be changed to make it clear that there was evidence that underpinned the Policy, in particular in relation to the creation of a Special Policy for the Old Town Zone. It was also



considered beneficial to make it clear that the Special Policy did not reverse the presumption of grant.

In discussion, Mrs Harrington, Planning, Licensing Service Manager informed the Committee that the amendments resulted from a recent meeting with the Home Office at which the Council's Policy had been commended but at which it was suggested that greater explanation was needed in relation to the evidence base for the Police and for the Special Policy for the Old Town Zone. The Committee welcomed the visit of the Home Office and recommendations.

*RESOLVED* that the proposed amendments to the Statement of Licensing Policy be made.

## **20. Minutes**

*RESOLVED* that the minutes of the meetings held on 11 January 2017 and 3 February 2017 be approved as a correct record.



19 July 2017

Report of	Head of Professional Services	Author	Jon Ruder ☎ 282840
Title	Licensing Committee Work Programme		
Wards affected	Not applicable		

**This report concerns the work programme for the Licensing Committee for 2017-18**

## 1. Decision(s) Required

- 1.1 To consider the proposed work programme for the current Municipal Year

## 2. Supporting Information

- 2.1 The proposed work programme for the Committee is attached at Appendix 1.
- 2.2 As part of the programme a number of reviews, both major and minor, of the Council's existing policies are planned. This work is carried out alongside the day to day licensing and regulatory work that the team carries out. In the light of this, the work programme will need to remain flexible to accommodate such pressures.

## 3. Standard References

- 3.1 There are no strategic plan, publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.



**Licensing Work Plan July 2017 – Apr 2018**

<b>19<sup>th</sup> July 2017</b>	First Full Committee and nomination of chair
<b>30<sup>th</sup> August 2017</b>	Market & Street Trading (Cassandra Clements)
<b>13<sup>th</sup> September 2017</b>	Taxi Policy, Member Training and and Air Quality (Belinda Silkstone)
<b>4<sup>th</sup> October 2017</b>	Licensing Policy Review
<b>13<sup>th</sup> December 2017</b>	Gambling Act
<b>17<sup>th</sup> January 2018</b>	
<b>21<sup>st</sup> March 2018</b>	

**\*\* A Boards, Street Furniture, Scrap Metal and Sex Establishments\***

