

Licensing Committee
Wednesday, 11 November 2020

Present: Councillor Barton, Councillor Buston, Councillor Chuah, Councillor Crow, Councillor Elliott, Councillor Harris, Councillor Hogg, Councillor B. Oxford, Councillor Wood, Councillor T. Young.

Substitutes: None

117. Declarations of Interest

Councillor Hogg declared a non-pecuniary interest in agenda item 9, as he is a trustee of a building with a premises licence issued under the Licensing Act 2003, and he is the holder of a personal licence issued under the Licensing Act 2003. Councillor Chuah declared a non-pecuniary interest in agenda item 9, as she is a trustee of a venue that holds a premises licence issued under the Licensing Act 2003.

118. Minutes of previous meeting

RESOLVED that the minutes of the meeting held on 30 September 2020 were confirmed as a correct record.

119. Statutory Taxi and Private Hire Vehicle Standards

Sarah White, Senior Licensing Officer, attended to present the report and assist the Committee with their enquiries. The Committee heard that following the well-publicised cases of sexual exploitation involving the taxi trade, there had been much discussion in the industry concerning licensing standards, and the Statutory Guidance which was presented to the Committee was the result of this. Sarah advised the Committee that the Council's Hackney Carriage and Private Hire Licensing Policy (the Policy) which had been in place since January 2019, was largely compliant with the new Statutory Guidance, with only minor revisions necessary. It was intended to bring a further report to this Committee on the changes that did need to be made to the Policy in the near future. Sarah further confirmed that most of the work that was necessary in respect of the Policy was in relation to the standards for requiring Disclosure and Barring (DBS) checks, with the Guidance suggesting that a DBS check should be required every six months, which was at odds with the current Policy requirements.

The Committee praised the work that had been undertaken by Licensing Officers to date, and expressed its support for the changes that were suggested.

Councillor Crow referred to the suggestion that a sign be displayed in licensed vehicles advising passengers how to make a complaint to the Council, and suggested that an addition should be made to any signage to assure any passenger that their complaint and their personal details would be treated confidentially to try to make people more at ease about reporting problems.

Councillor Buston added his support to the proposed amendment of the wording of signage in vehicles to assure passengers that their details would be treated confidentially, and felt that this would help to overcome people's reluctance to complain.

Sarah White offered the Committee assurance that all complaints were currently dealt with confidentially, and no personal details were ever shared with a third party, although there were some instances where the circumstances of the complaint were so specific that drivers may remember the passenger.

RESOLVED that the actions identified in Section 7 of the report be further investigated, and a report brought to the next meeting of the Committee setting out any changes necessary to the Policy and a timetable for their introduction.

120. Caravans and Park Homes Update

Sarah White, Senior Licensing Officer, attended to present the report and assist the Committee with their enquiries. The Committee were advised that since the report had been drafted, the country had been placed into a second period of 'lockdown', and the restrictions associated with this had affected the position with regard to caravans and park homes. The principle change had been that anyone who had been on a caravan site, even if they had been in the process of being removed, now had the right to continue to reside there for the time as a result of the various coronavirus Regulations now in force. As soon as the legislation allowed, Officers would undertake further work in this area.

Councillor Buston appreciated the constraints placed on the Council by changing Regulations, but urged caution when determining whether or not a resident of a caravan park was entitled to benefit from a statutory exemption. He suggested that Officers obtain copies of any evidence that was produced to support a claim for exemption, and that Operators of caravan parks be advised that failure to provide such evidence, could lead to the revocation of their licence.

RESOLVED that the information contained in the report be noted.

121. Review of the Statement of Licensing Policy – Licensing Act 2003

Sarah White, Senior Licensing Officer, attended to present the report and assist the Committee with their enquiries. The Committee heard that the consultation period for the review of the Statement of Licensing Policy had finished, and that no comments had been received in respect of the proposed Policy during this period. Sarah indicated to the Committee that the policy had been left largely unaltered due to the current uncertainty brought about by the coronavirus outbreak, and the affect that this would have on the licensed trade both now and in the future. In the light of this, it was proposed that the Policy would be the subject of a thorough review in the future, once the position was clearer. The changes that had been made to the Policy (and which Members were advised were highlighted in bold type in the document) were minor, and necessary to bring the document up to date, and Members were requested to recommend that the updated Policy be recommended to Full Council for implementation on 1 January 2021.

Councillor Harris noted that there had been an addition to the Policy referring to Colchester's Business Improvement District (BID), which he felt was timely and welcome.

RESOLVED that the Policy, attached at Appendix 1 to the report, be approved, and its adoption be recommended to full Council for implementation from 1 January 2021.

122. Licensing Committee Work Programme 2020-2021

Matthew Evans, Democratic Services Officer, introduced the work programme 2020-2021.

RESOLVED that the contents of the work programme be noted.