

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 02 July 2015 at 18:00**

The Licensing Committee hears and determines licensing applications and appeals under the Local Government (Miscellaneous Provisions) Acts for hackney carriages and private hire vehicles and drivers

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Audio Recording, Filming, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council, with the exception of Committee members at all meetings of the Planning Committee, Licensing Committee, Licensing Sub-Committee and Governance Committee. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Where permitted, Councillors' use of devices is limited to receiving messages and accessing papers and information via the internet.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please use one of the contact details at the bottom of this page and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester, CO1
1JB

telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call
e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Licensing Committee Procedure relating to Hackney Carriage Licences and Private Hire Vehicle Licences made under the Local Government (Miscellaneous Provisions) Acts

(1) All questions and statements will be directed through the Chairman.

(2) The Chairman will make opening remarks which introduce those present and ensuring that all those present understand the procedure.

The Council's case:-

(3) The Council's representative will begin with their opening remarks and present their case.

(4) The Council's witnesses (if any) will give evidence in support of the Council's case.

(5) The Council's representative and/or representative may question the Council's witness again to clarify any points which may have arisen.

Submission from the Applicant:-

(6) The Applicant and/or representative will begin with their opening remarks and present their case.

(7) The Applicant's witnesses (if any) will give evidence in support of the

Applicant's case:-

(8) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

(9) Each party and their witnesses may be questioned by the Chairman and members of the Committee.

(10) Each party may question their witness again to clarify any points which may have arisen.

(11) If the Applicant or the objectors wish to question each other, questions may be directed through the Chairman.

(12) Closing Statements may be made by the Council and/or representative.

(13) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Committee

(14) The Applicant and/or representative, the objectors, Ward Councillors, the representatives from the Council and the members of the public and the press will leave the room to allow the Committee to determine the application. During this process the Committee members may ask for legal advice from the Legal Advisor.

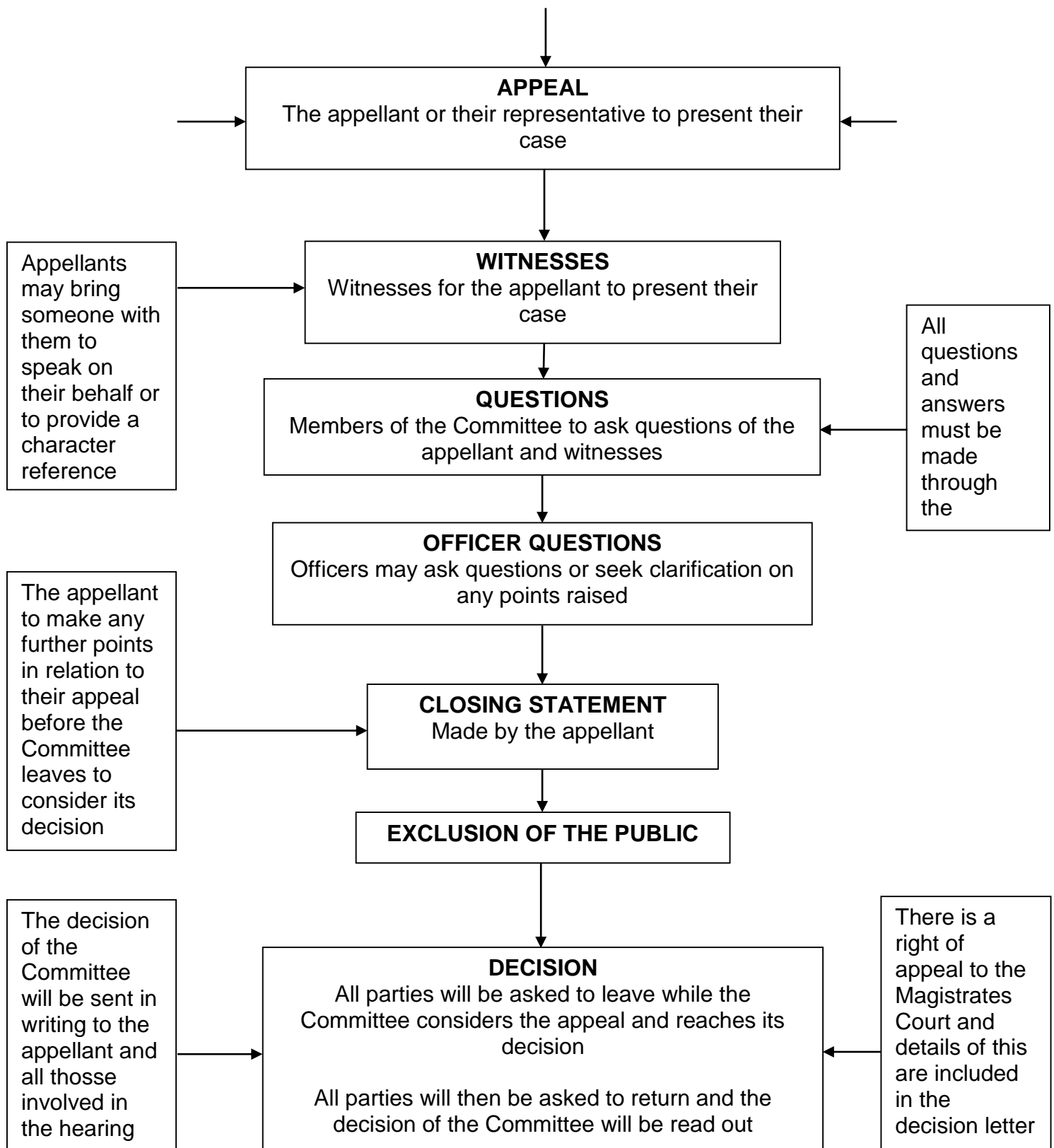
(15) The Applicant and/or representative, the objectors, Ward Councillors, the representatives from the Council and the members of the public and the press will be invited to return to the room when the Committee's decision will be announced. Written details of the decision and the grounds upon which it is based will be sent to all parties concerned as soon as possible.

The Hackney Carriage/Private Hire Drivers' Appeal Process

This is the point where the appellant has the opportunity to say anything that they think

OUTLINE OF CASE
The Licensing and Enforcement
Manager will outline the Council's Case

The appellant is the person who is appealing



COLCHESTER BOROUGH COUNCIL
Licensing Committee
Thursday, 02 July 2015 at 18:00

Members:

Margaret Fairley-Crowe - Member, Pauline Hazell - Member, Michael Lilley - Chairman, Nick Cope - Deputy Chairman, Roger Buston - Group Spokesperson, Richard Martin - Member, Dave Harris - Member, Ray Gamble - Member, Philip Oxford - Group Spokesperson, Darius Laws - Member, Nigel Offen - Member

Substitutes:

All members of the Council who are not Cabinet members or members of this Sub-Committee and who have completed the relevant training.

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 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.

2 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.

3 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.

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.

Minutes

To confirm as a correct record the minutes of the meetings held on 27 May, 10 June and 12 June 2015.

27 May 2015

9 - 10

Item Title

10 June 2015

11 - 12

Item Title

12 June 2016

13 - 14

Item Title

- 6 **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 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 not on this agenda.
- 7 **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).

Part B

(not open to the public including the press)

- 8 **Hackney Carriage/Private Hire Appeal**
Item Title

e-mail: licensing.committee@colchester.gov.uk
website: www.colchester.gov.uk

LICENSING COMMITTEE

27 May 2015

Present: - Councillors Roger Buston, Nick Cope, Margaret Fairley-Crowe, Ray Gamble, Dave Harris, Pauline Hazell, Darius Laws, Mike Lilley, Philip Oxford and Richard Martin

1. Appointment of Chairman

RESOLVED that Councillor Lilley be appointed Chairman for the ensuing Municipal Year

2. Appointment of Deputy Chairman

RESOLVED that Councillor Cope be appointed Deputy Chairman for the ensuing Municipal Year.

LICENSING COMMITTEE

10 June 2015

Present: - Councillor Mike Lilley (Chairman)
Councillors Roger Buston, Nick Cope, Ray Gamble,
Dave Harris, Pauline Hazell, Darius Laws, Nigel Offen,
Philip Oxford

3. Hackney Carriage Plate Re-allocation Policy and Process

The Committee considered a further report by the Head of Professional Services on the adoption of a policy for the re-allocation of a hackney carriage plate in the event that one should become available. This matter had been previously considered by the Committee on 15 March and officers had been requested to further investigate the method of plate re-allocation and report back to the Committee. Mrs Harrington explained that having further considered the matter it was considered that the proposals set out in the report provided the fairest and most transparent method for the re-allocation of a hackney carriage plate.

The suggested policy required existing registered owners and drivers to register their interest; a notice would also be placed in a local newspaper and advertised via social media giving the general public the opportunity to register their interest. All expressions of interest would then be entered into a randomly generated draw which would be carried out at a meeting of the Hackney Carriage/Private Hire Drivers' Liaison Group. This was a process that was used by other authorities and no problems had been identified. This policy would not apply to the distribution of any new plates that may be recommended following an unmet demand survey; the criteria for the distribution of such plates would be determined by the Committee at the appropriate time.

There was discussion on the issue of the transfer of plates and the controls exercised by the Council in the light of recent cases involving vulnerable persons. Mrs Harrington responded that the policy did not circumvent all the usual safeguarding checks and that any issues that were identified as part of the application process would be dealt with in the accordance with the Council's existing policies.

In the light of the Committee's discussions and in response to members' questions the following changes were made to the policy –

- In paragraph 4.1 the addition of the words 'and time' so that it reads 'giving the closing date and time by which an application can be made'.
- In paragraph 5.1 the removal of the word 'week' and the inclusion instead of '5 working days'

RESOLVED to adopt the policy and process for the re-allocation of a hackney carriage plate set out in the report, as amended.

LICENSING COMMITTEE

12 June 2015

Present: - Councillor Mike Lilley (Chairman)
Councillors Nick Cope and Pauline Hazell

4. Minutes

RESOLVED that the minutes of the meeting held on 6 May 2015 were approved as a correct record.

The Committee resolved under Section 100A of the Local Government Act 1972 to exclude the public from the meeting for the following items as it involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972.

5. Hackney Carriage/Private Hire Appeal

The Committee considered a report by the Head of Professional Services concerning an appeal against the decision of the Licensing Food Safety Manager not to automatically grant a hackney carriage/private hire driver's licence to the appellant.

RESOLVED that the appeal be upheld and a one year probationary licence be granted subject to the following condition that –

If during the period of this probationary licence you receive any criminal or motoring convictions, or do not fully comply with the Council's hackney carriage and private hire driver and vehicle licensing conditions, then this licence will be automatically revoked.

