

Licensing Committee
Wednesday, 1 June 2022

Present: Councillor Buston, Councillor Burrows, Councillor Chuah, Councillor Hagon, Councillor Harris, Councillor Hogg, Councillor Moore, Councillor Nissen, Councillor B. Oxford, Councillor T. Young

Substitutes:

150. Welcome and Announcements

Councillor Harris, as Chair of the Committee, offered his thanks to the preceding Chair and Deputy Chair, Councillors Buston and Moore, for their guidance during the previous municipal year, together with the hard work of Officers during a challenging period. Tribute was paid to the late Councillor Cope who had been both a member and Chair of the Committee in the past, and the Committee wished its thanks for his dedicated service to be recorded.

151. Declarations of Interest

Councillor Hogg declared a non-pecuniary interest in agenda item 7, by virtue of the fact that he was the holder of a personal licence in respect of a registered charity.

152. Minutes of the previous meeting

RESOLVED that the minutes of the Licensing Sub-Committee meetings of 25 March 2021, 8 July 2021, 5 August 2021, 5 January 2022, and the meeting of the Licensing Committee of 19 January 2022 be confirmed as a correct record.

153. Licensing Update

Jon Ruder, Licensing and Food Safety Manager, attended the meeting to present the report and assist the Committee with its enquiries. The Committee received a detailed breakdown of the work which was undertaken by Colchester Borough Council (the Council)'s Licensing Team, to include licenses issued under the Gambling Act 2005, Licensing Act 2003, taxis and private hire licensing, scrap metal processing licences, caravans and park homes and pleasure boat licences. The team was also responsible for animal welfare and health and food safety in the Borough.

The procedures which were followed in respect of the processes dealt with by the team were contained in the Policies of the Council, many of which were endorsed by the Licensing Committee as part of its work. There would be a requirement to review a number of Council Policies during the forthcoming municipal year due both to scheduled reviews and legislative changes.

The Committee were appraised of a National Anti-Fraud Network (NAFN) scheme, known as the NR3 database which would place a legal duty onto Councils from June 2022 by virtue of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. The Committee heard that the holders of licenses who had been found not to be a fit and proper person to hold the licence would have their basic details entered into a national database which would be available to view by all other Councils in England and Wales.

Over the preceding year, the Licensing team had been working on the implementation of a new database, as well as investigating a huge volume of complaints received during the Covid-19 pandemic. Additionally, detailed letters were written to every business in the borough every time the regulations relating to Covid-19 were changed to ensure that they had the most up to date information.

Over the preceding year, the Council had processed over forty new premises licences, and had dealt with two summary review applications which had been made by Essex Police, and which were the first application of their kind which had been received by the Council. The Committee would be requested to review the Council's statement of Licensing Policy under the Licensing Act 2003 over the forthcoming municipal year.

The Committee sought further clarification in relation to the NR3 database, and it was confirmed that a driver had the right of appeal to the magistrates Court against the revocation of their licence, but there was no right of appeal against logging their details on the national database, although they would be notified that this had happened. The database would not be updated until any appeal process had been exhausted.

A Committee member sought clarification on the process which was followed for new premises licences, and it was explained that although local residents were not contacted to advise them of any applications, a notice was placed in the local newspaper, on the Council's website and on blue paper around the boundary of the premises. Should any valid representations be received, the application would then be referred to the Licensing Sub-Committee for determination.

In response to an enquiry from a Committee member, Jon Ruder confirmed that when a licensed driver had their licence revoked, it was possible for the revocation to take immediate effect, dependent on the circumstances of the case. If the revocation did not take immediate effect, then the driver would be able to continue to use their licence until the appeal process had been resolved. In both cases drivers had a period of twenty one days to lodge an appeal against the Council's decision with the Magistrates Court, and their licence would be held until the Court had reached a decision, whether or not they were allowed to drive. The Committee heard that the

Council followed the requirements of the relevant legislation and its own policy with regard to behavioural standards which were expected in order to determine whether a driver was, or remained, a 'fit and proper' person to hold a Council licence. The number of licences which had been revoked were low, and when a revocation happened this would be due to the seriousness of the circumstances. The Committee received some advice around the costs of defending a revocation at Court.

The Committee were advised of the training requirements which were placed upon Members before they were entitled to sit on a Licensing Sub-Committee hearing, or a Licensing Committee – Driver Appeal Hearing.

RESOLVED that: the verbal update be noted.

154. Work Programme 2021-2022

Matthew Evans, Democratic Services Officer, introduced the work programme 2022-2023.

The Committee were advised that the contents of the work programme would be subject to change throughout the municipal year, with such changes to be agreed in advance by the Chair and Group Spokespersons.

In response to an enquiry from a Committee Member, Jon Ruder, Licensing and Food Safety Manager, confirmed that Officers were still engaged with working with local caravan sites, and offered to provide an update report to the Committee at some point during the forthcoming municipal year.

RESOLVED that: the contents of the work programme be noted.