

# **Licensing Committee**

## **Wednesday, 21 March 2018**

**Attendees:** Councillor Nick Cope, Councillor John Elliott, Councillor Dave Harris, Councillor Pauline Hazell, Councillor Mike Hogg, Councillor Darius Laws, Councillor Patricia Moore, Councillor Julie Young

**Substitutes:** No substitutes were recorded at the meeting

**Also Present:**

### **44 Minutes of Previous Meeting**

#### 44. Minutes

RESOLVED that the minutes of the meeting held on 17 January 2018 be approved as a correct record.

### **45 Have Your Say!**

#### 45. HYS!

Mr Naish, Private Hire Driver, spoke to the Committee concerning the requirement, on renewal of his hackney carriage/private hire driver's licence, to provide proof of his address. He made the point that the renewal form sent to him was already pre populated with his address so the Council were obviously aware of where he resided. Mr Naish questioned why it was necessary to also request 2 utility bills to be produced to confirm proof of address particularly given that printed utility bills were generally not requested by people now; he requested that officers give the matter further consideration.

The Committee sympathised with Mr Naish but acknowledged that, as Mr Ruder had pointed out, the documentation requests have been in place since 2007 and were necessary to prove actual residence at an address for the preceding three months; the checks were standard across the whole country.

### **46 Hackney Carriage and Private Hire Licensing Policy**

#### 46. Hackney Carriage and Private Hire Licensing Policy

The Committee considered a report by the Assistant Director of Environment on further proposed amendments to the Hackney Carriage and Private Hire Licensing Policy after a further period of public consultation. Mr Ruder informed the Committee of some draft

proposed implementation dates for various elements of the Policy. It was hoped that safeguarding training would be implemented by September 2018, Driving Assessments by October 2018 and the English language test by May/June 2018. It was intended to move to permitting driver medicals to be carried out by a private company and it was hoped that this change could be implemented by October 2018. The implementation of CCTV, due to new data protection regulations coming in, was likely to be delayed until some point in 2019 as there was still a considerable amount of work left to do to ensure the system was compliant with data protection regulations and achieved the objective of enhancing the safety of drivers and passengers.

Mr Ruder also informed the Committee that it was proposed to change the licence numbers for disabled adapted vehicles to start at 200 to make it clear that these were adapted vehicles; there was however some further work to be done on the issue of adapted vehicles.

HYS!

Mr Sayer addressed the Committee setting out his concern over the penalties for speeding offences contained within the convictions policy. Mr Sayer explained that whilst he did not condone speeding he often drove in unfamiliar areas and was therefore not always familiar with the limits and also that going a small amount over a 30mph limit was not as serious as more excessive speeds. He asked the Committee to look at this with more flexibility within the policy because in certain circumstances two speeding offences may result in a loss of licence and income.

Mr Sayer's points were addressed by the officers and he was advised that a driver would firstly be suspended for 28 days and at each stage there was a right of appeal to the Sub-Committee; it was not an automatic revocation. The Council could not look behind the speeding conviction and make a determination as to whether it was serious, this was a matter wholly for the Police to determine. The Council would instead look at the impact of the conviction on whether the driver was a fit and proper person to hold a hackney carriage/private hire driver's licence.

Mr Isbill spoke to the Committee with regard to CCTV in licensed vehicles. He informed the Committee that although he thoroughly agreed with the principal and a lot of vehicles already have them installed; what would happen if they are privately driving family members? Would there be an option to switch off CCTV? Also would there be any financial backing from the Council to reduce the costs of purchase for drivers?

Mr Ruder informed the Committee that CCTV is still at the investigative stage and it was important to make sure the specifications eventually chosen would need the data protection requirements whilst still protecting drivers and passengers. Mr Ruder

confirmed that no one would look at CCTV unless an incident was reported.

RESOLVED that the proposed amendments be approved with the Policy going to Full Council in July.

## **47 Colchester Charter Market Regulations**

### **47. Colchester Charter Market Regulations**

The Committee considered a report by the Assistant Director of Communities and were asked to agree the revised Colchester Charter Market Regulations. Mrs Clements addressed the Committee on the table of regulation changes and asked for them to be endorsed. The Committee were mindful of the controversy around the sale of real fur and therefore requested further details on its proposed ban within the Charter Market Regulations.

RESOLVED that –

(i) The proposed amendments to the Colchester Charter Market Regulations be agreed except for item 12.6 'No real-fur products'.

(i)The Assistant Director of Communities be asked to report back to the Committee on the suggested banning of the sale of real fur on the Market.