

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 14 June 2023 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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<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

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COLCHESTER CITY COUNCIL
Licensing Committee
Wednesday, 14 June 2023 at 18:00

Members:

Councillor Bickersteth
Councillor Bloomfield
Councillor Michelle Burrows (Deputy Chair)
Councillor Roger Buston
Councillor Jeremy Hagon
Councillor Dave Harris (Chairman)
Councillor Mike Hogg
Councillor David King
Councillor Roger Mannion
Councillor Sam McLean
Councillor Carl Powling
Councillor Michael Spindler

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 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meeting held on 22 March 2023 and 24 May 2023 are a correct record.

Licensing Committee draft Minutes 22 March 2023

7 - 12

Licensing Committee draft Minutes 24 May 2023

13 - 14

6 Have Your Say! (Hybrid Council meetings)

Members of the public may make representations to the meeting. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Committee via Zoom. Each representation may be no longer than three minutes. Members of the public wishing to address the Committee remotely may register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition, a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

There is no requirement to pre-register for those attending the meeting in person.

7 Licensing Update

15 - 16

The Committee will receive a verbal update on the work of the Licensing team and the key areas of work for 2023-24.

8 Licensing Committee Training

17 - 18

The Committee will consider a report setting out proposed changes to the Council's training scheme for members of the Licensing Committee.

9 Work Programme 2023-2024

19 - 20

The Committee is asked to consider and approve the contents of the Work Programme for 2023-2024, or request amendments and additions.

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)

Licensing Committee
Wednesday, 22 March 2023

Present: Councillor Burrows, Councillor Chuah, Councillor Hagon, Councillor Harris, Councillor Hogg, Councillor McLean, Councillor Moore, Councillor T. Young

Substitutes:

Also in attendance: Councillor Buston*, Councillor Laws*

*attended remotely

167. Minutes of the previous meeting

RESOLVED that: the minutes of the meeting held on 18 January 2023 be confirmed as a correct record.

168. Have Your Say!

Mr Madikazi attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! arrangements. Although he used a card reader in his own vehicle, he considered that the network which the card readers relied upon was very unreliable across the city, and this caused taxi drivers a big problem. He believed that customers used the lack of network connectivity as an excuse not to pay the fare, and this was causing drivers to face hardship. He urged the Committee to take his points into consideration when making any decisions in relation to card payment machines.

In response to a question from the Committee, Sarah White, Licensing Team Leader, confirmed that the Council was not aware of any planned network Improvement works in the City, but reminded the Committee that the Council's Policy did provide for payment to be taken in advance where it was known that the destination was in an area which experienced network issues. It was appreciated that there were local network issues, and where this was a problem card payments could be taken up front.

169. Electronic Payments in Licensed Vehicles – Policy changes

The Committee considered a report setting out proposed changes to Colchester City Council's Penalty Point Scheme in relation to the requirement that all licensed vehicles were to be equipped with the means to accept electronic payments in

addition to cash. The report also detailed the proposed changes to Hackney Carriage and Private Hire Licensing Policy.

Sarah White, Licensing Team Leader, attended the meeting to present the report and assist the Committee with its deliberations. The Committee was being asked to consider the penalty points which would be allocated to proprietors or drivers under the Council's Penalty Point Scheme in relation to failure to provide a card machine in a vehicle, in the light of concerns which it had raised at its previous meeting. The suggestion before the Committee was to reduce the points to be allocated for this failure from 4 to 3, which would bring the penalty points under the Scheme in line with first offences for other matters. The Committee was also requested to consider adjustments to the Council's Hackney Carriage and Private Hire Policy which were required to amend the Hackney Carriage and Private Hire Vehicle Standards and Conditions as set out in the Officer's report.

In discussion, it was clarified to the Committee that penalty points imposed under the proposals would be for the failure to use a card machine which would be required to be installed in the vehicle. Such points would be treated in the same way as other penalty points, and would be removed over time in accordance with the Council's Policy. The Committee clarified that it was proposed to ask Full Council to approve the Policy amendments at its meeting in July 2023, and the proposals would come into effect after this time.

A Committee member requested clarification on how the process of refunding a card payment would work in areas of poor signal, considering that clarification on this issue was important before a final decision was made by Full Council. It was understood that any refund had to be made via the same method as the original payment, was it possible to make a refund in cash when the original payment had been made by card? The Committee requested that further information on this point be presented to Full Council when it was asked to consider adopting the proposal, in order that the decision be as informed as possible, and this request would be reflected in the resolution made by the Committee.

The Licensing Team Leader confirmed to the Committee that the approach which would be taken to approving card readers for use in the future would be a flexible one, based on the individual machine presented. It was intended that as much freedom as possible be afforded to proprietors when they selected a card machine they wished to use.

Councillor Buston attended the meeting remotely, and, with the permission of the Chair, addressed the Committee. He considered that the proposal which had been made was a sensible one, and reminded those present that the policy amendment did not preclude the use of cash to pay fares. He was confident that the proposed scheme would work well, and Officers would implement it effectively.

A Committee member clarified that the resolution that was proposed by the Committee was for the Policy changes proposed in the Officers report, however, the minutes of the meeting would show that Officers had been requested to provide

additional information to Full Council when the proposed Policy amendments were considered.

RECCOMENDED TO COUNCIL that:

Colchester City Council's Hackney Carriage/Private Hire Policy be amended to read as follows:

S.113 Penalty Point Scheme

113	Failure to comply with the requirements relating to the provision and/or operation of an electronic payment device		x	x	x
	1 st offence	3			
	2 nd offence	6			
	3 rd offence	9			
	4 th offence	12			

Annex 2 – Hackney Carriage Vehicles Licensing Standards and Conditions

Pre-Licensing Standards and Conditions

15. Electronic Payment Device

15.1 The vehicle must be equipped with an electronic payment device.

Conditions of Licence

21. Electronic Payment Device

21.1 Vehicles must be equipped with the means to accept electronic payments in addition to cash. The vehicle must have a Colchester City Council approved electronic payment device (see 21.2 below) which can accept an electronic payment.

21.2 Approved Electronic Payment methods

BarclayElectronic payment/App
Cab:app Ltd (Miura M010)
Cabvision Network Ltd (Ingenico)
 Elavon
Farepay Ltd (Miura M010)
Ingenico
iZettle (Miura M010)
 LoPay

Payataxi (Miura M010)

PayPal (Miura M010)

SquareApp

SumUp (Miura M010)

Viva Wallet

Worldpay

Further electronic payment methods/Apps may be used upon application to, and approval by, the Council.

21.3 The Council considers the electronic payment facility to be part of the vehicle and as such it must be working at all times.

21.4 The vehicle must display the Colchester City Council approved stickers on both the rear passenger window and inside the vehicles indicating that debit and credit card payments are now taken.

21.5 If the means of making electronic payments is not working this must be reported immediately to the Council. The Council must be notified when any problems have been resolved and the payment facility is again operational.

21.6 If there is concern that the electronic payment facility may not work at the destination point, a fare may be agreed and paid in advance for the journey. This is permitted on condition that the meter is used, and if the metered charge is less than the agreed payment for the journey, the overpayment is refunded.

Annex 3 – Private Hire Vehicles Licensing Standards and Conditions

Pre-Licensing Standards and Conditions

15. Electronic Payment Device

15.1 The vehicle must be equipped with an electronic payment device.

Conditions of Licence

21. Electronic Payment Device

21.1 Vehicles must be equipped with the means to accept electronic payments in addition to cash. The vehicle must have a Colchester City Council approved electronic payment terminal (see 21.2 below) which can accept an electronic payment.

21.2 Approved Electronic Payment methods

BarclayElectronic payment/App

Cab:app Ltd (Miura M010)

Cabvision Network Ltd (Ingenico)

Elavon

Farepay Ltd (Miura M010)

Ingenico

iZettle (Miura M010)

LoPay

Payataxi (Miura M010)

PayPal (Miura M010)

SquareApp

SumUp (Miura M010)

Viva Wallet

Worldpay

Further Electronic payment methods/Apps may be used upon application to, and approval by, the Council.

21.3 The Council considers the electronic payment facility to be part of the vehicle and as such it must be working at all times.

21.4 The vehicle must display the Colchester City Council approved stickers on both the rear passenger window and inside the vehicles indicating that debit and credit card payments are now taken.

21.5 If the means of making electronic payments is not working this must be reported immediately to the Council. The Council must be notified when any problems have been resolved and the payment facility is again operational.

21.6 If there is concern that the electronic payment facility may not work at the destination point, a request can be made to pay in advance for the journey.

170. National Register of Taxi Licence Revocations and Refusals

The Committee considered a report setting out the responses to the consultation on the Council's proposed Policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3), which if approved would form an appendix to the Council's Hackney Carriage and Private Hire Licensing Policy.

Sarah White, Licensing Team Leader, attended the meeting to present the report and assist the Committee with its deliberations. The Committee was asked to consider the responses that had been received in relation to the Council's recent consultation on the Council's proposed Policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3). The responses received had been broadly supportive of the proposal, and the Committee was asked to note that the use of the NR3 database would be a statutory requirement from April 2023.

The Committee considered that the proposal was eminently sensible, and it noted that the use of the database would be required across the country and would form part of the application process for both new and existing licensed drivers.

RECOMMENDED TO COUNCIL that:

- the proposed National Register of Taxi Licence Revocations and Refusals (NR3) Policy be adopted for inclusion in the Hackney Carriage/Private Hire Licensing Policy.

171. Work Programme 2022/2023

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

The Committee noted that this meeting was its last of the current municipal year, and wished to place on record its thanks to Councillors Moore and Chuah, who would not stand for re-election as Councillors for the forthcoming municipal year. Their years of service and dedication was noted by the Committee, and its gratitude was expressed.

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

Licensing Committee
Wednesday, 24 May 2023

Present:

Councillor Bickersteth, Councillor Bloomfield,
Councillor Burrows, Councillor Buston, Councillor
Hagon, Councillor Harris, Councillor Hogg,
Councillor King, Councillor McLean, Councillor
Powling, Councillor Spindler

Substitutes:

Also in attendance:

172. Appointment of Chair

RESOLVED that: Councillor Harris be appointed as the Chair for the forthcoming municipal year.

173. Appointment of Deputy Chair

RESOLVED that: Councillor Burrows be appointed as Deputy Chair for the forthcoming municipal year.

Licensing Committee

Item

7

14 June 2023

Report of	Licensing Team Leader	Author	Sarah White
Title	Licensing Update		☎ 506420
Wards affected	Not applicable		

1. Executive Summary

- 1.1 To give the members of the Licensing Committee a verbal update on the work of the Licensing team and the key areas of work for 2023-24.

2. Recommended Decision

- 2.1 The report be noted.

3. Alternative Options

- 3.1 This report is intended to give the Committee an update on the work carried out by the Licensing Team and as such no alternative options are presented.

4. Background Information

- 4.1 The Licensing Team Leader will give the Committee an update on the work carried out in 2022-23, for which the Committee is responsible, and an overview of the additional compliance work undertaken by the Licensing Team.

5. Standard References

- 5.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

6. Strategic Plan References

- 6.1 The work of the Licensing team aims to contribute to the Council's Strategic Plan objectives for Colchester and in particular to create safe, healthy and active communities and to grow a fair economy so everyone benefits.

14 June 2023

Report of	Licensing Team Leader	Author	Sarah White
Title	Licensing Committee Training		☎ 506420
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report sets out proposed changes to the Council's training scheme for members of the Licensing Committee.

2. Recommended Decision

- 2.1 That the training scheme for members of the Licensing Committee be amended to require all Licensing Committee members to undertake licensing specific training when first appointed to the Committee and thereafter any training that may be deemed necessary from time to time for the effective delivery of the Council's statutory licensing functions, and the requirement for Members of the Licensing Committee to observe a hearing before being appointed as a member of a Sub-Committee or Driver Appeal Panel be removed.

3. Reason for Recommended Decision

- 3.1 To ensure the Council is able to discharge its statutory functions.

4. Alternative Options

- 4.1 To leave the training requirements unaltered.

5. Background Information

- 5.1 The Licensing Committee's current training programme was put in place in 2008. At the time Licensing Sub-Committee hearings both for Licensing Act 2003 and private hire and hackney carriage matters were much more frequent. The format of hearings was also a significant departure from how committee business had previously been conducted. In the light of this it was considered helpful to include within the training programme a requirement that members observed hearings before being able to sit on sub-committees. This did not present any difficulties because of the frequency of hearings.

6. Detailed Considerations

- 6.1 The current training requirements have in recent years led to a delay in training members new to the Committee. This in turn has caused problems in discharging the Council's statutory duties in relation to licensing because it has resulted in limited pool of members from which Sub-Committee members can be drawn.
- 6.2 As a result of a wide variety of factors over the years including a number of significant deregulations in the Licensing Act and changes to the scheme of delegation, the number of Sub-Committee Hearings has fallen. It is frequently difficult to find appropriately timed meetings for new members to observe. In addition, hearings are now recorded which provides a resource for new members wanting to view one. The process of hearings is also embedded into Council procedures.
- 6.3 In the light of the considerations above it is suggested that the Council changes its training requirements for members and whilst training will still be required before members can sit on a hearing, the requirement for the observation of Committees will be removed. The proposed changes will ensure that the Council is able to fulfil its statutory duties by the timely training of members of the Licensing Committee.

7. Standard References

- 7.1 There are no particular references to the strategic plan; consultation; community safety; health and safety or risk management, financial, equality diversity and human rights or publicity implications from the changes set out in this report.

14 June 2023

Report of	Assistant Director of Corporate and Improvement Services	Author	Matthew Evans
Title	Licensing Committee Work Programme 2023-2024		☎ 8006
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report sets out the current Work Programme 2023-2024 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year. Members are asked to note that due to the nature of Licensing work, items on the work programme may be subject to change.
- 1.2 Members will note that no items have been scheduled for the work programme at present. This is due to the fact that the appointment of a Licensing Manager is imminent when the workload of the team will be structured throughout the year. The Committee, is, however, invited to discuss potential items for consideration or make suggestions for the future structure of the programme.

2. Recommended Decision

- 2.1 The Committee is asked to note the contents Committee's Work Programme for 2023-2024.

3. Alternative Options

- 3.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

4. Background Information

- 4.1 The Committee's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded.

5. Standard References

- 5.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety, environmental and sustainability implications or risk management implications

6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's priorities for the Borough and in particular to support the Growth, Wellbeing and Opportunity priorities by working with the licensed trade to promote the town and make it a safer place.

Licensing Work Plan May 2022 – April 2023

14 June 2023	Update on the work of the Licensing Team
26 July 2023	
20 September 2023	
8 November 2023	
17 January 2024	
20 March 2024	