

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 29 May 2019 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

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here: <http://www.colchester.gov.uk/haveyoursay>.

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Access

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COLCHESTER BOROUGH COUNCIL

Licensing Committee Wednesday, 29 May 2019 at 18:00

The Licensing Committee Members are:

Members of the Committee, the Chairman and Deputy Chairman to be appointed at the Annual meeting.

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 pecuniary interest or non-pecuniary interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 27 March 2019.

Minutes 27 March 2019

5 - 8

6 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

7 Licensing Committee Work Programme 2019-2020

9 - 10

The Committee have been asked to note the contents of the Work Programme for 2019-20.

Part B

(not open to the public including the press)

8 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).

LICENSING COMMITTEE

27 March 2019

Present: - Councillors Julie Young (Chairman), Nick Cope, Simon Crow, Paul Dundas, Dave Harris, Mike Hogg, Darius Laws and Patricia Moore

81. Declarations of Interest

Councillor Hogg (in respect of the fact that he was the premises licence holder of the Oak Tree Centre) declared his non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure 7(5).

82. Minutes

RESOLVED that the minutes of the meetings held on 23 January 2019 be approved as a correct record.

83. Changes to the Hackney Carriage and Private Hire Licensing Policy

Have Your Say!

Mr Kevin Fisher, Owner of All The 8's Private Hire Cars, addressed the Committee on a number of points relating to the licensing and livery of private hire vehicles and the emailed communication that was received from Mr Jon Ruder. Mr Fisher requested further clarification on issues he had previously raised. Mr Fisher requested a personal meeting to be arranged with himself, Mr Ruder and Mrs White to discuss this matter in person so it could be explained fully as he felt very frustrated with the situation.

The Committee thanked Mr Fisher for attending and informed him that the Licensing Officers would be in touch to arrange a future meeting.

The Committee was asked to note a report by Mr Ruder, Licensing, Food & Safety Manager, regarding proposed changes to the Council's Hackney Carriage and Private Hire Licensing Policy in the light of recent operational experience and the 2018 unmet demand survey. The changes set out in paragraphs 5.1 to 5.6 of the report were suggested to ensure that the policy remained fit for purpose and responsive to the changing licensing environment.

Mrs White addressed the Committee and highlighted the significant changes. Firstly in

response to the recent unmet demand survey where unmet demand was not found, flexibility was sought to enable the Council to determine not to allocate or reallocate a Hackney Carriage Plate in the event of one becoming available. Secondly, with regard to vehicle testing, Mrs White explained that currently any vehicle can pass a MOT with minor defects, but no time frame is given for their correction and this was a concern in relation to licensed vehicles. It was suggested that defects should be corrected within a 7 working day period and proof of completion of works should be provided. Thirdly, the Committee were asked to consider recommending to Full Council that authority to make any minor amendments to the policy be delegated back to the Licensing Committee to minimise delays. However, any major changes would still be reported to Full Council.

The Committee thanked the Officers for the report and sought clarification on the 7 working day policy with regards to vehicle testing. What would happen if a driver was unable to book an appointment within that time? Could there be some leniency for those drivers who are unable too? The Officers confirmed that if a driver was to provide evidence of a booked appointment then it would be possible for the 7 working days to be extended. Further proof of completion of works would always need to be provided to Licensing Officers.

RECOMMENDED to Full Council that –

(i) the changes, set out in bold at Paragraph 5.1 to 5.4 and 5.6 in the report to the Licensing Committee, be made to the Council's Hackney Carriage and Private Hire Licensing Policy.

(v) the following changes to the Hackney Carriage and Private Hire Licence conditions, set out be made to the Council's Hackney Carriage and Private Hire Licensing Policy -

1.7 Vehicles must be maintained to MOT standard at all times. Vehicles that Pass the MOT with minor defects will be required to carry out remedial works within 7 working days of the MOT; if this is not possible prior approval for an extension in this time must be sought from the Licensing Manager. Proof of the completion of works must be presented to the Council within the period provided for remedial works to be carried out.

84. Temporary Event Notices

The Committee was asked to note a report by Mr Ruder, Licensing, Food & Safety Manager, regarding Temporary Event Notices.

Mrs White addressed the Committee and explained that the report was purely for information purposes and to inform the Committee of how many Temporary Event Notices applications have been received and approved by the Council in 2018 and the number of those which were late, rejected or cancelled.

In response to questions Mr Ruder informed the Committee that only the Police and Environmental Protection can object to a Temporary Event Notice. However, if there were any problems with an event, members of public do have a right to report noise nuisance to

Environmental Protection and the Police and this would then go on the applicant's report and be used to inform decisions about future events.

RESOLVED that - the information contained within the report be noted.

85. Caravan Sites in the Borough

Have Your Say!

Mr David Cooper addressed the Committee with regard to his concerns over the licensing and lack of monitoring of the sites in Mersea. Mr Cooper informed the Committee of his issues with regard to the Waldergraves Holiday Park and the discrepancy in relation to the number of caravans set out within the report and the actual number that were situated at the Park. Mr Cooper also informed the Committee that on 28 November 2018 Waldergraves holiday Park received a lawful development certificate for a further 264 static and 298 pitches for tourers and use of land for camping as an overspill area. Mr Cooper requested improved communication in relation to future applications. The Committee thanked Mr Cooper for his comments.

Mr David Sunnucks, Parish Councillor, addressed the Committee with regard to Coopers Beach and what he considered was a breach of licensing conditions within the site. Mr Sunnucks raised his concerns with regard to the residential use of the site and the issues that he felt could lead to an unauthorised expansion of East Mersea, ultimately resulting in an increased demand on local services but with no financial contribution being made, via Council Tax, by those who reside on the caravan sites. Mr Sunnucks explained how Mersea residents were frustrated with what they considered to be a lack of support and action, by the Council, in relation to the Holiday Parks on Mersea Island. The Committee thanked Mr Sunnucks for his comments and the information with regards to Coopers Beach.

Mr Peter Clements, Councillor and former Mayor of West Mersea, addressed the Committee in relation to compliance and questioned the statement of 'several unannounced inspections being made each year'. Mr Clements stated that from a resident's point of view the inspections were having no effect and he asked the Committee to consider carefully any future issuing of caravan licences and to consider the needs of Mersea residents. The Committee thanked Mr Clements for attending the meeting and the issues that he had raised.

In response to the speakers raised concerns and queries Mr Ruder informed the Committee that he and a planning officer inspected the Caravans routinely. Mr Ruder explained that most of the issues that have been discussed were related to planning conditions, but he confirmed that if he found any issues or problems on any of the sites he would take appropriate action.

Mr Ruder also informed the Committee that if any evidence was received from residents he would respond. Waldergraves Holiday Park licence was being upgraded and the last audit of Coopers Beach was made in October/November 2018. Mr Ruder wanted to re-assure residents that the sites were monitored and if any problems discovered appropriate action

would be taken.

The Committee encouraged Mr Ruder to carry on with his hard work with regard to inspections. The Committee also thanked the speakers for their contributions but made them aware that a lot of the issues raised were Local Plan matters.

Mr Ruder addressed the Committee and explained that the report was purely for information purposes and to show the Committee how many sites are within the Borough; what type of licence is required and the compliance that must be adhered to.

RESOLVED that - the information contained within the report be noted.

86. Licensing Work Plan

Mrs Gentry addressed the Committee and asked the Committee to note the contents of the Work Programme for 2018 - 2019.

RESOLVED that – the work plan be noted

29 May 2019

Report of	Assistant Director of Policy and Corporate	Author	Zoe Gentry
Title	Licensing Committee Work Programme 2019-2020		☎ 506055
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report sets out the current Work Programme 2019-2020 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year.

2. Recommended Decision

- 2.1 The Committee is asked to note the contents Committee's Work Programme for 2019-20.

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 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 2019 – Apr 2020

12 June 2019	All day Licensing Training Session Grand Jury Room, Town Hall. 10am – 4pm
24 July 2019	Overview of the Licensing Service
28 August 2019	Taxi Policy
2 October 2019	CCTV
6 November 2019	Scrap Metal
11 December 2019	Licensing Policy review
22 January 2020	
25 March 2020	