

# Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Wednesday, 10 June 2015 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, 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](http://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](http://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.

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**[www.colchester.gov.uk](http://www.colchester.gov.uk)**

# **COLCHESTER BOROUGH COUNCIL**

## **Licensing Committee**

**Wednesday, 10 June 2015 at 18:00**

### **Member:**

Councillor Mike Lilley  
Councillor Nick Cope  
Councillor Roger Buston  
Councillor Margaret Fairley-Crowe  
Councillor Ray Gamble  
Councillor Dave Harris  
Councillor Pauline Hazell  
Councillor Darius Laws  
Councillor Richard Martin  
Councillor Nigel Offen  
Councillor Philip Oxford

Chairman  
Deputy Chairman

### **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**

- 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.

### **4 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.

### **5 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.

**6 Hackney Carriage Plate Reallocation Policy and Process 7 - 12**

See report by the Head of Professional Services

**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)

e-mail: [licensing.committee@colchester.gov.uk](mailto:licensing.committee@colchester.gov.uk)

website: [www.colchester.gov.uk](http://www.colchester.gov.uk)



10 June 2015

Report of	Head of Professional Services	Author	Jon Ruder ☎ 282840
Title	Hackney Carriage Plate Reallocation Policy and Process		
Wards affected	Not applicable		

**This report concerns the Council's proposed approach to the allocation of a Hackney Carriage Plate**

## 1. Decision Required

- 1.1 To adopt the hackney carriage plate reallocation policy and process.

## 2. Reasons for the Decision

- 2.1 The Council does not currently have a policy to reallocate hackney carriage plates. As the number of hackney carriage plates issued by the Council is currently regulated, it is expected that should one become available, demand would be high. It is considered necessary therefore to have an approved policy to deal with any such scenario.

## 3. Alternative Options

- 3.1 The alternative option is not to have a policy however should a plate become available there will be a significant demand and the overall objective of having a policy is to enable the Council to reallocate the plate in a fair and open manner.

## 4. Proposals

- 4.1 A copy of the proposed policy is attached at Appendix 1.

## 5. Standard References

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

## **Colchester Borough Council**

### **Hackney Carriage Plate Allocation Policy and Process**

This policy sets out the Council's proposed approach to the reallocation of a hackney carriage plate.

The policy is intended as a guide to applicants and members of the Licensing Committee and provides information on what the Council expects to see in relation to re-allocation of a hackney carriage vehicle plate. The advice and guidance contained in the policy are intended only to assist applicants and other parties and should not be interpreted as legal advice.



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## **1. Background**

- 1.1 In line with legislative requirements an unmet demand survey was carried out in 2011 to review the number of hackney carriage vehicle plates available in the Borough of Colchester; the current limit is set at 131 plates. This is unlikely to change until an unmet demand survey highlights the need to increase the number of plates available or the limit is removed by legislation. The next unmet demand survey is due to take place in the autumn of 2015.
- 1.2 The overall objective of this policy is to enable Colchester Borough Council to reallocate a hackney carriage plate in a fair and open manner, should a plate become available.
- 1.3 There is currently no policy in place regarding the reallocation of a hackney carriage plate.

## **2. Eligibility**

- 2.1 In order to qualify for the reallocation process the following eligibility criteria must be met:

- The applicant must not currently hold more than one hackney carriage plate (including, for the avoidance of doubt, those proprietors who obtained their current licence via a transfer).
- The applicant must not have had a licence suspended or revoked during the five year period immediately prior to the start of the process.

The applicant must be compliant with all conditions within the Council's current Hackney Carriage and Private Hire Licensing Policy and Conditions.

- The applicant must not have received penalty points under the Council's Penalty Point Scheme in the year preceding the start of the process.
- The intended applicant must have completed and passed the passenger assisted transport (PAT) scheme.
- Any new applicant wishing to register an interest in the allocation process will be required to complete a statutory declaration confirming that they meet the application requirements.

## **3. Vehicle specification**

- 3.1 The vehicle must meet the Council's policy in terms of age and specification at first registration and be compliant with the Council's vehicle conditions for a hackney carriage licence.
- 3.2 The vehicle must be adapted for wheelchair/disabled accessibility.

## **4. Process**

- 4.1 All current owners and drivers who have indicated an interest will be notified if a plate becomes available and advised of the relevant application process. A public notice will be placed in a local newspaper and on the Council's website detailing the application process and giving the closing date by which an application must be made.
- 4.2 Applicants meeting the relevant criteria detailed above will be entered into a draw which will be carried out using a randomised programme to determine the new plate holder.
- 4.3 To avoid any ambiguity the draw will be carried out at a meeting of the hackney carriage and private hire liaison group.
- 4.4 The number of draws will depend on the number of plates available.

## **5. Timescales**

- 5.1 The licensing team will notify the successful applicant within a week of the draw.
- 5.2 The successful applicant will need to carry out the full application process hackney carriage vehicle licence process within 28 days of the notification. Failure to do so will result in another draw being held.

## **6. Conditions**

- 6.1 The newly issued plate cannot be sold or transferred for a period of five years from the date of its issue.
- 6.2 Should the successful applicant be an existing hackney carriage plate holder, they will not be allowed to sell or transfer any existing plate for a period of five years.
- 6.3 The outcome of the draw is final.

