

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 30 May 2018 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>.

Audio Recording, Mobile phones and other devices

The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

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 take it to the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

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COLCHESTER BOROUGH COUNCIL

Licensing Committee

Wednesday, 30 May 2018 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 21 March 2018

Minutes 21 March 2018 - final

7 - 10

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 Work Plan for 2018-19

11 - 12

The Committee to discuss the Work Plan and any additional items to add or change for the municipal year.

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

21 March 2018

Present: - Councillors Julie Young (Chairman), Nick Cope, John Elliott, Dave Harris, Pauline Hazell, Mike Hogg, Darius Laws and Patricia Moore

44. Minutes

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

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

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

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.

Licensing Work Plan May 2018 – Apr 2019

30 May 2018	Work plan and training
25 July 2018	Real Fur and other prohibited items
29 August 2018	
26 September 2018	
14 November 2018	Taxi Policy??
12 December 2018	Gambling Act
23 January 2019	Catch up on how Christmas went??
27 March 2019	

