

Licensing Committee

Grand Jury Room, Town Hall
6 June 2012 at 6.00pm

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 or from Democratic Services.

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 meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

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.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

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 Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call 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 first floor and 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.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
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e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
6 June 2012 at 6:00pm**

Members

Councillors Mary Blandon, Dave Harris and Mike Hogg.
(Chairman and Deputy Chairman to be appointed at first meeting)

Substitute Members :

Agenda - Part A
(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

Pages

1. Appointment of Chairman

To appoint a Chairman for the meeting.

2. 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 off or to silent;
- location of toilets;
- introduction of members of the meeting.

3. 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.

4. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

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. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

7. Minutes

1 - 4

To confirm as a correct record the minutes of the meetings held on 28 March, 17 April and 23 May 2012.

8. Exclusion of the public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) 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).

**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
6 June 2012 at 6:00pm**

Agenda - Part B

(not open to the public or the media)

Pages

9. Hackney Carriage/Private Hire Appeal

The following report contains exempt information (information relating to an individual) as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

**LICENSING COMMITTEE
28 MARCH 2012**

Present :- Councillor Barrie Cook (Chairman)
Councillors Margaret Kimberley and Michael Lilley

20. Minutes

The minutes of the meeting held on 7 March 2012 were confirmed as a correct record.

The Committee resolved under Section 100A of the Local Government Act 1972 to exclude the public from the meeting for the following items as it involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972.

21. Hackney Carriage/ Private Hire Appeal

The Committee considered a report by the Head of Environmental and Protective Services on an appeal against the Licensing and Enforcement Manager's decision not to grant a hackney carriage/private hire driver's licence because a conviction placed the applicant outside of the Council's pre-licensing conditions. The Protective Services Manager and the appellant attended, presented their cases and then withdrew for the Committee to consider the matter and make its determination.

RESOLVED that, having regard to the circumstances of the case, the appeal be upheld and a one year probationary licence be granted subject to the following condition that:-

If during the period of this probationary licence, the licence holder receives any criminal or motoring convictions or any fixed penalty notices or does not fully comply with the Council's hackney carriage and private hire driver and vehicle licensing conditions, then the licence will be automatically revoked.

22. Hackney Carriage/ Private Hire Driver's Appeal

The Committee considered a report by the Head of Environmental and Protective Services on an appeal against the imposition of penalty points in accordance with the Council's Hackney Carriage/Private Hire Drivers' and Operators' Penalty Point Scheme. The Protective Services Manager and the appellant attended, presented their cases and then withdrew for the Committee to consider the matter and make its determination.

RESOLVED

(i) that the appeal be dismissed and the imposition of the points be upheld.

(ii) In accordance with the Council's Hackney Carriage/Private Hire Drivers' and

Operators' Penalty Points Scheme the appellant's hackney carriage/private hire drivers' licence be automatically suspended for a period of 28 days but this suspension should not take place until the end of the 21 day appeal period.

LICENSING COMMITTEE

17 April 2012

Present:- Councillor Cook (Chairman)
Councillors Kimberley and Lilley

20. Minutes

The minutes of the meeting held on 7 March 2012 were confirmed as a correct record.

The Committee resolved under Section 100A of the Local Government Act 1972 to exclude the public from the meeting for the following items as it involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972

21. Hackney Carriage/Private Hire Drivers & Operators Penalty Point Scheme

The Committee considered a report by the Head of Environmental and Protective Services concerning a Hackney Carriage/Private Hire driver's accumulation of 12 penalty points under the Council's Hackney Carriage/Private Hire Drivers & Operators Penalty Point Scheme, which had been accrued during a 12 month period. In accordance with the Scheme, the Licensing Committee were asked to consider suspending the Hackney Carriage/Private Hire Driver's Licence. The Licensing and Enforcement Manager and the appellant attended, presented their cases and then withdrew for the Committee to consider the matter and make its determination.

RESOLVED that, having regard to the circumstances of the case, the Committee determined to suspend the Hackney Carriage/Private Hire Driver's Licence for a period of 28 days in accordance with paragraph 3(d) of the suspension process outlined in the Council's Hackney Carriage/Private Hire Drivers & Operators Penalty Point Scheme, and that the 28 day suspension period had already been served by the driver in question.

LICENSING COMMITTEE

23 MAY 2012

Present: - Councillor Mary Blandon, Nick Cope, Margaret Fairley-Crowe, Dave Harris, Julia Havis, Pauline Hazell, Mike Hogg, Brian Jarvis, Margaret Kimberley and Michael Lilley.

1. Appointment of Chairman

RESOLVED that Councillor Cope be appointed Chairman for the ensuing Municipal Year

2. Appointment of Deputy Chairman

RESOLVED that Councillor Havis be appointed Deputy Chairman for the ensuing Municipal Year.

e-mail: licensing.committee@colchester.gov.uk
website: www.colchester.gov.uk