

# Licensing Committee

Grand Jury Room, Town Hall  
17 April 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](http://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](http://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.

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e-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)

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

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

**Members**

Chairman : Councillor Barrie Cook.  
Councillors Margaret Kimberley and Michael Lilley.

**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. 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.

**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 and to give reasons for the urgency.

**4. 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.

## **5. 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.

## **6. Minutes**

**1 - 2**

To confirm as a correct record the minutes of the meeting held on 7 March 2012.

## **7. 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  
17 April 2012 at 6:00pm**

**Agenda - Part B**

(not open to the public or the media)

**Pages**

**8. Hackney Carriage/ Private Hire Drivers & Operators Penalty  
Point Scheme// Case A**

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.

See report by the Head of Environmental and Protective Services.

# LICENSING COMMITTEE

## 7 March 2012

*Present:-* Councillor Cope (Chairman)  
Councillors Blandon, Bouckley, Harris, Hazell, Hogg,  
Kimberley, Lilley and Mudie.

### 14. Minutes

*RESOLVED* that the minutes of the meeting held on 17 February 2012 were confirmed as a correct record.

**Councillor Hogg (in respect of being a Chairman and Trustee of a licensed premises) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

### 15. Late Night Levy and Early Morning Restriction Orders // Government Consultation

The Head of Environmental and Protective Services submitted a report on the consultation document "Dealing with the problems of late night drinking: A consultation on secondary legislation for the Late Night Levy and Early Morning Restriction Orders". This report was presented to the Committee by the Licensing and Enforcement Manager who advised members that the purpose of the report was to inform members about the consultation and to seek their views on the two measures in the Police Reform and Social Responsibility Act 2011 that will be implemented through the regulations: Early Morning Restriction Orders ('EMROs') and the Late Night Levy. It was explained that the Committee's views would form part of the wider Council's response to the consultation document which would be submitted by the Portfolio Holder on the Council's behalf.

The Committee was presented with and considered draft responses to the consultation questions and felt that the response to question 5 required further clarification as the question and draft response were open to misinterpretation. The Committee expressed its views that the response to the question should make it clearer that the Licensing Authority would wish to hear residents views on the implementation of the Late Night Levy in the borough and felt that this would be very important.

The Committee was keen to know that if the Council considered implementing the Late Night Levy and/or the Early Morning Restriction Orders who would be involved in the consultation process and when. The Licensing and Enforcement Manager assured members that there would be a full and wide consultation and that reports would be brought to the Committee prior to, and following the consultation period. The Protective Services Manager advised the Committee that discussions with the Police had already begun.

Members were advised that should the Council choose to implement one or more of the legislations then the Licensing Authority could determine which group(s) of premises to

impose the levies and/or orders on, but that there must be evidence to support the imposition. The proposed charges contained in the consultation process were considered together with the fact that any income from a Late Night Levy would be split with the Police 70:30 (in the Police's favour) and therefore the Committee may need to consider how those funds would be utilized for the benefit of the Borough before determining whether introducing the legislation in Colchester would be worthwhile. As part of this discussion, the current annual fees for premises licences were discussed and the Committee asked that the fact that the Government has not raised the price of annual fees since 2005 be mentioned in the response to Question 17 of the consultation.

Concerns were raised by members that Temporary Event Notices would not be affected by the Late Night Levy which would mean that potentially premises could operate twelve times a year without the Late Night Levy affecting them.

*RESOLVED* that-

- (i) the final approval of the Licensing Authority's response to the consultation document be delegated to the Licensing and Enforcement Manager following consultation with the Chairman before being submitted to the Portfolio Holder for their inclusion in the Council's response to the consultation paper.
- (ii) the draft consultation responses be revised and rewritten by the Licensing and Enforcement Manager to reflect the Committee's comments, and for this final version to be circulated to Committee Members for information.

## **16. Protocol for Site Visits by the Licensing Committee**

The Committee considered a report by the Head of Environmental and Protective Services regarding the introduction of a formal protocol for site visits by Licensing Committee members. Members were informed that the proposed protocol was only intended for use on the rare occasions when members may find it useful to visit a premises prior to a meeting. The issue of accepting hospitality during site visits was discussed and members agreed that the protocol should include that no hospitality is to be accepted during site visits.

*RESOLVED* that the proposed formal protocol for site visits by Licensing Committee members was agreed with the addition of a paragraph stating that hospitality should not be accepted during site visits, and that this protocol comes into immediate effect.



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