

Licensing Committee

Grand Jury Room, Town Hall
1 June 2011 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.

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**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
1 June 2011 at 6:00pm**

Members

Chairman : Councillor Barrie Cook.
Deputy Chairman : Councillor Nick Cope.
Councillors Mary Blandon, John Bouckley,
Christopher Garnett, Dave Harris, Pauline Hazell, Mike Hogg,
Margaret Kimberley, Michael Lilley, Colin Mudie and
Ann Quarrie.

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 - 5

To confirm as a correct record the minutes of the meetings held on 9 March, 5 April and 18 May 2011.

7. Licensing Policy for Sex Establishments// Consultation responses

See report by the Head of Environmental and Protective Services (to follow).

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).

LICENSING COMMITTEE

9 MARCH 2011

Present :- Councillors Mary Blandon, John Bouckley, Nick Cope, Mark Cory, Dave Harris, Mike Hogg, Margaret Kimberley and Michael Lilley

18. Minutes

RESOLVED that the minutes of the meetings held on 24 November 2010 and 12 January 2011 were confirmed as correct records.

19. Draft Sex Establishment Policy

The Committee considered a report by the Head of Environmental and Protective Services on the draft Statement of Licensing Policy for Sex Establishments following the Council's decision to re-adopt the provisions of Schedule 3 of the Local Government Act 1982, as amended by Section 27 of the Policing & Crime Act 2009. As a result of the adoption of this legislation all premises operating as sex establishments in the borough (including sex shops, sex cinemas and sex entertainment venues) were required to be licensed.

The draft Policy, which was appended to the report, set out the Council's proposed approach to regulating sex establishments and the procedures it would adopt in relation to applications for sex establishment licences. The Council was able to set terms and conditions for the grant, renewal, transfer and variation of these licences and to prescribe the number of licences that could be issued in the area, including setting this figure at nil.

The Council had not in the past imposed a restriction on the number of sex establishment licences that could be issued. The town currently had two licensed sex shops in Butt Road and a premises providing adult entertainment in the form of lap dancing or similar entertainment in St Botolph's Street. Whilst recognising that there were existing businesses in the borough providing such services and that these should be allowed to remain, it was suggested that it should be the Council's policy to limit the number of sex establishments in its area to zero. In doing so the onus would be on new applicants to demonstrate why the Council should depart from its policy. Each application would be considered on its own merits and in considering it the Council would have regard to the location of licensed premises and the likely impact that the grant of such a licence would have on the local community. The policy gave further details on the matters that the Council would consider when assessing such applications. The processing for opposing such applications was discussed and it was confirmed that objections outside of the 28 day period may in certain circumstances be considered by the Licensing Committee.

The Monitoring Officer outlined the Council's duties under the Equalities Act which would be fully addressed when the matter came back to the Committee at the end of

the consultation period. There were no statutory provisions regarding consultation on the policy and therefore, in formulating a suggested process, consideration was given to the general principles and case law concerning consultation. It was proposed to consult with the police; holders of existing licences; business and residents representatives; Borough Councillors and Parish Councils. In addition information on the consultation would be included on the Council's website.

RESOLVED that the draft Statement of Licensing Policy for Sex Establishments be approved for the purposes of consultation and that the proposed consultation process, as outlined in the report, be approved.

20. Penalty Point Scheme of Delegation

The Committee considered a report by the Head of Environmental and Protective Services on changes to the penalty point scheme to enable decisions to be taken by all appropriate officers within the Licensing Specialist Unit and thereby improving customer service and business continuity.

The report also proposed a reduction in the number of Committee members sitting on Hackney Carriage/Private Hire appeals from five to three. The reduction in numbers would bring the appeals hearings in line with Licensing Act 2003 Sub-Committee Hearings and would be less intimidating for drivers appearing before the Committee.

RESOLVED that-

- (i) The amendments to Penalty Points Scheme as set out in Appendix 1 to the report by the Head of Environmental and protective Services be approved.
- (ii) The number of Committee members sitting on Hackney Carriage/Private Hire appeals be reduced to three members.

LICENSING COMMITTEE

5 APRIL 2011

Present :- Councillor Barrie Cook (Chairman)
Councillors Mary Blandon, John Bouckley, Nick Cope,
Mark Cory, Christopher Garnett, Mike Hogg,
Margaret Kimberley, Michael Lilley and Ann Quarrie

21. Advertising on Hackney Carriage Vehicles

The Head of Environmental and Protective Services submitted a report on advertising on hackney carriage vehicles licensed by the Council. A number of requests had been received recently from hackney carriage drivers for permission to display advertisements for other businesses on their vehicles. Whilst the financial benefits of this were recognised, it was important to consider the impact that unrestricted advertising would have on the appearance of the vehicles and whether this would dilute the uniform image that had been achieved by the adoption of a livery.

The Committee adopted the existing livery for hackney carriage vehicles at its meeting on 16 April 2007 when it resolved that the borough's hackney carriages must be black and display a standard roof light and front door signs. A different approach was adopted for London style taxis due to their recognisable shape and design and integral taxi light sign. They were exempt from the requirement to conform to the full body livery thereby enabling them to have full-body promotional advertising laminated onto their vehicles however, when no advertising was displayed, these taxis also had to be black.

The only taxi advertising currently displayed on hackney carriage vehicles was by way of signs on the rear doors which often carried information relating to the taxi business itself or sometimes other non-related businesses. Whilst the wording varied, the signs had the same general appearance to the front door signs being of a similar size, design and colour. In approving any such advertisements, consideration had always been given to the list approved by the Environmental Protection (Licensing) Sub-Committee which detailed those areas which were regarded as unsuitable for advertising and included tobacco advertising and adverts likely to offend public taste.

In considering the possible relaxation of the advertising rules, the Committee had regard to an example of a possible advertisement appended to the report. The Committee discussed the proposals in detail and considered a number of possible options including the possibility of permitting advertising inside hackney carriages. It was determined that to maintain the integrity of the livery there should be no further relaxation on external advertising and that the current arrangements were appropriate. It was noted however that the front door signs were in some cases being moved down and it was agreed that these should appear in the top half of the door.

RESOLVED that-

(i) External advertising on hackney carriages licensed by the Council be limited to rear signs the same size as the Council supplied front signs and that the colours used be

restricted to gold lettering on a black background. The content of the sign to be restricted to the business/proprietor name and the contact telephone or mobile number.

(ii) Any request to place advertising inside a hackney carriage vehicle be submitted to the Licensing Committee for its consideration.

(iii) That the front Council supplied door signs must be positioned on the top half of the front door.

22. Scheme of Delegation to Officers

The Committee considered the following item as a matter of urgency as it involved a change to the Scheme of Delegation which was to take immediate effect.

The Committee resolved under Section 100A of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006 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.

The Chairman requested the Committee to consider the existing scheme of delegation to officers in the light of a recent hackney carriage appeal.

RESOLVED that the Scheme of Delegation to Officers by the Licensing Committee be amended so that all appeals lodged in relation to the licensing of hackney carriage/private hire drivers and their vehicles be considered by the Licensing Committee.

LICENSING COMMITTEE

18 MAY 2011

Present: - Councillor Mary Blandon, John Bouckley, Barrie Cook
Nick Cope, Dave Harris, Pauline Hazel, Mike Hogg,
Margaret Kimberley, Michael Lilley and Colin Mudie.

Substitute member:- Councillor Sutton for Councillor Garnett

1. **Appointment of Chairman**

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

2. **Appointment of Deputy Chairman**

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

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