

Licensing Committee

Grand Jury Room, Town Hall
5 October 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.

Colchester Borough Council, Angel Court, High Street, Colchester
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www.colchester.gov.uk

**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
5 October 2011 at 6:00pm**

Members

Chairman : Councillor Barrie Cook.
Councillors Christopher Garnett and Margaret Kimberley.

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 31 August 2011.

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
5 October 2011 at 6:00pm**

Agenda - Part B

(not open to the public or the media)

Pages

8. 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

31 AUGUST 2011

Present:- Councillor Cook (Chairman)
Councillors Blandon, Bouckley, Cope, Garnett, Hazell,
Hogg, Kimberley, Lilley, Mudie and Quarrie.

5. Minutes

RESOLVED that the minutes of the meeting held on 1 June 2011 were confirmed as a correct record.

6. Passenger Assistance Training

The Committee considered a report by the Head of Environmental and Protective Services on a proposed amendment to the condition which requires holders of licences for new hackney carriage disabled accessible vehicles to have completed a Passenger Assistance Training (PAT) course, to include all other drivers of those vehicles. The amendment was being sought to eliminate a potential loophole in the wording of a previous Committee decision and to prevent drivers who use the new plates from refusing to carry wheelchair customers on the grounds that they do not know how the ramps work or how to secure a wheelchair properly, or actually doing so without being competent. It was highlighted that the amendment would also increase the availability of wheelchair accessible taxis in Colchester at certain times.

Mr Saunders (Chairman of the Colchester Hackney Carriage Association) was in attendance and responded to questions from Members of the Committee and confirmed that the Association supported the proposed amendment.

RESOLVED that –

- (i) condition (iii) (c) be amended to read “all proprietors and drivers driving the 18 new plates, Hackney Carriage Plate numbers 114 onwards, should attend a PAT training course and that the pass certificate be lodged with the Licensing Authority for retention with their driver record”. Full compliance is to be achieved within three months from 1 September 2011.
- (ii) With effect from 1 September 2011, any **new** proprietors or **new** drivers of the 13 plates which require the vehicle to be wheelchair accessible (also referred to as wheelchair protected) in perpetuity, must attend a PAT training course within three months of acquiring or using such a vehicle and lodge their pass certificate with the Licensing Authority for retention with their driver record.

Councillors Hazell and Kimberley joined the meeting at this point.

7. Request to increase waiting time charged by Hackney Carriage Vehicles

The Committee considered a report by the Head of Environmental and Protective Services regarding an application from the Colchester Hackney Carriage Association to increase the amount which Hackney Carriage Vehicles are allowed to charge their customers for “waiting time”. Mr Saunders, Chairman of the Hackney Carriage Association explained that the Association had held a ballot amongst its drivers (on various ways that fares might be increased) earlier in the year and it emerged that increasing the “waiting time” fare to £16.00 per hour was the preferred option. Mr Saunders informed the Committee Members that there had not been an increase in the “waiting time” fee in Colchester for 15 years and that the increase from £12.00 to £16.00 per hour was more in line with Hackney Carriage Vehicles elsewhere in the country. Mr Saunders and Mr Stevens (Licensing Enforcement Officer) responded to questions from the Committee regarding the programming of taxi meters and the calculation of Hackney Carriage fares.

RESOLVED that the increase in the fare Hackney Carriage Vehicles are allowed to charge for “waiting time” be increased to £16.00 per hour. This decision will come into force once the Council has carried out the prescribed public advertising of it.

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