

Licensing Committee

Grand Jury Room, Town Hall

30 July 2008 at 6:00pm

The Licensing Committee deals with

licensing applications for public entertainments, hackney carriages and private hire vehicles, sex establishments, gaming and lotteries, door registration scheme and other appeals.

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**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
30 July 2008 at 6:00pm**

Members

Chairman : Councillor Cook.
Deputy Chairman : Councillor Garnett.
Councillors Blundell, Chuah, Cope, Hogg, Lilley, Martin,
Oxford, Quarrie, Sykes and Tod.

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. 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.

2. 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.

3. 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.

4. 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.

5. Minutes	1
To confirm as a correct record the minutes of the meeting held on 19 June 2008.	
6. Unmet Demand Survey	2 - 6
See report by the Head of Planning, Protection and Licensing.	
7. Hackney Carriage Fare Increase	7 - 11
See report by the Head of Planning, Protection and Licensing.	
8. Member Training	12 - 17
See report by the Head of Planning, Protection and Licensing.	
9. 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

19 June 2008

Present: - Councillor Cook (Chairman)
Councillors Chuah, Cope, Hogg and Garnett

The Committee resolved under Section 100A(4) 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 item as it involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972

8. Hackney Carriage/Private Hire Driver's Licence // Appeal

The Committee considered a report by the Head of Planning, Protection and Licensing on an appeal against the Licensing Manager's decision to suspend the appellant's hackney carriage/private hire driver's licence.

The Licensing Manager and the appellant and his witness attended, presented their cases, then withdrew.

RESOLVED that-

- (i) the appeal be dismissed.
- (ii) That after careful consideration of the evidence presented to the Committee including the Court records, the report and the evidence given by the Licensing Manager, the applicant and his witnesses, the Committee was not satisfied that the applicant was 'a fit and proper person' to hold a hackney carriage/private hire driver's licence in accordance with Section 51(1) (a) of the Local Government (Miscellaneous Provisions) Act 1976 and therefore determined to revoke the appellant's hackney carriage/private hire driver's licence with immediate effect. The Committee considered this course of action to be necessary and proportionate and to be in the public interest.



Licensing Committee

Item

30 July 2008

Report of	Head of Planning, Protection & Licensing	Author	Simon Harvey ☎ 282701
Title	Results of Hackney Carriage Unmet Demand Survey 2007 - 2008		
Wards affected	All		

This report details the executive summary of the hackney carriage unmet demand survey produced by Transportation Planning International Ltd on behalf of Colchester Borough Council which was undertaken during late Autumn 2007 and January/February 2008.

1. Decision(s) Required

- 1.1 The Licensing Committee is asked to consider the results of the unmet demand survey for hackney carriage vehicles undertaken by Transportation Planning International Ltd (TPI Ltd) during late autumn 2007 and January/February 2008 and agree to accept and implement the recommendations that are contained in the Executive Summary of the TPI survey report where it is possible and practical to do so.

2. Reasons for Decision(s)

- 2.1 As a Local Authority which regulates the number of hackney carriage vehicle licences that it grants in accordance with Section 16 of the Transport Act 1985, Colchester Borough Council is required by the Department of Transport to regularly review a policy of limiting the numbers of hackney carriages and to make such a review public.
- 2.2 The recognised method of undertaking such a review is for the Council to commission an independent unmet demand survey of the numbers of hackney carriage vehicles that it licences and an interval of three years is commonly regarded by the Department of Transport as the maximum reasonable period between each survey being carried out.

3. Alternative Options

- 3.1 There is no alternative option and as a regulated authority, failure to comply with the requirement to undertake a survey would place Colchester Borough Council outside of the guidance issued by the Department of Transport on the 16 June 2004 and also outside of the Department of Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued in October 2006. (See both documents attached as appendix 1).

4. Supporting Information

- 4.1 In August 2002 the Office of Fair Trading undertook a market study survey to look at issues relating to how Local Authorities within the United Kingdom license Hackney Carriages and Private Hire Vehicles.

- 4.2 In November 2003 the Office of Fair Trading published the results of their market study (OFT 676) and made a number of recommendations to the Department of Transport in relation to the regulation of taxi and private hire services in the UK.
- 4.3 As a result of these recommendations, the Department of Transport's Head of Bus, Taxi and Private Hire Branch wrote on the 16 June 2004 to all Local Authorities who regulate the numbers of hackney carriage vehicle licences granted within their area, to ask them to review their policy of limiting the number of hackney carriage vehicle licences and make the results of such a review public by way of undertaking an unmet demand survey.
- 4.4 The hackney carriage unmet demand survey that was carried out in late 2004 and early 2005 increased the number of hackney carriage vehicle licences in the Colchester Borough Council area to 131.
- 4.5 In order to comply with the requirements of the current guidance issued by the Department of Transport and also to determine whether or not there is any significant latent unmet demand for the services of hackney carriage vehicles in Colchester, a further three year survey was carried out by Transportation Planning International Ltd.
- 4.6 The results of that survey are attached to this report in the form of an Executive Summary. (See attached as appendix 2).
- 4.7 On the basis of the survey analyses conducted, the TPI survey concludes that there is no significant unmet demand for the services of hackney carriages at this time.
- 4.8 The Executive Summary of the survey also highlights in its key conclusions that facilities at taxi ranks are limited in terms of signage and waiting facilities such as seating, shelter and information for taxi users.
- 4.9 It has been indicated by the Department of Transport that they expect to issue further guidance for Local Authorities during this summer in relation to the regulation of hackney carriage vehicle licence numbers and also the implementation of the full requirements of the Disability Discrimination Act 2005 in relation to hackney carriage vehicles.
- 4.10 At the time of writing this report however, the anticipated further guidance had not been issued by the DfT.

5. Proposals

- 5.1 It is proposed to the Members of the Licensing Committee that they maintain the current limit of hackney carriage vehicle licenses issued to 131 and accept in full all of the other recommendations that are contained in the Executive Summary report of the survey and implement these where it is possible or practical to do so.
- 5.2 These recommendations are as follows:
- i) maintain the limit at the current level of 131 licences;
 - ii) issue that number of hackney carriage licences as it sees fit; or
 - iii) remove the current limit on hackney carriages (de-limitation).
- If there is to be any change, to the current policy, this should be considered following the issue of DfT guidance to licensing authorities proposed for summer 2008.

- That any change to the vehicle specifications to require more or all hackneys to be wheelchair accessible vehicles should only be considered following the outcome of DfT consultation proposed for summer 2008. In the absence of this, it is recommended that improvements in the accessibility of vehicles and services are encouraged on a voluntary basis through promotion of the market opportunities and identification of opportunities to build the capacity of operators to serve these.
- To address service accessibility, service quality and standards of customer care issues identified consideration should be given to:

In the short term

- Encouraging drivers to seek assistance from the Train to Gain programme to pursue to pursue NVQ2 training
- Promoting the improved customer care expectations to the public to provide reassurance to users and potential users, including information on accessibility and how to provide feedback (negative and positive)
- Monitoring of this through customer surveys and random mystery passengers

In the longer term

- Consideration of a more comprehensive quality taxi partnership (QTP) approach to improve liaison between licensing authority, police, other stakeholders and operators, provide a framework for bringing about mutually beneficial improvements across the taxi sector and a quality mark to participating operators, as has been found to be effective in other authorities.
- The framework provided by a QTP would also be useful for facilitating discussion on how best to optimise supply to address peaks in demand, delays in arrival times and congestion issues.
- The licensing authority should address the shortcomings in facilities at ranks, identified by the rank audit in order to be sure to meet the needs of all users.
- The licensing authority should issue any guidance to taxi operators on how to address safety and security issues, due to be provided by government, following publication of their research into this issue proposed for summer 2008.
- The anticipated useful life of the current survey is three years and we would recommend a further survey in autumn 2010 in line with current Government guidance.

6. Strategic Plan References

- 6.1 The recommendations of the TPI survey report are compatible to the aims and desires that are aspired to by Colchester's 'Community Strategy – Colchester 2020' and also Colchester Borough Councils 'Strategic Plan 2006 – 2009'.

7. Consultation

- 7.1 Extensive consultation was undertaken by TPI Ltd as part of the hackney carriage unmet demand survey which included passenger and users of taxi services, on street public attitude and written questionnaires, mobility groups, transportation groups and transportation providers, the leisure industry, faith groups, disability groups, business organisations, the primary care trust, CBC tourism and visitor service and also the taxi and private hire trades.

8. Publicity Considerations

- 8.1 Primarily it will be the hackney carriage trade that could be the most affected by any decision taken in relation to the unmet demand survey and the recommendations that it contains. Therefore further direct discussion and consultation will be undertaken as necessary with the Colchester Hackney Carriage Association and any other interested parties or partners, on how best to implement the recommendations made in regards to issues such as driver training, safety, Disability Discrimination Act requirements, Quality Taxi Partnership and also the suggested facility improvements at taxi ranks.

9. Financial Implications

- 9.1 The cost of carrying out the hackney carriage unmet demand survey has been met from within the existing hackney carriage budgets and hackney carriage vehicle licence fee structure.
- 9.2 Any decisions taken by the Licensing Committee in regards to the survey and the recommendations it contains, could be challenged through the Magistrates or Crown Courts by any interested party or by way of seeking a judicial review of the survey and/or the Council's policy to regulate the numbers of hackney carriage vehicle licences that it issues.
- 9.3 The costs of any challenge brought against the unmet demand survey or the Councils policy of regulating the number of hackney carriage vehicle licences that it issues, could be awarded against the Council in the event of any challenge in Court or judicial review being successfully mounted against it.

10. Equality, Diversity and Human Rights Implications

- 10.1 All relevant equality, diversity and human rights implications will have been considered by the survey provider TPI Ltd when they were undertaking the mechanics of the survey itself and also when preparing the final draft of the survey report and the recommendations that it contains.
- 10.2 In relation to hackney carriage vehicle licences specifically, a licence is to be regarded as the property of the licence holder, but their right to the use of that property must also be balanced against any other public interest in this matter.

11. Community Safety Implications

- 11.1 All relevant community safety implications will have been considered by the survey provider TPI Ltd when they were undertaking the mechanics of the survey itself and also when preparing the final draft of the survey report and the recommendations that it contains.

12. Health and Safety Implications

- 12.1 All relevant health and safety implications will have been considered by the survey provider TPI Ltd when they were undertaking the mechanics of the survey itself and also when preparing the final draft of the survey report and the recommendations that it contains.

13. Risk Management Implications

- 13.1 All relevant risk management implications will have been considered by the survey provider TPI Ltd when they were undertaking the mechanics of the survey itself and also when preparing the final draft of the survey report and the recommendations that it contains. The main financial risk implications to the Council are detailed as above in section 9 of this report.

14 Recommendations

- 14.1 It is recommended by the Licensing Manager that the Licensing Committee agrees to maintain the current number of hackney carriage vehicle licences that it has issued at 131 and also accept in full all of the other recommendations that are shown in the executive summary of the TPI survey report and also shown under section 5 of this report and implement these recommendations where it is found to be possible and practical to do so.

Background Papers

- TPI Ltd Survey report and Executive Summary.
- Department of Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance (issued in October 2006).



Licensing Committee

Item

30 July 2008

Report of	Head of Environmental & Protective Services	Author	Simon Harvey ☎ 282701
Title	Local Government (Miscellaneous Provisions) Act 1976- Request to increase maximum fares charged by Hackney Carriage Vehicles.		
Wards affected	All		

This report considers an application from the Colchester Hackney Carriage Association for an increase in the maximum fares allowed to be charged by Hackney Carriage Vehicles and makes a recommendation to the Licensing Committee to approve that application.

1. Decision(s) Required

- 1.1 To consider an application from the Colchester Hackney Carriage Association for an increase in the fares charged to customers of Hackney Carriage Vehicles and to agree or refuse that application, or to make any amendment to it that the Licensing Committee may feel appropriate.

2. Supporting Information

- 2.1 An application has been received from the Colchester Hackney Carriage Association which seeks an increase in the maximum fare/tariff that they are allowed to charge their customers for the hiring of Hackney Carriage Vehicles licensed by Colchester Borough Council. (See appendix 1).
- 2.2 The reasons that the Hackney Carriage Association have cited in their application to increase the maximum fare/tariff that can be charged, are in particular, the rising and unstable costs of diesel and petrol and also the increase in, car insurance, vehicle maintenance and servicing and other general running costs which are associated with the day to day running of their hackney carriage businesses.
- 2.3 Colchester Borough Council can determine such applications and set such fares for hackney carriage vehicles licensed in their area as it may deem reasonable or necessary, by virtue of Section 65 (1) of the Local Government (Miscellaneous Provisions) Act 1976. (See appendix 2).
- 2.4 The Colchester Hackney Carriage Association is a trade organisation whose membership is made up of approximately 109 drivers and proprietors and whose numbers make up the overwhelming majority of the Hackney Carriage drivers and proprietors that are licensed by Colchester Borough Council.
- 2.5 A Committee has been elected from amongst that membership to represent the views and opinions of the majority of the hackney carriage trade.

3. Proposals

- 3.1 The Colchester Hackney Carriage Association Committee has balloted its members with two options for a proposed fare increase. These are 'Option A' and 'Option B'. The ballot

paper also details for both options, what the maximum fare/tariff increases will be for distances travelled between 1 and 24 miles. (See attached as appendix 3).

- 3.2 'Option A' proposed that the flag fall on the vehicle taximeter will increase by 20 pence, followed by a 30 pence increment for each (or part thereof) 225 yards (206 metres) travelled up to a maximum of 2225 yards (2034 metres) and a further 30 pence increment for each 440 yards (402 metres). The 30 pence increment would also apply to rate 2 on the taximeter.
- 3.3 'Option B' proposed that the flag fall on the taxi meter will increase by 20 pence, followed by a 30 pence increment for each (or part thereof) 245 yards (224 metres) travelled up to a maximum of 3630 yards (3318 metres) and a further 30 pence for each 405 yards (370 metres). The 30 pence increment would also apply to rate 2 on the taximeter.
- 3.4 For the rate 3 fare/tariff which is used in multi seat vehicles for 5 or more passengers it was proposed by both options to increase the incremental rate to 40 pence.
- 3.5 A further option was proposed to alter the commencement time for rate 2 on the taxi meter from its present 22.00 hours Mondays to Saturdays and on all Sundays and Public and Bank Holidays (except for Christmas and New Years Eve) to a commencement time of 23.00 hours Monday to Friday and 21.00 hours on Saturday.
- 3.6 The option chosen by the Hackney Carriage Association membership was to adopt 'Option B' by 70 to 37 votes and to keep the commencement time for rate 2 on the taximeter as it currently stands (i.e. a commencement time of 22.00 hours Mondays to Saturdays etc) by 83 to 26 votes.
- 3.7 The proposals for the new maximum fare/tariff for saloon and estate vehicles up to 4 passengers and multi seat 5 to 8 passenger vehicles as they will look when set out in a Colchester Borough Council fare chart are attached to this report. (See attached as appendix 4).
- 3.8 Also attached to this report for the Licensing Committees consideration is a table of fares which gives an example of how Colchester's current and proposed maximum fare/tariff compares to a number of other neighbouring local authority hackney carriage fares up to a distance of 5 miles. It should be noted that the figures shown in this table can vary slightly as distances journeyed rarely work out to the exact mile. (See attached as appendix 5).
- 3.9 It is considered by the Licensing Manager that the Hackney Carriage trade itself is in the best position to know its own business and running costs, what their customer market can bear in terms of increasing the maximum rate of fares/tariffs it can charge and indeed whether or not their customers will be willing to pay for such an increase.
- 3.10 There is also significant and healthy competition in the Borough for the Hackney Carriage trade in the form of the Private Hire industry. Those customers who may feel that they do not wish to pay an increase in Hackney Carriage fares could decide to use private hire vehicles as an alternative or preferred form of transport.
- 3.12 However it should be mentioned that in doing so, customers would lose the flexibility of being able to hail and hire a Hackney Carriage vehicle (Taxi) straight off the street and in deciding to travel by Private Hire vehicle, they would then have to pre-book their journey, primarily by phone, on every occasion.

4. Alternative Options

- 4.1 The Licensing Committee has the options available to it to either agree or refuse the application that has been made by the Hackney Carriage Association to increase the maximum fare/tariff that they can charge, or to make any amendment to the proposed increase that the Committee may feel appropriate.

5. Strategic Plan References

- 5.1 There are no significant or direct links to the strategic plan which apply to this application to increase the maximum fare/tariff that can be charged by hackney carriage vehicles that are licensed by Colchester Borough Council.

6. Consultation

- 6.1 The Hackney Carriage Association has carried out a ballot of its members regarding the proposal contained in this report to increase the maximum fare/tariff that can be charged by hackney carriage vehicles licensed by Colchester Borough Council. The proposal favoured by the majority of the Association members is shown in detail as part of appendix 3 attached to this report.

7. Publicity Considerations

- 7.1 Any decision taken by the Licensing Committee to increase or vary the maximum fare/tariff that can be charged by hackney carriage vehicles licensed by Colchester Borough Council must be advertised in a local newspaper that circulates within the Borough and in accordance with Section 65 (2) (a) and (b) of the Local Government (Miscellaneous Provisions) Act 1976. (See attached as appendix 6).

8. Financial Implications

- 8.1 If the Colchester Hackney Carriage Association's request for an increase to the maximum fare/tariff that can be charged by hackney carriage vehicles licensed by Colchester Borough Council is agreed by the Licensing Committee, then the maximum table of fares proposed would have to be advertised in a local newspaper, giving an implementation date for the increase of not less than 14 days from the date of publication of the notice.
- 8.2 If any written objections to the proposed increase are received by the Council within the 14 day objection period then these objections would have to be heard and considered by the Licensing Committee at a further meeting to be held not later than 2 months after the date that the maximum fare table/tariff was scheduled to come into force.
- 8.3 The Committee could then decide to allow the objection and alter the proposed increase accordingly, or dismiss the objection and allow the increase to stand. In which case, the increase must come into force not later than two months after the first specified date that was advertised in the newspaper.
- 8.4 Consideration has been made of the cost of advertising and in dealing with any other matters that might arise from the proposed increase, including the cost of printing and laminating new maximum fare charts and provision for this can be found from the hackney carriage existing budget. There should therefore be no additional or hidden costs relating to this matter.
- 8.5 Any decision that the Licensing Committee takes in regard to this application to increase the maximum fare/tariff that can be charged by hackney carriage vehicles licensed by

Colchester Borough Council can be challenged by way of an appeal to the Magistrates and Crown Court, or by way of a challenge through seeking a judicial review of that decision.

- 8.6 If such an appeal to the Magistrates and Crown Court were successful, or a challenge by way of judicial review was successful, then the costs of such an appeal or such a review could be awarded against the Council.

9. Human Rights Implications

- 9.1 A licence and therefore by definition in this circumstance, the livelihood that goes in tandem with that licence, is to be regarded as the property of the licence holder. However their right to the use of that property must also be balanced against any other public interests that may apply in this matter.

10. Community Safety Implications

- 10.1 There are no significant or direct community safety implications associated with the application that has been made by the Colchester Hackney Carriage Association to increase the maximum fare/tariff that can be charged by hackney carriage vehicles licensed by Colchester Borough Council.

11. Health and Safety Implications

- 11.1 There are no significant or direct health and safety implications associated with the application that has been made by the Colchester Hackney Carriage Association to increase the maximum fare/tariff that can be charged by hackney carriage vehicles licensed by Colchester Borough Council.

12. Risk Management Implications

- 12.1 There are no significant or direct risk management implications associated with the application that has been made by the Colchester Hackney Carriage Association to increase the maximum fare/tariff that can be charged by hackney carriage vehicles licensed by Colchester Borough Council, other than those that are indicated as financial implications as outlined in paragraphs 8.1 to 8.6 of this report..

13. Recommendations

- 13.1 It is recommended to the Licensing Committee that it approves the application that has been received from the Colchester Hackney Carriage Association for an increase to the maximum fare/tariff that can be charged by hackney carriage vehicles that are licensed by Colchester Borough Council as outlined in paragraphs 3.3 and 3.4 of this report, namely the Hackney Carriage Associations preferred 'Option B' proposal as voted for by the majority of its membership.
- 13.2 In making this recommendation, the licensing manager takes into account the mandate that the Hackney Carriage Association has from its membership in this matter and also bears in mind that as a trade, it is placed in the best position to know if such an increase is justified and that it will be borne by its customers.

Background Papers

Appendix 1 – Application from the Colchester Hackney Carriage Association

Appendix 2 – Section 65 (1) Local Government (Miscellaneous Provisions) Act 1976

Appendix 3 - Colchester Hackney Carriage Association ballot paper

Appendix 4 – Colchester Borough Council Hackney Carriage Fare/Tariff chart

Appendix 5 – Example of fares for neighbouring Local Authorities

Appendix 6 - Section 65 (2) (a) and (b) Local Government (Miscellaneous Provisions) Act 1976



Report to the Licensing Committee

Item

30 July 2008

Report of	Committee Services Officer (Licensing)	Author	Sarah White ☎ 506016
Title	Member Development Programme		
Wards affected	All		

This report concerns proposed changes to the structure and delivery of member training and development for licensing

1. Decision Required

- 1.1 To seek members views on the suggested programme for member development which acknowledges the different requirements of new and experienced members on the Licensing Committee.
- 1.2 That, if approved the Committee determines the level of modular training appropriate.
- 1.3 That the Constitution be amended as follows –

The following criteria shall apply in respect of training:

- Attendance must be at the training sessions provided within the context of the members training programme which will be provided on a modular basis;
- Members must complete 12 member development points of training a year;
- Attendance must be for the duration of each training session, at least every other year;
- Membership of the Committee does not provide any exemption from attendance at training session;
- A record of attendance at training sessions will be maintained and updated each year by the Licensing Section and will be circulated to all members following each training session.

2. Supporting Information

- 2.1 The Constitution currently requires that members of the Licensing Committee shall have undertaken suitable training in accordance with the criteria set out below -

The following criteria shall apply in respect of training:

- Attendance must be at the training session provided within the context of the members training programme;

- Attendance must be for the duration of each training session, at least every other year;
- Membership of the Committee does not provide any exemption from attendance at training session;
- A record of attendance at training sessions will be maintained and updated each year by Committee Services and will be circulated to all members for approval following each training session.

2.2 The training has to date been provided in a variety of ways. The Council has used an external trainer to provide general training at a Council arranged training day. The general training comprised training on sex establishments, hackney carriage/private hire licensing and in the past, amusement with prizes. Members have attended external training courses, principally in London but also elsewhere in the region, on general training matters and also on specific issues whether they have not been able to attend Council run courses. The Council has also in recent years organised specific training for members and officers on particular issues such as the Licensing Act 2003 and the Gambling Act 2005. This training has been necessitated by the changes in legislation within licensing.

2.3 Licensing training is almost entirely based around the legislation concerned and is generally conducted as a form of lecture with a question and answer session.

2.4 The approximate costs per member of delivering a training session are set out below-

Council run course	£178.00
External course	£263.00

East of England Charter for Elected Member Development

The Council is committed to securing Member Development Charter status. This will involve an external assessment of the Council's Member Development policies and procedures on behalf of the Regional Assembly. In order to obtain Member Charter status the Council will need to demonstrate that it is fully committed to member development in order to achieve its aims and objectives and that it has a training plan in place to address the needs of individual councillors and of the Council as a whole. The proposals outlined in section 4 of the report are entirely consistent with the principles of the Charter and will support the bid for Member Charter status.

3. Limitations of the existing training

3.1 It has become apparent that the existing arrangements do not adequately address the needs of members new to the Committee or the requirements of existing members of the Committee. In recent years the Council has sought to address the time constraints placed on members by providing evening and daytime sessions of the courses offered but where these cannot be attended it has been impossible to find evening sessions offered by outside agencies.

3.2 The Council has found it increasingly difficult in recent years to provide training on general aspects of licensing. There is really only one trainer in this field and the training is provided through the Local Government Group or individually for Councils. The training is legislation based and has been heard by some members many times. These issues, together with timing difficulties, have left the Council on occasions with one or

two members not having completed all the relevant sections of training. It has proved extremely difficult to fill these training gaps.

4. Proposal

- 4.1 It is suggested that the Council should move away from its traditional approach to a more flexible scheme that recognises the different development needs of new and experienced members and provides guidance to new Chairman on the practicalities of chairing quasi judicial hearings which are largely the preserve of licensing within the Council.
- 4.2 The constitution currently does not permit a member of the Committee to sit until they have attended a training session on the area in question. This has in the past resulted in significant time delays for new members and indeed for existing members whose training has expired under the terms of the constitution.
- 4.3 The suggested programme of development for new members would provide them with a background to the work of the licensing section and of the Committee and would give them an opportunity to sit in at hearings and observe before being expected to sit on a Sub-Committee to determine an application. It is anticipated that these initial stages could be completed much faster than the current training requirements. The programme would also provide the background legislative framework though attendance at courses on the licensing and hackney carriage/private hire licensing.
- 4.3 The suggested programme for existing members of the Committee recognises the training they have already received and the practical experience they have and centres therefore on the provision of further information which seeks to expand and provide information on various aspects of licensing. It is suggested that these information sessions should be provided by way of a modular programme with each Councillor determining their needs within the framework. Some of the information sessions may be compulsory if it is considered to be essential to the operation of the Committee but in general courses would be chosen by Councillors to meet their individual requirements.
- 4.4 Specialist training will continue to be provided on legislative changes as required and as it has been in the past.

5. The Scheme

5.1 New Member training

Introductory Training

- Introduce the relevant officers
- Committee procedure rules
- Roles and responsibilities
- Explanation of the training programme

Core training

Key Skills – for members to determine their own training requirements from the sessions provided under the member development charter. The skills of particular relevance to licensing are communication and challenge skills.

Key Knowledge – the acts relating to licensing (in particular the Licensing Act 2003 and hackney carriage/private hire licensing), responsibilities under the crime and disorder act and human rights, equality and diversity. Council officers are there to advise the Committee on law, practice and procedure however, members

are required to have some knowledge of legal principles, common procedures and structured decision making tools.

Activities – observation of two Licensing Sub-Committee Hearings dealing with Licensing Act applications and one Licensing Sub-Committee meeting dealing with a hackney carriage appeal before being able to hear and determine an application/appeal and a post sitting review to discuss any issues.

Review – to take place at the end of the municipal year to provide a mechanism to enable members to appraise the training provided and possibly to suggest topics for inclusion in the modular programme..

5.3 Experienced Member training

Licensing Development Programme

Committee Reviews - using post sitting reviews to identify good practise and identify any problems.

Modular Training units - to attend a certain number during the year from the courses offered under the programme, the choice to be members and chosen to address their training needs.

Self directed online learning – the use of an online facility to update and refresh skills if wished.

5.4 Modular Learning

Integral to the new scheme is the provision of modular learning sessions. It is intended to provide a number of licensing based information sessions probably lasting no more than an hour followed by a session for members to ask questions. Some of the units may be provided under the new member development programme. The sessions will cover a range of matters across the licensing spectrum and may include the following –

- Quasi judicial hearings
- Convictions and rehabilitation
- Under age drinking and trading standards
- Noise nuisance
- Enforcement
- Quality Taxi Partnership
- Communication and challenge skills
- CCTV operation
- Legal principles (compulsory)
- Drugs
- Visits to Pub and Club Watch
- Visits with the Enforcement Officers

The compulsory modules will cover areas that underpin the work of the Licensing Committee and obviously it is essential that all members attend. The other modules are optional but it is suggested that members should be required to attend a given percentage in order to meet the requirements of the Constitution. It is suggested that a system similar to the professional CPD points be used. It is for the Committee to determine what it considers to be appropriate training but it is suggested that if each session is awarded 3 member development points, members' should have to complete a minimum of 12 MDP's of training in any one year.

5.5 Chairman's Programme

The vast majority of meetings of the Licensing Committee are quasi-judicial, that is there is a right of appeal for all parties involved to the Magistrates Court or the Crown Court. This is a situation which is not really found elsewhere in the Council and brings with it additional challenges for the Committee and in particular for the Chairman. It is suggested therefore that in developing a new programme these additional demands on the Chairman should be recognised. The programme for a new Licensing Chairman would centre upon their role in directing a quasi-judicial hearing and would address the following-

- Role and responsibilities under the various licensing legislation.
- Role of the Chairman in the meeting room in directing the meeting, addressing the needs of all parties attending the hearing and managing conflict.
- Role of the Chairman in private session in leading discussions, highlighting key issues, managing conflict, structured decision making, agreeing and preparing decisions and the reasons for such decisions.

6. Links to other Training

6.1 The Council is currently reviewing the training offered to members and the self assessment skills audit completed by over a third of members has identified a demand for courses on many of the areas included relevant to the work of the licensing committee for new members. It is anticipated therefore that the areas of challenge and communication skills will be provided within the context of the overall councillor development programme.

6.2 The Council is a member of the Learning Pool who has been developing online training facilities to support the work of councillors. A licensing module is available through Modern Councillor and it is suggested that this be used as part of the ongoing development for existing members.

7. Additional benefits of training

7.1 It is hoped that the new system of training will address the need for the flexible delivery of information whilst strengthening members' skills and enabling them to respond to the increasingly complex and diverse demands placed upon them. It will also facilitate links with other partners in licensing and with the responsible authorities.

8. Strategic Plan References

8.1 The increased relevance of the training programme to the needs of members has the potential to deliver a better, more consistent and robust licensing service which will contribute to meeting the demands of the strategic plan for the development of safer communities and tackling anti-social behaviour. Quality Customer Service underpins the Strategic Plan and this scheme has a key role to play in the delivery of a high quality licensing service.

9. Consultation

9.1 The proposed changes to the scheme have been discussed with the current and former Chairman of the Licensing Committee and members of the Committee have been asked for their comments with regard to proposed topics for the modular units. This report is the next step in the consultation process with members. Consultation has taken place

with a barrister specialising in licensing and with licensing trainers. As it concerns member development wider public consultation is not considered appropriate.

10. Publicity Considerations

10.1 As this matter concerns member development, publicity on this matter is not considered appropriate.

11. Financial Implications

11.1 At this stage it is difficult to quantify the financial implications of the new scheme. Clearly some of the training will be delivered in house using existing resources and there will be a reduction in the numbers of members required to attend the formal 'legislative' based training. Initial indications are that the costs of the modular units can be met from within existing training budgets.

12. Equality, Diversity and Human Rights Implications

12.1 The scheme will ensure that the Members' responsibilities in respect of equality and diversity and the implications of the Human Rights Act are addressed.

13. Community Safety Implications

13.1 The training scheme will address the Committee's responsibilities in relation to community safety.

14. Health and Safety Implications

14.1 There are no particular health and safety implications.

15. Risk Management Implications

15.1 There are no particular risk management implications.

