

Licensing Committee
Wednesday, 14 June 2023

Present:

Councillor Bickersteth
Councillor Bloomfield
Councillor Michelle Burrows (Deputy Chair)
Councillor Roger Buston
Councillor Jeremy Hagon
Councillor Mike Hogg
Councillor David King
Councillor Roger Mannion
Councillor Sam McLean
Councillor Carl Powling

Substitutes:

Councillor Tim Young for Councillor Dave Harris

Also in attendance:

174. Declarations of interest

Although a member of the Committee did not have a disclosable interest, they drew the attention of the Committee to the fact that it was the 6th anniversary of the fire at Grenfell Tower. With the consent of the Chair, the Committee observed a minute's silence as a mark of respect to those who had lost their lives.

175. Minutes of the previous meeting

RESOLVED that: the minutes of the meetings held on 22 March 2023 and 24 May 2023 be confirmed as a correct record.

176. Licensing Update

The Committee received a verbal update on the work of the Licensing Team and key areas of work for the forthcoming municipal year.

Sarah White, Licensing Team Leader, attended the Committee to present the report and assist the Committee with its deliberations. The Committee heard that there had been a number of changes in the Licensing Team over the past year with Officers, including the Licensing and Food Safety Manager, leaving the Council. In the light of this, the team had been mainly focussed on dealing with urgent work and complaints which had been received.

In spite of the difficulties, some significant pieces of work had been undertaken, including the incorporation of the National Register of Refusals, Revocations and Suspensions (NR3) for hackney carriage and private hire drivers licensed by the Council into the work of the team. All applications for new or renewed drivers licenses were subject to checks against the Register to ensure that they had not been the subject of revocation or suspension by any other local authority. Additionally, the team had dealt with a large number of complaints together with progressing work in relation to the requirement to accept card payments in licensed vehicles, and integrating with the council's new back office administrative computer system which had taken a considerable amount of time. The team had attended information sessions on proposed legislation known as Martyn's Law, and further updates would be provided to the Committee in relation to this if necessary. It was anticipated that consideration of the requirement for licensed vehicles to install CCTV would be referred to the committee at some point in the municipal year.

RESOLVED that: the contents of the update be noted.

177. Have Your Say!

Mustafa Irshad, Secretary of the Colchester Hackney Carriage Association, attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! provisions. The Committee heard that although taxi marshals were provided on the high street rank, no marshals were available except on weekend evenings. When no marshals were on duty there had been issues with taxi rank and queue management, and customers were taking taxis from the rear of the rank in breach of rank etiquette. This led to congestion as drivers had taken to parking at the rear of the rank as a result. It was also considered that there was an overcharging issue and the Association had received complaints in relation to this. It was suggested that a list of standard fares from Colchester to popular destinations could be provided next to the rank so that customers could check what the likely fare would be to other towns. A list of fares based on mileage could also be displayed so that if a customer knew how far they were going they could work out the likely fare.

In discussion, the Committee noted that Atik, a nightclub on the high street, had agreed to fund the provision of taxi marshals in the past, and suggested that the Council should look to work with other potential providers as the taxi rank required careful management at busy times. Officers were aware of the issues and agreed to speak with the management of Atik to see whether they would continue to fund marshals. The Committee was advised that Colchester Business Improvement District (BID) had also agreed to provide some marshal funding, and work would be ongoing in this area. Additional signage at the rank was also being considered to encourage customers to queue up properly, and this was supported by the Committee.

In respect of the issue of overcharging which had been raised, Sarah White, Licensing Team Leader, confirmed that any complaints were investigated when they were reported, but a lot of concerns were anecdotal or had been received from third parties. Test purchasing of taxis had been carried out in the past, and it was hoped

to recommence this activity in the future when staffing resources allowed. The results of such operations were not reported publicly but drivers found to be at fault were dealt with. The suggestion which had been made in relation to the provision of additional signage could be considered, and a report potentially referred back to the Committee in the future if this was necessary. It was, however, considered that it would be very difficult to adequately display on signs all the information which went into calculating an approximate fare. The Committee did consider that it was important to provide a good impression of the city to visitors and a good taxi service was part of this, any additional clarification which was able to be offered to improve the transparency of fares would be welcomed. It was noted that the tariff by which the meter calculated the fare was displayed in hackney carriage vehicles.

Mr Irshad acknowledged that it would be difficult to display the fares, but wondered whether it would be possible to express likely fares to neighbouring town centres in a similar format to that which could be seen at bus stops, in a simple format which could be understood by people even late at night as this may help to reduce complaints about fares.

178. Licensing Committee Training

The Committee considered a report setting out proposed changes to the Council's training scheme for members of the Licensing Committee.

Sarah White, Licensing Team Leader, attended the Committee to present the report and assist the Committee with its deliberations. The Committee heard that the training requirements which were currently imposed on members of the Licensing Committee, and which had been since 2008, required members to observe a hearing before they were able to sit as members of a Sub-Committee or Driver Appeal Hearing. In the past this requirement had been considered necessary as the hearing regime was relatively new to both Councillors and Officers, however, this was no longer the case. The requirement to observe a hearing was now creating a problem in ensuring that there were enough qualified members of the Committee to sit on both Sub-Committee and Driver Appeal Hearings, as it was difficult to ensure that training was delivered together with an opportunity to observe a hearing. Meetings were now recorded, and this presented an opportunity for Councillors to observe the recordings of proceedings if they should wish to do so. It was therefore proposed that the necessity for observation of a hearing should be removed from the training requirements. The basic requirement that members had to be trained before they sat on a Sub-Committee or Driver Appeal Hearing would remain, and training would be delivered to support this, together with any additional training modules that may be required as the result of changes to legislation or any other reason.

The Committee noted the importance of Sub-Committee and Driver Appeal Hearings as these had the potential to affect peoples' livelihoods, and it further acknowledged the difficulty experienced in recent years of maintaining a sufficient pool of Councillors who were trained to deal with these issues. Legislative requirements meant that it was only possible for members of the licensing committee to sit on Sub-

Committee appeal hearings, which further reduced the pool of available Councillors. The pool of available councillors was further diminished by the fact that the hearings were predominantly held in the daytime, making it difficult for Councillors who had work commitments to attend. A Committee member reminded those present of the importance of attending all training which was offered, and of the Sub-Committee and appeals hearings themselves which had the potential to have far reaching consequences for the individuals concerned.

A Committee member considered that the training which was provided was very good, and that the support offered to Members sitting on a hearing by both the Licensing Officers and the Council's legal team was excellent. They understood the reasoning behind the suggestion which had been made, and supported the proposal that the observation requirement be removed from licensing training procedures.

RESOLVED that:

- The training scheme for members of the Licensing Committee be amended to require all Licensing Committee members to undertake licensing specific training when first appointed to the Committee and thereafter any training that may be deemed necessary from time to time for the effective delivery of the Council's statutory licensing functions.

And that:

- the requirement for Members of the Licensing Committee to observe a hearing before being appointed as a member of a Sub-Committee or Driver Appeal Panel be removed.

179. Work Programme

The Committee considered a report setting out its work programme for the forthcoming municipal year.

Matthew Evans, Democratic Services Officer, attended the meeting to introduce the report and assist the Committee with its enquiries.

The Committee heard that although usually the work programme would have been set out for the forthcoming municipal year, changes in staffing within the Licensing Team meant that this had not been possible this year. Items would be scheduled into the work programme in the near future, and in addition to this, the Committee was invited to suggest any items which it wished to see brought forward.

In discussion, the Committee noted that regular reviews of the Council's Licensing Policies were required, and these would be presented to the Committee as and when this was required.

Sarah White, Licensing Team Leader, advised the Committee that the issue of Closed Circuit Television (CCTV) in licensed vehicles was an issue which it was intended to present to the Committee at some point in the municipal year, provided

resources allowed this. It was hoped that a clearer picture would be available once the new Licensing Manager had been able to assess the situation. The Council's Licensing Act 2003 Policy needed to be refreshed following a recent very light touch review, and consideration was being given to additional work being undertaken in respect of safeguarding in the nighttime economy.

The Committee voiced its support of the work which had been suggested, and was content to allow Officers to bring items to its attention when it was considered appropriate.

RESOLVED that: the contents of the work programme be noted.