

Licensing Committee

Grand Jury Room, Town Hall
3 July 2013 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
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
3 July 2013 at 6:00pm**

Members

Chairman : Councillor Nick Cope.
Deputy Chairman : Councillor Julia Havis.
Councillors Mary Blandon, Margaret Fairley-Crowe,
Pauline Hazell, Mike Hogg, Brian Jarvis, Margaret Kimberley,
Michael Lilley and Gerard Oxford.

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 interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6. Licensing Service

1 - 3

See report by the Head of professional Services.

7. Member Training and Development Programme

To determine a suitable date for a session to update members of the Committee on the Licensing Act 2003 and other matters.

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

Item
6

3 July 2013

Report of	Head of Professional Services	Author	Martin Nelson
Title	Licensing Review		 282841
Wards affected	Not applicable		

This report provides details on the performance of the Licensing Service for the last six months and highlights some of the work priorities for the next six months

1. Decision Required

- 1.1 To note the performance of the Licensing Team and Licensing Specialist Unit over the past six months

2. Reasons for Decision

- 2.1 The report is presented to the Committee to give an indication of the work carried out by its officers in licensing under delegated powers and to highlight some of the work priorities for the next six months.

3. Alternative Options

- 3.1 Not applicable.

4. Background Information

- 4.1 The Licensing Team, which comprises officers within the Professional Services Section, deal with a wide variety of applications including those under the licensing and gambling acts and taxi licensing which you will be familiar with as well as the less familiar licensing of activities as diverse as pleasure boats, dangerous wild animals, street collections and the zoo. It issues well over 1,000 licences for various matters over the course of a year but only a small percentage of these will find their way to the various Licensing Committees.

5. Licensing Special Unit

- 5.1 Members will be aware that Gary O'Shea, the Council's Licensing and Enforcement Manger left the Council at the end of March to take up a post in Brentwood. Following his departure the Licensing Specialist Unit was joined with Food Safety and Martin Nelson is now the Head of Food Safety and Licensing.

6. Liaison Meetings

- 6.1 The decision was taken at the beginning of the new municipal year to restart the Responsible Authority meetings which the Licensing Authority co-ordinates and the first meeting took place on 28 May with further meetings arranged every two months for the

rest of the municipal year. The meetings are attend by various representatives from the Responsible Authorities under the Licensing Act 2003 and at the last meeting we discussed amongst other matters Early Morning Restriction Orders; the Late Night Levy; a review of the Council's Licensing Policy; the provision of Health Authority data and noise nuisance in the stress area.

6.2 The Licensing Specialist Unit also arranges and attends the Chairman and Group Spokesperson's briefing meetings which take place once a month. These are a forum in which matters of interest and concern can be raised and discussed with the aim of improving the flow of information between members and officers.

6.3 Officers from the Licensing Specialist Unit attend meetings of the Taxi Liaison Group which meets approximately every two months. They discuss a variety of licensing matters with representatives from the Hackney Carriage and Private Hire trades.

7. Licence Applications

7.1 There have been a wide variety of applications submitted under the Licensing Act 2003 and since January there have been –

- 14 applications for a new premises licence
- 7 premises licence variation applications
- 9 minor variations
- 251 Temporary Event Notices

7.2 Of these applications, 5 premise licence applications have been the subject of a Hearing-

- The Old Library and Court Rooms
- Shop and Off Licence at the Solus Development
- Bungalow Diner
- Kings Arms
- Star Anglia Hotel

7.3 Taxi licensing forms an enormous part of the work carried out by the Team and in the last six months they have dealt with 233 changes to private hire driver details and 134 changes to hackney carriage driver details which will include driver renewals and new applications; 54 changes of vehicles; and 30 spot checks of both driver and vehicle some of which were done in conjunction with Essex Police.

7.4 A number of other licences have been issued and applications dealt with including 41 street collection applications and in future reports we will include figures on these also.

8. Licence Specialist Unit

8.1 In addition to the routine application work that is carried out and the ongoing enforcement work , the Specialist Unit also deals with a large volume of enquiries including those from the Customer Service Centre and also carries out visits to premises to advise on a variety of licensing matters. In order to ensure that the service is able to respond to the demands placed upon it officers are constantly reviewing processes in the light of changes to the legislation and best practise guidelines and as a result of these a number of significant pieces of work have been completed over the past six months.

- 8.2 Taxi and Private Hire Licensing – the Committee will be aware that work has been done to develop this policy which was approved by the Committee earlier in the year. Work on the implementation of this is currently underway and this is being done alongside any changes necessary as a result of the ongoing UCC/FSR.
- 8.1 Recurring Billing - The Licensing Authority is now able to suspend premises licenses for non payment of the annual fee (previously this fee had to be collected as a debt through the courts and it was often not cost effective to carry this out). In order to facilitate this the Licensing Specialist Unit staff have been working with colleagues from the Professional Support Unit and Finance to move away from invoicing and to a system of recurring billing. This has required an enormous amount work to put appropriate systems in place and the licensing element of this work was completed at the beginning of May. It is anticipated that the system should be operational by September and in addition to helping with the suspension of licences it should also improve the collection of annual fees. As part of this work it was determined that the Council should be applying the multiplier to the Band D and E vertical drinking establishments and information has been requested from the licence holders concerned to ensure that this fee is applied correctly.

9. Work Priorities

- 9.1 The Licensing Specialist Unit is largely reactive dealing with applications as they come in and responding to enforcement issues that arise so it is not possible to know in advance how much time can be set aside for other projects but the following areas have been identified as priorities because of the beneficial impact they will have on service delivery.
- 9.2 Sex Establishment Process – Following an application to renew a Sexual Entertainment Venue Licence and following recent case law in this area, it was determined to review the Council's Policy in relation to the licensing of these establishments to ensure that the Policy was robust and addressed the concerns of members. A complete review of the Licensing Policy and the accompanying processes is to be carried out and the outcome of this will be reported to the Committee in the autumn with suggested recommendations for change.
- 9.3 Recurring Billing for Gambling Premises – it is intended to extend the process of recurring billing to Gambling premises. This will necessitate another substantial piece of work to ensure that the data can be supplied in an accessible format to Finance but once completed it will again make billing easier and help facilitate any enforcement action that needs to be taken.
- 9.4 Scrap Metal Dealers – the legislation in relation to the registration of scrap metal dealers is changing and as a result the Council needs to set up a process for dealing with these applications. The changes are effective from September 2013 and so this work will need to be carried out quickly.

10. Standard References

- 10.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

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