

# Licensing Committee

Grand Jury Room, Town Hall  
4 June 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.

## 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](http://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](http://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 West Stockwell 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 are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the 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  
4 June 2008 at 6:00pm**

**Members**

Chairman : Councillor Barrie Cook.  
Deputy Chairman : Councillor Christopher Garnett.  
Councillors Elizabeth Blundell, Helen Chuah, Nick Cope,  
Mike Hogg, Michael Lilley, Richard Martin, Philip Oxford,  
Ann Quarrie, Laura Sykes and Jill Tod.

**Agenda - Part A**  
(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief.

**Pages**

**1. Appointment of Deputy Chairman**

To elect the Deputy Chairman of the Committee.

**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 meeting held on 5 and 19 March and 14 May 2008.

## **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).

# LICENSING COMMITTEE

## 5 MARCH 2008

*Present:-* Councillor Garnett (Chairman)  
Councillors Bouckley, Chuah, Crowe, Harris, Hogg,  
Martin and Quarrie

### 21. Minutes

The minutes of the meeting held on 16 May 2007 were confirmed as a correct record.

**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 item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Local Government Act 1972.**

### 22. Livery // Update

The Head of Planning, Protection and Licensing submitted a report on the progress made so far to introduce a uniform full body livery for all hackney carriage vehicles licensed by the Council following the earlier resolutions of the Committee. All vehicles, with the exception of London style taxis and other vehicles whose design incorporates a roof light, were required to display an approved roof light and door signs by 15 April 2008. All vehicles would be required to conform to the full livery by 1 April 2019.

RESOLVED (unanimously) that-

(i) The enforcement action outlined in the Council's letter of 28 January 2008 to all hackney carriage proprietors be approved, namely that after 15 April 2008, any hackney carriage vehicle which by its agreed design, or appearance is able to conform to the approved livery in regard to the roof light, door signs and front plate and is failing to display them, will be in breach of its hackney vehicle licence conditions and its licence will be suspended and remain suspended until such times as the approved roof light and front door signs are purchased from the Council and are fully displayed in situ along with the front licence plate.

(ii) The only hackney carriage vehicles exempt from the process outlined in resolution (i) above in relation to the approved roof light will be those vehicles that are recognised London style taxis and those vehicles that by manufacture, design or specification already display a built in roof light.

(iii) A press release be made as soon as possible setting out the importance of the livery to promote the safety of the public using taxis.

(iv) The Chairman of the Committee be kept informed of the take up of the door signs and roof lights.

(v) A number of dedicated sessions be arranged at Westside and staffed by members of the Licensing Team, close to the deadline date, to enable drivers to collect their door signs and roof lights with the minimum of delay and that this service be advertised to taxi drivers.

(vi) Essex County Council be informed of this Council's intention to introduce the livery and the timescale involved to ensure that it is aware of any potential impact on school taxi contracts.

(vii) The Licensing Manager be thanked for all his work in relation to the introduction of the livery.

# LICENSING COMMITTEE

## 19 MARCH 2008

*Present:-* Councillor Garnett (Chairman)  
Councillors Bouckley, Crowe, Harris, Martin, B Oxford,  
Tod and Quarrie

### 23. Minutes

The minutes of the meeting held on 12 February 2008 were confirmed as a correct record.

**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 item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Local Government Act 1972.**

### 24. Pre-Licensing Conditions

The Head of Planning, Protection and Licensing submitted a report on an amendment to the Council's pre-licensing conditions concerning the grant of any new Hackney Carriage Vehicle Licences following the results of an unmet demand survey. The amendment was recommended to the Licensing Committee as a result of a Local Government Ombudsman's complaint received by the Council, which alleged maladministration concerning the recent grant of 18 additional Hackney Carriage Vehicle licences. The Ombudsman had dismissed the complaints but recommended that the text of the criteria be amended as indicated in the report.

RESOLVED (unanimously) that any person applying for a grant of a new hackney carriage vehicle licence following the need for such a licence having been identified by an unmet demand survey must have:

“Held a Colchester Borough Council Hackney Carriage/Private Hire Drivers Licence for a continuous (i.e. unbroken) period of at least 5 years, during which they must have been of good conduct and character to enable the Council to consider them as a fit and proper person to be granted a new hackney carriage vehicle licence”.

Councillor Crowe joined the meeting at this point.

### 25. Application Form // Amendments

The Head of Planning, Protection and Licensing submitted a report seeking the approval of amendments to the application form used for new Hackney Carriage/Private Hire driver licence applications.

RESOLVED (unanimously) that-

- (i) the application form for the grant of new Hackney Carriage/Private Hire driver licences be amended to include the following:-
  - Please give details below of all criminal convictions or cautions received, or motoring

offences (including for example fixed penalty endorsements).

- Applicants must have held a full DVLA UK driver's licence or equivalent (as recognised by the DVLA) for a continuous period of not less than 48 months (4 years).
- (ii) Authority be delegated to the Licensing Manager to make any important amendments to the application forms that may be required in the future, in order that these amendments can be carried out quickly and that these changes be reported to the Licensing Committee at the earliest opportunity.



**LICENSING COMMITTEE**  
**14 MAY 2008**

*Present:-* Councillors Blundell, Chuah, Cook, Fisher, Garnett, Hogg, Lilley, Martin, P. Oxford, Quarrie, Sykes and Tod.

**1. Chairman**

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

**2. Deputy Chairman**

*RESOLVED* that the appointment of the Deputy Chairman for the ensuing Municipal Year be deferred to the next meeting of the Committee.

e-mail: [licensing.committee@colchester.gov.uk](mailto:licensing.committee@colchester.gov.uk)  
website: [www.colchester.gov.uk](http://www.colchester.gov.uk)