

# Licensing Committee - Hackney Carriage/Private Hire Appeals Meeting

**Council Chamber, Town Hall, High Street,  
Colchester, CO1 1PJ  
Thursday, 07 June 2018 at 18:00**

**The Licensing Committee** hears and determines licensing applications and appeals under the Local Government (Miscellaneous Provisions) Acts for hackney carriages and private hire vehicles and drivers



# 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 (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

## Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here: <http://www.colchester.gov.uk/haveyoursay>.

## Audio Recording, Mobile phones and other devices

The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

## 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 the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

## Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first 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.

Library and Community Hub, Colchester Central Library, 21 Trinity Square,  
Colchester, CO1 1JB

telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call

e-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)

[www.colchester.gov.uk](http://www.colchester.gov.uk)

## **Licensing Committee Procedure relating to Hackney Carriage Licences and Private Hire Vehicle Licences made under the Local Government (Miscellaneous Provisions) Acts**

(1) All questions and statements will be directed through the Chairman.

(2) The Chairman will make opening remarks which introduce those present and ensuring that all those present understand the procedure.

### The Council's case:-

(3) The Council's representative will begin with their opening remarks and present their case.

(4) The Council's witnesses (if any) will give evidence in support of the Council's case.

(5) The Council's representative and/or representative may question the Council's witness again to clarify any points which may have arisen.

### Submission from the Applicant:-

(6) The Applicant and/or representative will begin with their opening remarks and present their case.

(7) The Applicant's witnesses (if any) will give evidence in support of the

### Applicant's case:-

(8) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

(9) Each party and their witnesses may be questioned by the Chairman and members of the Committee.

(10) Each party may question their witness again to clarify any points which may have arisen.

(11) If the Applicant or the objectors wish to question each other, questions may be directed through the Chairman.

(12) Closing Statements may be made by the Council and/or representative.

(13) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

### Determination of the application by the Committee

(14) The Applicant and/or representative, the objectors, Ward Councillors, the representatives from the Council and the members of the public and the press will leave the room to allow the Committee to determine the application. During this process the Committee members may ask for legal advice from the Legal Advisor.

(15) The Applicant and/or representative, the objectors, Ward Councillors, the representatives from the Council and the members of the public and the press will be invited to return to the room when the Committee's decision will be announced. Written details of the decision and the grounds upon which it is based will be sent to all parties concerned as soon as possible.

**COLCHESTER BOROUGH COUNCIL**  
**Licensing Committee - Hackney Carriage/Private Hire Appeals**  
**Thursday, 07 June 2018 at 18:00**

**The Licensing Committee Hackney Carriage / Private Hire Appeals Members are:**

Nick Cope - Member, Dave Harris - Member, Julie Young - Member

**The Licensing Committee Hackney Carriage / Private Hire Appeals Substitute Members are:**

All members of the Council who are not Cabinet members or members of this Sub-Committee and who have completed the relevant training.

**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Please note that Agenda items 1 to 6 are normally dealt with briefly.**

- 1 Appointment of Chairman**  
To appoint a Chairman for the meeting.
- 2 Welcome and Announcements**  
The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.
- 3 Substitutions**  
Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.
- 4 Declarations of Interest**  
Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

**Part B**  
**(not open to the public including the press)**

- 5 *Exclusion of the Public (not Scrutiny or Executive)*  
In accordance with Section 100A(4) of the Local Government Act 1972 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).

- 6 *Minutes of Previous Meeting*  
The Councillors will be invited to confirm that the minutes are a correct record of the meetings held on on the 18, 24 and 27 April 2018.  
*18 April 2018*

- This report is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to an individual).

*24 April 2018*

- This report is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to an individual).

*27 April 2018 - Appeal 1*

- This report is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to an individual).

*27 April 2018 - Appeal 2*

- This report is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to an individual).

*FLOW CHART appeal against driver points*

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- 7 *Hackney Carriage/Private Hire Appeal*  
The Sub-Committee have been asked to consider an appeal.

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

# APPEAL AGAINST PENALTY POINTS

## HEARING PROCESS



