

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, ESSEX CB11 4ER, on MONDAY, 23 APRIL 2018 at 7.30 pm**

Present: Councillor R Chambers (Chairman)
Councillors G Barker, J Davey, J Gordon, E Hicks and S Morris

Officers in attendance: T Cobden (Environmental Health Manager - Commercial),
B Ferguson (Democratic Services Officer), E Smith (Solicitor)
and B Stuart (Accountant)

LIC59 PUBLIC SPEAKING

Doug Perry and Barry Drinkwater gave public statements to the Committee. Summaries of the statements have been appended to these minutes.

LIC60 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Anjum and Gerard.

LIC61 MINUTES OF PREVIOUS MEETINGS

The minutes of the extraordinary meetings held on the 13 March, 21 March and 29 March 2018 were received and approved as correct records of those meetings.

**LIC62 FEES FOR DRIVERS, HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES
AND PRIVATE HIRE OPERATORS**

The Licensing Team Leader presented the report to the Committee. It proposed a rise in fees for drivers of Hackney carriages and private hire vehicles, and for private hire operators. The proposed rise had been put to consultation with the trade and responses had been sent to those who had objected. She asked Members to consider the proposed fee structure which would come into effect on 1 May 2018 if approved.

In response to a question from the Chairman, the Solicitor said she had sought specialist legal advice on the matter of cost recovery in relation to licensing fees and charges. She said the Council could charge for administration and compliance checks but were not entitled to charge for enforcement costs. She said if a prosecution was successful, the Council could claim for legal costs from the Court but these were borne by the individual Defendant and were therefore not included in the figures outlined in the report. These claims were for legal costs only and made on a full cost basis, with no element included for investigation costs. They were therefore unrelated to licensing fees.

Councillor Morris asked why the Council required a surplus in the years 2018-2020, instead of breaking even.

The Accountant said the overall costs would be neutral as the forecast for 2020-2021 was projected as a deficit.

The Chairman said that the proposed rise in fees would give greater scope to the Licensing department to enact the recommendations set out in the upcoming policy review. The fees outlined in the report were still some of the lowest in the country.

In response to a question from Councillor Gordon, the Chairman said the Council had met its obligations in terms of transparency. He said the accounts were available for inspection and the department had met and consulted with the trade.

RESOLVED to approve the fee structure proposed in Appendix B to come into effect on 1 May 2018

The meeting ended at 8.00pm.

PUBLIC STATEMENTS

Public Statements – Licensing and Environmental Health – 23 April 2018

Doug Perry - ULODA

Chairman, Members

Good evening. I start our first half with a few words about my many years as both a Town and a District Councillor.

As you know I chaired this committee after being a member and Vice Chairman when Cllr Hicks was chairman. He will remember that one of my biggest tasks was to run the Licensing Task Group. The taxi trade had argued that there were no grounds for a 29% increase in Licence Fees as recommended by officers.

Following representations from the trade, the committee reversed its decision to approve the recommendations. The task group comprised members, officers and representatives of the trade and was charged with analysing the costs of licensing and revenues from licences. We uncovered a surplus of over £160,000 which had unfortunately accrued over several years. The committee correctly decided that this surplus from the overpayment of fees should be "ring fenced" as the Licensing Reserve and paid back to the trade each year from 2010. The final balance of £17,000 was transferred on 1 April 2016 (Page 27 of your docs).

My concern is that we have STILL not seen even a DRAFT set of Licensing Accounts showing this transparently.

The Council has an obligation to be transparent. It seems it has not learned from its past mistakes.

Officers can ONLY make recommendations. The ultimate liability rests with this committee as key decisions on other matters rest with other committees.

Tonight you are presented with a set of recommendations which suggest that the trade's objections have been addressed (Page 25, point 17).

Trade representatives have read the words, but are NOT satisfied with the conclusions. If "additional Legal advice" has been sought on point 14 about what areas of Enforcement may be charged against fees, we would like to see this advice spelled out in detail please - as you surely would too!

There is a feeling we've been short changed on the details, ridden rough shod over.

Where is the transparency, please?

Thank you, Chairman and members. We very much hope your meeting is thorough, balanced and pays due regard to the need for proportionality.

Doug Perry

Hon President, ULODA

Uttlesford Licensed Operators & Drivers Association

Barry Drinkwater - ULODA

Good evening, Chairman and Members

Thank you, Mr Perry, for a hard hitting first half! The trade delegation including our larger company representatives will be delighted.

If I may pick up on your final point, Mrs Turner's "Considerations" in her report on Page 25, Point 18 include the words

"The legal advice received confirms that the fees have been calculated correctly and that no changes are required to the new fees proposed..."

Are we really expected to take these words at face value? What are the details of this legal advice, members may like to ask.

Our concern has ALWAYS been to see the "correct" allocation of Enforcement costs against licence fees. We are still to be convinced.

Are you, members, satisfied that all the objections raised have been "addressed" proportionately, and dealt with transparently?

We are disappointed that the Licensing Accounts are still hidden from our view. What's to hide?! They used to be shared so transparently.

Before the final whistle blows, may we end on a positive note?

The Spring issue of Taxi Chat has appeared and Mr Cobden and his team are to be complimented. We are delighted to see due weight given to ULODA's contribution. We were disappointed only that ULODA's proposed paragraph on UBER was edited out, despite its content being in the public domain.

Thank you, Chairman and Members. We hope your meeting is thorough, balanced and pays due regard to the need for proportionality.

Barry Drinkwater

Chairman, ULODA

Uttlesford Licensed Operators & Drivers Association