

**LICENSING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 6.30 pm on 10 SEPTEMBER 2003**

Present:- Councillor M J Savage – Chairman  
Councillors H D Baker, A Dean, E W Hicks, B M Hughes,  
V J T Lelliot, A Marchant and J P Murphy.

Officers in attendance:- A Eastgate , M Hardy, M Perry, C Roberts,  
R Secker and G Smith.

**LC1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A R Row.

**LC2 REFORM OF LICENSING LAWS**

The Principal Environmental Health Officer informed Members about the imminent transition of liquor licensing responsibility to local authorities. A draft licensing policy had been circulated for consideration and comment.

The timetable for the new arrangements was now more clear and applications could commence in March 2004. It was essential that a statement of licensing policy be agreed for the first three years. Without such a statement the Council would be unable to determine applications. The approved policy, however, would be subject to review and revision as and when it became appropriate.

The Principal Environmental Health Officer set out the changes envisaged by the Government's legislation and stressed the importance of the four licensing objectives put forward by the Government.

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

As regards liquor licensing, however, the Government wished to decriminalise the process, reduce bureaucracy, extend opening hours/availability and generally to increase tourist and family use. Generous funding for transitional arrangements was therefore not anticipated.

The new arrangements would involve licensees in the preparation of an operating schedule which would meet the requirements of the authority contained in its licensing policy, so far as they related to the particular premises.

There would have to be wide consultation with statutory authorities and representatives groups, as well as any other consultees of the authority's choice, before the licensing policy could be adopted.

In order to demonstrate the potential impact of the changes, the Principal Environmental Health Officer reported that within the District there were 264 premises licensed for alcohol consumption, 400 licensees of such premises, 54 public entertainment permissions and 17 permissions for occasional public entertainment. In addition, late night food purveyors, who had previously been unlicensed, would now have to be licensed.

Members discussed the Draft Statement of Licensing Policy at length and it was noted that in paragraph 6.8 the words “access to children” should read “access for children” and that it would be desirable to strengthen the wording in paragraph 3.5 about control of litter outside shops.

RESOLVED that these and any further Members’ comments be made in writing to the Principal Environmental Health Officer for incorporation within the next draft of the policy and that the current draft be in all other respects approved and accepted.

LC3

### **PRE-LICENSING STANDARDS FOR DRIVERS OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

The Committee considered the report of the Head of Legal Services on the Council’s pre-licensing standards and proposed revisions to them. Annexes to the report set out the pre-licensing standards as current and as proposed.

The Head of Legal Services explained that the Home Office guidelines, although extremely useful, were out of date and did not reflect the different standards now required by society from drivers.

Members were conscious that the new licensing standards were quite onerous and were happy that the Committee could support these standards for the future.

#### **RECOMMENDED**

- 1 that the revised licensing standards be approved and adopted by the Council subject to the addition to Standard 3 of the words “or twelve months from the licence being reissued if this period is greater” and also the addition to the licensing standards of the following clause No 7 “Not to have been conditionally discharged for any offence in the last five years”.
- 2 that the Head of Environmental Services be given delegated authority to refuse applications for drivers licences for hackney carriages and private hire vehicles which do not meet licensing standards, with power at his discretion to refer appropriate cases to the Committee.

LC4

### **RECEIPT OF PETITION**

The Chairman reported receipt of a petition about the recent increase in fees for hackney carriage and private hire drivers’ licences, vehicle transfer and vehicle inspection. The Chairman informed the meeting that the petition read

“We, the undersigned, strongly object to the increase in fees which took effect from 1 September 2003. To make such an increase without consultation is wrong. To be informed by a press release which gave us no time to make representations to the appropriate committee is totally unacceptable when your own mission statement states “Together we create a better community”. How can this rise in fees make a better community when taxi drivers/private hire drivers’ livelihoods will be severely affected by as much as 150% in one case”.

The Head of Environmental Services informed the meeting about the recent increases which were required to deal with a deficit in licensing fees. It was noted that Uttlesford fees were still below the average in Essex.

RESOLVED that this matter be considered by the appropriate Scrutiny Committee of the Council.

LC5

### **EXCLUSION OF THE PUBLIC**

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public and press be excluded from the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in paragraphs 4 and 7 of Part 1 of the schedule 12A of the Act.

LC6

### **DETERMINATION OF A PRIVATE HIRE DRIVERS LICENCE**

The Committee considered an application for a private hire driver’s licence where the applicant did not meet the standard licensing conditions. The Chairman explained to the applicant the procedure to be followed in considering the application and the applicant confirmed that he had received and understood the procedure.

The Council’s Licensing Officer explained the reasons why the application had come before the Licensing Committee. The applicant confirmed that he understood all that the Licensing Officer had said and did not wish to ask any questions about it.

The Applicant was then invited to question the Licensing Officer and to comment on the accuracy of the Licensing Officer’s report. Members asked questions of the Licensing Officer.

The Applicant was invited to answer the observations of the Council’s Licensing Officer and give reasons in support of his application. The Licensing Officer then asked questions of the Applicant as did Members at the invitation of the Chairman.

The Applicant was invited to make a final statement. He confirmed that he had said all he wished to say and had nothing further to add.

The Applicant and the licensing officers then left the meeting and the Committee considered its decision. The Applicant was later readmitted,

informed of the decision and informed of his right to appeal within 21 days to the Magistrates' Court at Harlow and of the procedure for doing this.

RESOLVED that

- 1 a private hire driver's licence be not granted in this case, the reason being because of the conviction which the Applicant had failed to disclose in his application.
- 2 Councillor J P Murphy be nominated to give evidence in Court on behalf of the Committee in the event of the Applicant appealing against the decision of the Committee to the Magistrates' Court.

LC7

## **DETERMINATION OF A PRIVATE HIRE DRIVERS LICENCE**

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The Council's Licensing Officer explained the reasons why the application had come before the Licensing Committee. The Applicant confirmed that he understood all that the Licensing Officer had said and did not wish to ask any questions then.

The Applicant was invited to question the Licensing Officer and to comment on the accuracy of the Licensing Officer's report. Members then asked questions of the Licensing Officer.

The Applicant was then invited to answer the observations of the Council's Licensing Officer and give reasons in support of his application. The Licensing Officer then asked questions of the Applicant as did Members at the invitation of the Chairman.

The Applicant was invited to make a final statement. He confirmed that he had said all he wished to say and had nothing further to add.

The Applicant and licensing officers then left the meeting and the Committee considered its decision. The Applicant was later readmitted, informed of the decision and informed of his right to appeal within 21 days to the Magistrates' Court at Harlow and of the procedure for doing this.

RESOLVED that

- 1 a private hire driver's licence be not granted in this case, the reason being because of the Applicant's disqualification from driving within the immediately previous five years.
- 2 Councillor M Savage be nominated to give evidence in Court on behalf of the Committee in the event of the applicant appealing against the decision of the Committee to the Magistrates' Court.

The meeting ended at 8.58 pm. Page 4