

**LICENSING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 7.30 pm on 15 SEPTEMBER 2004**

Present:- Councillor M J Savage – Chairman.  
Councillors K R Artus, H D Baker, R F Freeman, E W Hicks, J I  
Loughlin, A Marchant, J P Murphy and A R Row.

Officers in attendance:- M Hardy, M J Perry, C Roberts  
and A Turner.

**LC54 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D J Morson and V J T  
Lelliott.

**LC55 MINUTES OF THE MEETINGS OF THE LICENSING COMMITTEE HELD  
ON 9 JUNE 2004 AND 9 AUGUST 2004**

The minutes of the meetings of the Licensing Committee held on 9 June and  
9 August 2004 were received and approved as a correct record.

**LC56 BUSINESS ARISING**

**(i) Minute LC52 – Draft Licensing Policy And Enforcement Protocol**

The Executive Manager Corporate Governance, Michael Perry, explained that  
the licensing policy documents had been sent out for public consultation. The  
results of the consultation would be reported to the meeting of the Committee  
on 10 November.

The Chairman stressed that the new system gave the public much power to  
influence licensing.

The Executive Manager Corporate Governance added that the Council's  
ability to affect licences would to an extent depend on representations being  
made by the public and it was therefore all the more important that the public  
contributed to the preparation of the policy document. Under the new rules  
the Committee could not refuse a licence or impose conditions not contained  
in the operating schedule unless there were objections from relevant  
authorities (including the police) or the public.

The Licensing Enforcement Officer informed the meeting that the long awaited  
draft regulations and supporting documents had been published that day.

**LC57 BUDGETARY CONTROL REPORT**

The Executive Manager Corporate Governance presented the Committee's  
first budgetary control report which was satisfactory, and explained the likely  
financial effects of the initial period of operating the new regulations.

He invited Members to make requests for information to be included in future reports.

RESOLVED that future reports be monthly and contain notes describing the figures and broken down by the expenditure headings used in the end of year accounts.

LC58

### **VETTING PROCEDURES FOR DRIVER APPLICATIONS**

The Committee received the report of the Licensing Enforcement Officer about proposed amendments to the procedures for dealing with new Hackney Carriage and Private Hire Driver applications to accommodate difficulties being experienced with Enhanced Criminal Record checks.

The Licensing Enforcement Officer suggested that in order to provide a better quality of service, where an applicant was in possession of an Enhanced Criminal Record check that was not more than thirty months old Officers be given authority to accept that disclosure if applicants made a statutory declaration that to the best of their knowledge and belief the new disclosure form would not contain any further information. A warning would be included that they might be liable to prosecution and that the licence would be revoked if they made a false statement.

A sample declaration was circulated to Members at the meeting.

RESOLVED that

- 1 the suggested new system be adopted
- 2 the Executive Manager Corporate Governance be given delegated powers to grant and deal with such applications that meet the criteria.
- 3 the Executive Manager Corporate Governance be given delegated authority to revoke the licence of any applicant who makes a false declaration.

LC59

### **LICENSING STANDARDS FOR PROPRIETORS OF HACKNEY CARRIAGE VEHICLES AND OPERATORS OF PRIVATE HIRE VEHICLES**

The Committee received the report of the Licensing Enforcement Officer about a proposal to introduce licensing standards for proprietors and operators of hackney carriages and private hire vehicles who do not wish to become drivers. He explained that there were three such operators in the District.

RESOLVED that

- 1 Members approve the additional licensing standards set out in the Appendix to the report and in the Annex to these

Minutes for proprietors and operators of hackney carriages and private hire vehicles who do not apply to become drivers

- 2 the Executive Manager Corporate Governance be given delegated authority to refuse applications for proprietors and operators licences which do not meet licensing standards with the power at his discretion to refer appropriate cases to the Committee.
- 3 all cases be reported to the Committee.

## LC60 **ENFORCEMENT**

The Committee was informed that the Trade thought Officers should take more enforcement action, which would require additional resources. In the light of this Members considered a report recommending the adoption of revised procedures when determining whether to suspend a Hackney Carriage/Private Hire Licence.

It was suggested that where a minor offence or breach of condition was committed, making a short suspension more proportionate than a prosecution, instead of referring such cases to the Licensing Committee the Executive Manager Corporate Governance should be given delegated powers to suspend the drivers licence. The driver would have the right to appeal to a Magistrates' Court within 21 days.

RESOLVED that

- 1 the Executive Manager Corporate Governance be given delegated powers to suspend licences issued under Part II Local Government (Miscellaneous Provisions) Act 1976 for a period not exceeding two weeks where there has been a breach of condition or where in the view of the Executive Manager Corporate Governance a prosecution would be disproportionate,
- 2 all such cases be reported to the Committee.

## LC61 **TRADE ASSOCIATION MEETING WITH OFFICERS**

The Committee considered the report of the Licensing Enforcement Officer on business conducted at the latest of the quarterly meetings between officers and the Licensed Trade. These meetings had been established by the Licensing Enforcement Officer in 1998 for the exchange of information to achieve the best possible service for travellers within the Uttlesford District.

He outlined a number of constructive suggestions which had been put forward at the meeting and were now undergoing consultation. Following the consultation, reports would be submitted to the Committee.

The Executive Manager Corporate Governance expressed appreciation for the very valuable work being carried out by the Licensing Enforcement Officer through the liaison forum he had established.

RESOLVED that the report be noted.

LC62            **DELEGATED POWERS**

The Executive Manager Corporate Governance reported that there was no exercise of delegated powers to report.

LC63            **DATES OF NEXT MEETINGS**

The next meeting (for training) would be held on 27 September 2004. Public consultation on the Council's draft Licensing Policy would take place commencing at 7.30 pm on 13 October 2004. An extraordinary meeting would be held at Great Dunmow on 27 October 2004 at 7.30 pm to consider a report on the draft Regulations and the making of an Order pursuant to the Licensing Act 2003. A liaison meeting between representatives of the Trade and the Committee would take place on 10 November 2004 commencing at 6.30 and would be followed by a meeting of the Committee when a report on the consultation on the Licensing Policy would be considered.

The meeting ended at 9.15 pm.

## LICENSING STANDARDS

Uttlesford District Council are responsible for ensuring the safety and well being of the fare paying public and others by administering control of hackney carriages and private hire vehicles pursuant to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. To achieve this objective, the Council has adopted standards which it expects operators and proprietors licensed by the Council to meet both on an application for a new licence and during the period a licence is held . Whilst each case will be dealt with on its individual merits, applications for a new operators or proprietors licence from persons who fail to meet these standards will normally be refused and existing licence holders who cease to meet these standards are likely to have their licence suspended or revoked or not renewed on application. The licensing standards are:-

- 1 No criminal convictions (other than motoring offences not referred to in paragraph 3 below) which are not deemed to be spent within the meaning of the Rehabilitation of Offences Act 1974 and not to have been conditionally discharged for any offence in the last 5 years.
- 2 No pending prosecution for any criminal offence (other than motoring offences not referred to in paragraph 3 below).
- 3 Not to have been convicted for using a motor vehicle without insurance in the last 3 years
- 4 Not to have had a hackney carriage proprietors or private hire operators licence suspended or revoked by another licensing authority within the last 3 years.

The Executive Manager Corporate Governance has been given delegated authority to refuse applications for proprietors or operators licences which do not meet licensing standards, with power at his discretion to refer appropriate cases to the Committee.