

**To:** Licensing Committee  
**Date:** 15 September 2004  
**Agenda Item:** 4  
**Title:** BUDGETARY CONTROL REPORT  
**Author:** Helen Swain (01799 510315)

## **Introduction**

1 This is the first budgetary control report to this committee for 2004/05.

## **Basis of Report**

2 The report is based on data held within the Council's Financial Management Systems for the period ending 31 July 2004. The Council's new Financial Management Information System (FMIS) went live from the 1 July 2004 and this report merges data from both the old and new systems to give the total position for the first four months of the financial year. Relevant Executive Managers have been asked if they are aware of any significant variations, including any that may not be in the figures produced to date.

The table in the attached Appendix 1 to this report shows the following data;

- a. 2003/04 Actual spend (subject to Audit)
- b. 2004/05 Budget
- c. 2004/05 Profiled budget ('expected' spending or income to date)
- d. 2004/05 Expenditure and Income to 31 July 2004
- e. Over/underspend between profiled budget and actual to date
- f. Actual expressed as a % of the profiled budget
- g. Projected outturn (a judgement as to what the year end position will be)
- h. Current Status of projected spend compared with budget (on line/under or heading for an overspend, as depicted by a smiling or sad face)
- i. Notes to explain any apparent discrepancies

## **Analysis of Variation**

3 It can be seen from the data in the table that at this stage the spend at month 4 is the same as profiled budget for the same period. This will continue to be monitored and any variation that is confirmed will be built into the revised estimates for consideration by Members at the meeting of this committee on 10 November 2004.

## **New FMIS**

- 4 The introduction of FMIS from the 1 July gives greater scope for reporting purposes and officers will be developing this over the coming months. Members may like to give consideration to what information they would like to see in future budget monitoring reports. The report attached at Appendix 1 has been compiled from data held on the new system, rather than being a report from the system itself, which is still being refined. In future, reports will be produced direct from the system and can include, for example, graphical analysis of spending.

### **Recommended that**

Members note the budgetary control position at 31 July 2004.

Members consider what information they would like included in future budgetary control reports.

Background Papers

FMIS budget reports



**Committee:** Licensing Committee  
**Date:** 15 September 2004  
**Agenda Item No:** 5  
**Title:** VETTING PROCEDURES FOR DRIVER APPLICATIONS  
**Author:** Murray Hardy (01799) 510598

### **Summary**

- 1 This report advises Members of proposed amendments to the current procedures when dealing with new Hackney Carriage and Private Hire Driver applications.

### **Background**

- 2 The Police Act 1997 established the Criminal Records Bureau which effectively removed the vetting procedure from the Police to this new independent body.
- 3 From 1 March 2002 the Bureau began accepting requests from local authorities in connection with applications for the grant of Hackney Carriage and Private Hire Driver's Licences. From the outset the Bureau were plagued with difficulties which included a lack of resources to deal with the deluge of requests for vetting.
- 4 This problem is still ongoing however in some parts of England and Wales the service delivery by the Bureau has improved.
- 5 This Council recognised the problems and have made representations to the Bureau in order to improve service delivery.

From our deliberations with the Bureau the Licensing Officers were informed that serious delays were occurring at Essex Police Headquarters in the vetting procedure. All Police forces in England and Wales subscribed to the Bureau via the Police National Computer.

- 6 Officers made representations about the delays being experienced only to be told that Essex Police were aware of the problem but seem to be unable to remedy the situation.
- 7 The Chairman of the Essex Police Authority has also made representations to the Chief Constable and additional resources are now being put into place in order to improve their service delivery.

- 8 At a National level the Bureau are publicly saying that 90% of Enhanced Checks are being returned within four weeks. In Essex they are still falling short of that target although an improvement has been noticed.
- 9 This issue was raised at a recent meeting between Officers and the Trade Associations hence the report being formulated for consideration by this Committee.
- 10 In order to provide a better quality of service, where an applicant is in possession of an Enhanced Criminal Record Check that is not more than six months old Officers are seeking authority to accept that disclosure when processing a new application with a caveat that applicants make a statutory declaration that to the best of their knowledge and belief the new disclosure form will not contain any further information.
- 11 A warning should be included that they may be liable to prosecution if they make a false statement.

RECOMMENDED that

- 1 Members approve the new protocol
- 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 have a delegated authority to revoke the licence of any applicant who makes a false declaration.

Background Papers: Sample Declaration Form.

**Committee:** LICENSING

**Date:** 15 September 2004

**Agenda Item No:** 6

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

**Author:** Murray Hardy (01799) 510598

### **Summary**

- 1 This report is to inform Members of the Council's licensing standards in respect of the above and seek the views as to whether they wish to recommend any variations to the current licensing standards.

### **Background**

- 2 The current legislation, which regulates drivers of Hackney Carriages and Private Hire Vehicles, is contained in the Local Government (Miscellaneous Provisions) Act 1976. This Act is adoptive and in April 1992, this Council resolved to adopt those provisions at the time or soon after pre-licensing standards were adopted. These were revised on 10 September 2003.
- 3 The licensing standards applies to drivers only and no reference was made to proprietors or operators. In the main it was not considered necessary to create a special category as the proprietor or operator also applied for the relevant licence so came under the remit of the current conditions.
- 4 Officers have considered this matter is working well, however, they have identified a loophole where an applicant who only wishes to become a proprietor or operator without the need to drive a licensed vehicle.
- 5 Clearly to overcome this anomaly so that every applicant is dealt with on an even plain, it is suggested that licensing standards be introduced as for proprietors and operators as identified in Appendix 1 of this report.

### **RECOMMENDED**

- 1 That Members approve the additional licensing standards as set out in Appendix 1
- 2 The Head of Corporate Governance have 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.

Background Papers: Licensing Committee Report - 10 September 2003.

## 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.



**Committee:** Licensing Committee  
**Date:** 15 September 2004  
**Agenda Item No:** 7  
**Title:** ENFORCEMENT  
**Author:** Murray Hardy (01799) 510598

### **Summary**

- 1 This report recommends the adoption of revised procedures when determining whether to suspend a Hackney Carriage/Private Hire Licence.

### **Background**

- 4 It has been identified by The Trade that Officers should become more active regarding enforcement issues. This would of course in the medium term would required additional resources.
- 5 A driver convicted of any offence that breaches current policy would be liable for revocation. This would mean the case being referred to the Licensing Committee to determine.
- 6 In the interests of justice it is felt that where a minor offence has been committed a short suspension may be more proportionate than a prosecution.
- 7 Further, breach of a condition attached to a licence is not an offence. The only sanction for breach of a condition is suspension or revocation of the drivers licence. For minor breaches of condition a short suspension would be an appropriate sanction.
- 8 In order to stream line procedures rather than all such cases being referred to the Licensing Committee the more appropriate means of disposing such cases is for the Head of Corporate Governance to be given delegated powers to suspend a drivers Hackney Carriage or Private Hire Drivers Licence for a period thought appropriate. Members will be required to determine the maximum period of suspension which should be delegated. Matters of a more serious nature would of course be referred to the Licensing Committee.
- 9 Any person aggrieved by a decision made by the Head of Corporate Governance which involved suspension may appeal to a Magistrates' Court within 21 days of the decision being notified to that licence holder. The suspension would not take effect until the period for appealing had lapsed or, if an appeal is lodged, after the appeal has been disposed of.

RECOMMENDED that

- 1 The Executive Manager Corporate Governance has delegated powers to suspend licences issued under Part II Local Government (Miscellaneous Provisions) Act 1976 for a period not exceeding that which Members consider appropriate where there has been a breach of condition or where in the view of the Executive Manager Corporate Governance a prosecution would be disproportionate.

Background Papers: None.

**Committee:** LICENSING  
**Date:** 15 September 2004  
**Agenda Item No:** 8  
**Title:** TRADE ASSOCIATION MEETING WITH OFFICERS  
**Author:** Murray Hardy (01799) 510598

### **Summary**

- 1 This report is a resume for Members of the business conducted at the quarterly meeting held on 24 August 2004.

### **Background**

- 2 The concept of quarterly meetings between officers and the Licensed Trade was established by the author in 1998 and has been a conduit in which the exchange of information can flow in an attempt to achieve the least possible service for travellers within the Uttlesford District.
- 3 A number of new initiatives have been introduced since the formation of this group which the original ideas come from The Trade. In the early stages, the group were known as the UTDA, however that has now changed to ULODA and HCDA under the chairmanship of Mr B Drinkwater and Mr A Groom. Both groups are formally recognised by this Council.
- 4 In addition to members of the associations and operators who attend guest speakers are invited to import the latest information which may affect this District.
- 5 A Stansted Airport update was given by the author regarding the proposed planning alterations, which has been submitted, to this Council.

- 6 The Head of Corporate Governance advised the group of the implications placed on Local Authorities in accordance with the Licensing Act 2003.
- 7 Mr J Pine advised the group of a proposal that had been received by the Council to either relocate the Taxi Rank in Saffron Walden or reduce the number of spaces allocated to our licensed Hackney Carriage Vehicle in order to create more spaces for disabled parking. He invited to respective Trade Associations to invite him with on observations or recommendations which they wished to make. No immediate plans to implement until full consultation has been completed.
- 8 The author of the report suggested the concept of introducing an age limit policy on vehicles when first licensed. A number of local authorities within Essex have such a policy. The starting figure was pitched at 10 years from the date of first registration. The group generally welcomed this initiative, however, they were asked to report back their views at the next meeting scheduled to take place on 23 November 2004. No changes will take place until after the period of consultation has expired and if adopted a report will be submitted to the Licensing Committee for deliberation.
- 9 The Chairman of ULODA notified officers that their Association would be submitting a request for an increase in the Table of Fares for Hackney Carriage Vehicles. Details of the Fare Increase are still awaited and after the appropriate consultation has taken place, a report will be submitted to the Licensing Committee to deliberate upon.
- 10 An operator formally asked officers to review our current vehicle conditions to allow vehicles under 1400 cc to be licensed for school contract work only. Currently, our conditions do not allow for such vehicles to be licensed, however, officers have agreed to investigate this suggestion.

RECOMMENDED that

- 1 The Committee note the content of this report.

Background Papers: None.