

**LICENSING COMMITTEE held at COUNCIL OFFICES SAFFRON WALDEN
at 7.30 pm on 10 NOVEMBER 2004**

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

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

LC68 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K R Artus and
D J Morson.

It was then agreed that item 8 on the agenda be considered before the other
items.

LC69 SERVICE PLANS BUDGET AND COUNCIL PRIORITIES 2005/6

The Executive Manager Finance and Asset Strategy presented a report
covering the service plan for Licensing, Budget and Council Priorities for
2005/06.

Members felt that prioritisation for Licensing should be High not Medium, and
that the few minutes devoted to determining prioritisation categories at the
end of the “away day” were quite insufficient to form the basis of such an
important set of value judgements. It was noted that there was a remarkable
correlation with the results arrived at on the same subject by the Joint
Management Team. The Chairman stressed however that the role of the
Committee was clearly an expanding one and questioned whether it had been
well enough assessed in the prioritisation. He asked that details of the
specific prioritised position be supplied by the Resources Committee as well
as explanation of whether the assessment reflected future importance as well
as current importance.

RESOLVED that this Committee

- 1 Approves the revised 2004/05 budget and draft 2005/06 budget,
subject to resolution 3 below, and submits them to the
Resources Committee
- 2 Approves, subject to resolution 3 below, the elements of the
draft Service Plan relating to this Committee’s activities, and
in particular the new spending pressures identified
- 3 Notes the prioritisation analysis contained in Appendix 3 and
requests the Resources Committee to consider the precise
priority position of licensing and the expanding role of the
Committee, and whether in the light of this the prioritisation
has been well enough assessed.

**LC70 MATTERS ARISING FROM THE LIAISON MEETING WITH THE
UTTLESFORD TAXI DRIVERS ASSOCIATIONS**

(i) Integrated Travel Plan

Councillor J P Murphy suggested that adequate taxi provision should form part of an integrated travel plan with the assistance of the Development Control Department.

(ii) Taxi collections at Stansted Airport

Councillor A Row suggested that representations should be made to BAA about the unsatisfactory and badly lit dropping-off and collection area for taxis at the Airport, poor traffic management at the front of the Airport and inadequate wheelchair access, which was agreed.

It was further agreed that these comments be conveyed also to the Stansted Airport Advisory Panel and the Development Control Section.

(iii) National Association of Licensing Officers

The Executive Manager Corporate Governance congratulated Murray Hardy on being elected Vice-Chairman of the National Association of Licensing Officers which was an accolade both for him and for the Council.

**LC71 MINUTES OF THE MEETINGS HELD ON 15 SEPTEMBER AND 27
OCTOBER**

The Minutes of the meeting held on 15 September 2004 and of the extraordinary meeting held on 27 October 2004 were approved as correct records and signed by the Chairman.

LC72 BUSINESS ARISING

(i) Minute LC66 – Consultation on Draft Regulations

The Executive Manager Corporate Governance informed the meeting that the Committee's comments had that day been sent to the Government.

LC73 MEDICAL STANDARDS OF FITNESS TO DRIVE

The Committee considered the report of the Licensing Officer about recommendations made by DVLA to all local authorities about their Hackney Carriage and Private Hire licensing. Authorities were encouraged to apply higher medical standards for determining fitness to drive for licensing purposes. The main difference would be that after illness a driver would need a longer period of recuperation. Page 2

RESOLVED

- 1 that the higher medical standards for Hackney Carriage and Private Hire Licensing be approved to commence with respect to new applications received after the meeting
- 2 that authority be delegated to the Executive Manager Corporate Governance and those officers authorised by him to suspend licences where the licensee has ceased to meet the relevant medical standards.

LC74

CHANGE OF LICENSING CONDITIONS FOR PRIVATE HIRE VEHICLES

The Committee considered the report of the Licensing Officer recommending that the Private Hire Vehicle Licence conditions be amended to allow 1200 cc vehicles to be licensed by the Council.

The Licensing Officer explained that the present conditions stated that vehicles under 1300 cc could not be licensed, the reason being the size and carrying capacity of the vehicle. Other authorities in Essex and Cambridgeshire did license vehicles of 1200 cc, however, and small engine vehicles were more fuel efficient and environmentally friendly. There appeared to be no reason why a smaller engine capacity could not be licensed as a private hire vehicle subject to special conditions as follows:-

- i Use to be restricted to solely educational contracts
- ii Capacity to be determined by the number of seats. Where the entry to the vehicle is less than 2ft 10in then the carrying capacity will be reduced accordingly. This to be determined by the examiners at Great Dunmow.
- iii Vehicles to have a minimum of four doors
- iv Vehicles to be tested by the Dunmow workshops either annually or on a six monthly basis depending on the age of the vehicle
- v All other manufacturers safety specifications to be complied with.

Members were concerned about secondary safety features in smaller vehicles and it was noted that newer vehicles had the advantage of recent safety developments.

RESOLVED that licensing of 1200cc vehicles be introduced subject to the above conditions and to a condition that the vehicle be new and of a type suitable to meet the Council's licensing standards.

LC75

DRAFT LICENSING POLICY

The Committee received the report of the Executive Manager Corporate Governance seeking Members approval of the final draft licensing policy document for submission to full Council for adoption as the licensing policy for the Council.

Following consultation two amendments had been agreed to the draft – namely that references in the policy to ‘the Council’ would be changed to refer to ‘the Licensing Authority’ and references to the wind-down period and last admission time would be omitted. Members had further agreed a variation to the policy relating to the exhibition of films where young persons might be present to give the licensing authority a degree of control over films which were not classified for public exhibition. These amendments had been incorporated in the final draft accompanying the report.

The Executive Manager Corporate Governance added that since the report for the special meeting was prepared two further representations had been received, these being from the Live Music Forum and the Campaign for Real Ale.

The Live Music Forum requested inclusion of wording in the policy stressing the role of local authorities in the country’s musical and broader cultural life and in using opportunities provided by the Licensing Act 2003 to develop a range of cultural activities, including the performance of live music, in local communities. They suggested a wording to be incorporated in the policy which Members considered and decided not to incorporate.

The Campaign for Real Ale had made a number of comments but officers had considered these already covered by the draft policy.

RECOMMENDED that the draft policy document as amended be recommended to full Council for adoption as the Council’s Licensing Policy.

LC76

LICENSING FEES DRAFT REGULATIONS

The Executive Manager Corporate Governance explained that a response was needed before the next meeting to consultation on these new draft regulations.

Mrs C Nicholson explained the rationale of the regulations and the levels of and exemptions from fees. She added that the Association of Essex Licensing Officers was making representations to the effect that the fees were broadly too low and that the basis on which the fees had been set contained inaccuracies.

Members asked questions about the regulations.

RESOLVED that officers be given authority to determine the response to the consultation exercise on these regulations, using also the views and experience of other authorities in arriving at their conclusions.

The meeting ended at 9.10 pm