

**LICENSING COMMITTEE held at COUNCIL OFFICES SAFFRON WALDEN
at 6.30 pm on 12 JANUARY 2005**

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

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

LC77 STATEMENT BY A MEMBER OF THE PUBLIC

Prior to the meeting a statement was submitted by Mr B Drinkwater (Chairman of the Uttlesford Licensed Operators and Drivers Association) about fares and age limits for Hackney Carriage vehicles. A copy of the statement is attached as an appendix to these minutes.

LC78 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R F Freeman.

LC79 MINUTES OF THE MEETING HELD ON 10 NOVEMBER 2004

The Minutes of the meeting held on 10 November 2004 were approved as correct records and signed by the Chairman.

LC80 SERVICE PLANS BUDGET AND COUNCIL PRIORITIES 2005/6

The Committee considered the report of the Executive Manager Finance and Assets Strategy and the Executive Manager Corporate Governance, presented by the Principal Accountant. The report detailed the revised targeted council tax increase for 2005/06, the Committee's updated base budget figures, its revised spending pressure proposal and options for action to meet, from anticipated additional income, its savings target as agreed by the Council for the Committee's services.

The Committee noted that the Government had still not made available the fee levels, draft regulations and application forms for the new licensing system.

RESOLVED that the Committee

(i) approves the base budget for 2005/06 and submits it to the Resources Committee

(ii) approves the spending pressure identified and submits it to the Resources Committee with a request that it is agreed

(iii) notes the additional income which will achieve the savings target set and submits this to the Resources Committee.

LC81 HACKNEY CARRIAGE FARES

The Committee considered the report of the Licensing Officer recommending increased maximum Hackney Carriage fares to be implemented from March 2005 subject to no objections being received.

Members discussed the proposals. They noted also the suggestion, made by ULODA members prior to the meeting, that fees should be reviewed annually, and asked that this be included in the Committee's work programme.

RESOLVED that the levels of maximum Hackney Carriage fares be increased to the levels proposed in the report of the Licensing Officer (set out in Appendix 2 to these Minutes) as requested by ULODA from March 2005 subject to no objections being received.

LC82 MODIFICATIONS TO HACKNEY CARRIAGE/PRIVATE HIRE LICENSING

The Committee received the report of the Licensing Officer proposing alterations to the current standard vehicle licensing conditions introducing an age limit on first licensing of a motor vehicle. Consultation had taken place with licensed operators to seek their views on this proposal.

The Council's vehicle licence conditions to date made no mention of the age of the vehicle when first licensed. The criteria for vehicles related to the regularity of inspections by staff at Great Dunmow and those vehicles over five years old were inspected on a six monthly basis whereas vehicles under five years of age were inspected annually.

It was proposed that upon first licensing the age of the vehicle should not be more than ten years old from the date of first registration.

An exemption should apply for those vehicles already licensed that were over ten years old but when a vehicle licence was transferred then the replacement vehicle should be under that age.

Operators had requested that an exemption apply also to specialist vehicles ie wheelchair accessible or those with tail lifts and vintage cars. A policy on licensing of vintage cars had recently been adopted by the Committee.

Members noted that the Vehicle and Operator Services Agency supported this proposal on grounds of improving road safety and the features built in with more modern vehicles. They considered the policies of other authorities and the possible effects on owners of existing vehicles.

RESOLVED that an age limit of ten years from the date of first registration be introduced upon first licensing of the vehicle, and that this change be implemented from 1 August 2005.

(Councillors H D Baker, E W Hicks and A R Row then left the meeting and did not return).

LC83

DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Committee considered an application for a Private Hire Driver's Licence where the applicant did not meet the standard licensing conditions (Condition 4) insofar as the applicant should not have any criminal convictions which were not deemed to have been spent within the meaning of the Rehabilitation of Offenders Act 1974 and should not have been conditionally discharged for any offence in the past five years. The Applicant had a conviction recorded against him which would become spent on 15th May 2005 and his application had been referred to the Committee by Mrs Oliva, Solicitor from the Corporate Governance Department in accordance with the licensing standards adopted by the Committee in 2003.

The Chairman welcomed the Applicant and explained to the Applicant the procedure to be followed in considering the application.

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

Members asked whether the conviction had been disclosed on the application form and the Licensing Officer confirmed that it had been disclosed on the form and also to officers during the interview.

The Applicant was then invited to make his case. He explained that he needed a licence because he wished to start work. He answered questions from the Licensing Officer and from Members.

The Applicant was invited to make a final statement and did so. Members were made aware that character references had been supplied.

The Executive Manager Corporate Governance advised the Committee that in this case the burden of showing himself to be a fit and proper person fell upon the Applicant. Personal circumstances were not relevant to this. As regards the conviction, a not guilty plea on grounds of self defence could have led to an acquittal if it had been advanced and accepted by the tribunal.

The Applicant and the Licensing Officers then left the meeting and the Committee considered its decision. They were later re-admitted and informed of the decision

RESOLVED

that the application for a licence be refused because the Committee is not satisfied that the Applicant is a fit and proper person to hold a private hire vehicle driver's licence as he has an unspent conviction for an offence of causing actual bodily harm and, although the Committee has considered the circumstances in which the conviction was acquired, no reason has been found for departing from the standard licensing policy.

