

EXTRAORDINARY LICENSING COMMITTEE held at 7.30pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 29 NOVEMBER 2005

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

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

L145 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H D Baker, C A Bayley, D J Morson, and A R Row.

L146 APPEALS

The Council's Solicitor updated the meeting about progress of appeals and explained the powers of the appeal tribunal to hear evidence and deal with the matter.

L147 LIAISON MEETING WITH THE UTTLESFORD TAXI DRIVERS ASSOCIATIONS

A liaison meeting with the Uttlesford taxi drivers associations had been held immediately before the Committee meeting, and a note of the liaison meeting is appended to these minutes. There were no matters for discussion arising from the liaison meeting.

L148 ORDER OF AGENDA

The Committee decided to consider the item about Licensing Policy early for the convenience of the applicant and all others involved in the following hearing.

L149 DRAFT LICENSING POLICY.

The Council's Solicitor reminded the meeting that on 14 September 2005 the Committee had resolved to adopt a revised draft licensing policy as a basis for consultation. The report before the Committee was to inform Members of the response to the consultation exercise to date.

The draft revised Licensing Policy approved by the Committee had been posted on the Council's website. Letters had been sent to all statutory consultees, all licensees and all town and parish clerks within the district, breweries with premises within the district and trade representatives.

The closing date for the consultation period was 25th November 2005. Responses had been received from Saffron Walden Town Council, supporting

the proposed changes to the policy, and from The British Institute of Inn Keeping and Brewers who were pleased to participate in the consultation process. The Council's Solicitor reported that in addition an e mailed response had been received from Mr P Riding asking for public access to licensing data via the web site. Mr Riding had been informed that new software was awaited for this sort of purpose but that at present there were no facilities to enable the public to inspect licensing data via the web site.

RESOLVED that the Committee recommends the draft revised Licensing Policy to Full Council on 13 December 2005 for adoption.

L148

SUSPENSION/REVOCAION OF A PRIVATE HIRE DRIVER'S LICENCE.

(The following members left the meeting and took no part in the discussion or the decision:- Councillors. K R Artus, , E W Hicks, R M Lemon and J P Murphy.)

The Committee considered an application for a private driver's licence which had, at the applicant's request, been deferred from a previous meeting on Tuesday 27 September 2005 because he was unable to attend then.

The Licensing Officer presented his report which detailed breach by the licensed private hire driver of the conditions attached to his private hire driver's licence because he had failed to notify this Council of three Road Traffic Act convictions being recorded. Any conviction had to be reported within 7 days of it being imposed.

As a result of these convictions the licence standards were not met by virtue of the applicant having more than three minor fixed penalty motoring offences for speeding during the previous three years.

The sentence of the Court under the "totting up" procedure was that the applicant driver be disqualified from driving for a period of six months. The applicant had been legally represented at the hearing.

The Licensing Officer described the circumstances of each of the offences and explained that if the applicant was allowed to retain his licence he would be able to return to driving as a private hire vehicle driver when he regained his driving licence within the next few weeks.

Neither the applicant nor the Members had any questions to put to the Licensing Officer.

The applicant was invited to present his case. He said that he had nothing to put before the Committee but that he would answer their questions. The Council's Solicitor stressed that the applicant did not on the face of it meet the Council's standards so he should now say why the Council could be satisfied that he was a fit and proper person to be issued with a licence.

The applicant said that he did not realise he would have to put a case forward. He said that he had not received the agenda or the report.

He said that prior to the offences he had driven professionally for twenty years without any problem. He had been a loyal driver for Airport Carz for seven years, driving about 10,000 miles per annum. With hindsight he wished he had obtained legal representation for the hearing; he had not appreciated how serious a situation it was.

A Member asked why, in view of the accumulating points, he had not taken more care to avoid a third conviction. He replied that he had been driving permanently at night when roads were clear, for the last three years. He felt it was easy to be caught out if he was talking to the passenger. He confirmed that he was aware of the possibility of disqualification after nine points but thought that professional drivers were sometimes allowed to go on.

The Council's Solicitor advised that six months disqualification would have been mandatory for twelve points acquired in three years unless the court had found exceptional hardship, which it had not. The Committee had to consider whether there were any grounds for departing from its licensing policy

The applicant made no further statement.

The Applicant and his wife with the licensing officers then left the Committee Room and the Committee then adjourned to consider the decision at 8.03 pm.

L149

EXCLUSION OF THE PUBLIC

RESOLVED that the press and public be excluded from the meeting for consideration of this item on the grounds that the business to be transacted involved the likely disclosure of exempt information under Section 100A (4) and (7) of the Local Government Act 1972.

L150

SUSPENSION/REVOCAION OF A PRIVATE HIRE DRIVER'S LICENCE

Members then returned to the meeting to announce their decision at 8.15 pm.

RESOLVED that, having heard the representations made, the Committee had concluded that there were no grounds for departing from the licensing standards adopted as policy. They were of the view that, because of the convictions for excess speed leading to a disqualification under the totting up provisions, the applicant was not a fit and proper person to hold a private hire vehicle driver's licence and the licence was therefore revoked.

Councillor Freeman was nominated to deal with any appeal submitted against the Council's decision.

The Council's Solicitor explained to the applicant his right of appeal to the magistrates court, and subsequently to the Crown Court. He explained that if the appeal was lodged in time, once the disqualification ended on 14

December 2005 the applicant would be able to continue to drive until any appeals had been dealt with.

The meeting ended at 8.25 pm

LIAISON MEETING WITH THE UTTLESFORD TAXI DRIVERS' ASSOCIATIONS

Present:-

Councillors R Freeman, E Hicks, M Lemon and J Murphy

Officers M Hardy, M Perry, C Roberts and A Turner

Representatives B Drinkwater, K Cordall, A Groom, J Walton Snr and A White

An apology for absence was received from Mr R Page whose suggestions for a system of rising bollards around the town centre were relayed to the meeting by Mr Hardy. Mr Hardy explained that a County Highways representative had said this would need evaluating but that there was currently no funding for such a development in the short term. There were no observations from the taxi representatives present.

Mr Perry said that this matter would be passed to the re-structured Environment Committee for consideration and arrangements would be made for Mr Page to be present at their meeting.

Mr Hardy added that Mr Page would also request relocation of the Saffron Walden taxi rank to a position in the upper High Street.

Mr B Drinkwater informed the meeting about proposals for review of the Table of Fares which had been shared with the trade liaison group earlier in the day. He added that they were modest proposals and that they could not be disclosed because full consultation had yet to take place.

Mr Perry stressed that although an annual review had been accepted this did not necessarily mean there would be an annual increase. It would be best if any submission were made to the Committee via the Licensing Officer with accompanying reasons.

Mr Drinkwater also informed the meeting of research undertaken into possible driver qualifications. The favourite seemed to be the NVQ. It was agreed that Mr Cowie of Braintree College be invited to address the next liaison meeting on this subject.

Members discussed what was the best number of liaison meetings per annum and decided that there should be no change from the present two.

The Licensing Officer, in his capacity as Chairman of the National Association of Licensing and Enforcement Officers, expressed thanks to the Licensing

Committee for the opportunity to exchange views afforded at Uttlesford by the liaison meetings.

The meeting ended at 7.25 pm.