

LICENSING COMMITTEE held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 15 MARCH 2006

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

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

Also present :- Messrs A Groom, R Page and J Walton Snr Members of
the Uttlesford Hackney Carriage Drivers' Association.

L166 APOLOGIES FOR ABSENCE

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

L167 PUBLIC QUESTIONS AND STATEMENTS

Mr R Page on behalf of the Members of the Uttlesford Hackney Carriage
Drivers' Association presented the Committee with reasons why they were in
favour of moving the designated location of the Hackney Carriage taxi ranks at
Saffron Walden and Stansted to make them more obvious to strangers visiting
these towns.

L168 TAXI RANKS AT SAFFRON WALDEN AND STANSTED

The Executive Manager Corporate Governance presented a report regarding a
proposal to move the taxi ranks at Saffron Walden and Stansted. Members of
the trade had asked the Committee to consider changing the arrangements for
the ranks at Saffron Walden and Stansted. Under the Local Government
(Miscellaneous Provisions) Act local authorities had power, subject to
consultation with the Police and the public, to designate taxi ranks where
Hackney carriages (but not private hire vehicles) might wait for fares. There
were four such ranks in the District, at Audley End Station, Great Dunmow,
Saffron Walden and Stansted.

The Committee Members thought that the suggested moves would benefit the
disabled and would make the ranks more highly visible to visitors.

RESOLVED that officers carry out informal consultation on the
following proposals:-

- 1 With regard to Saffron Walden, the existing rank be discontinued
and two new ranks placed on either side of the High Street (near
the Temeraire public house on an area currently designated for
car parking) for up to 4 Hackney carriages.
- 2 With regard to Stansted, the rank be moved closer to the junction
of Chapel Hill but still remaining in Station Road to make the rank

more visible both to persons arriving at the station and to those in the town and to prevent the rank being 'boxed in' by other cars which has limited its use at its present site.

L169 **MINUTES**

The minutes of the meetings held on 18 January and 7 February 2006 were agreed to be a correct record and signed by the Chairman.

L170 **BUSINESS ARISING**

L162 – Draft Licensing Policy

The Executive Manager (Corporate Governance) provided the Committee with an update regarding filling of the vacant post of Licensing Enforcement Officer and the areas of duty which it would cover, and agreed to let Councillor Artus have sight of the remit of the post which had been drawn up.

L171 **GAMBLING ACT 2005 PROPOSED TRANSITIONAL ARRANGEMENTS**

The Executive Manager (Corporate Governance) presented a report on a consultation document published by the Department of Culture Media and Sport on proposed transitional arrangements whereby responsibility for licensing gambling operators and those engaged in the management of gambling premises would transfer to the Gambling Commission and responsibility for licensing gambling premises would transfer to local authorities.

RESOLVED that the Council does not make a formal response to the consultation.

L172 **ENFORCEMENT PROTOCOL**

The Executive Manager (Corporate Governance) provided the Committee with a report about the draft Model Enforcement Protocol with the police and other responsible authorities. The Protocol had been envisaged in the initial draft Licensing Policy and the draft Protocol had only just been finalised.

The report explained that the Police and the licensing authority were the only bodies empowered to prosecute for breaches of the Licensing Act 2003 but that other responsible authorities would advise and were responsible for making representations.

The Executive Manager (Corporate Governance) considered that for Uttlesford an Enforcement Policy separate from the Licensing Policy Statement would merely copy the Enforcement Concordat and was therefore superfluous to requirements. Accordingly the reference to an Enforcement Policy would be deleted from the Model Protocol.

The main aims of the Concordat were that businesses should:

- 1 Receive clear explanations from enforcers of what they need to do and by when
- 2 Have opportunities to resolve differences before enforcement action is taken unless immediate action is necessary
- 3 Receive an explanation of their rights of appeal.

The Model Protocol designated responsibility between the responsible authorities and the local authority for inspecting premises, investigating complaints of non-compliance, making representations, seeking reviews and initiating proceedings for offences under the Act. It required the parties to comply with relevant legislation, the Protocol and internal policies on information disclosure; to consult each other on matters of policy and strategy and to ensure that information held was accurate and up to date. The Model provided for there to be regular liaison between the parties but Uttlesford already met relevant authorities regularly.

The report suggested the following amendments to the protocol, which were accepted by the Committee.:-

- 1 The responsibility for public safety should be given to the local authority (not the licensing authority) as the Environmental Health Department has powers under other legislation.
- 2 Responsibility for public nuisance is to fall upon the licensing authority or Essex Police. The local authority should be added as well as the other two authorities because they have powers under other legislation.
- 3 The arrangements for notification of convictions by parties to the Protocol are inadequate and the Protocol should be strengthened in this regard.

The Executive Manager (Corporate Governance) gave details of a potential breach of licensing rules at Radwinter, and the steps which were being taken in this connection. Members asked that their thanks to the Executive Manager (Corporate Governance) for his sterling work in this matter be noted.

RESOLVED that Members authorise the Executive Manager Corporate Governance to sign the Enforcement Protocol (amended as suggested in the officer's report) on behalf of the licensing authority.

L173

APPEALS AGAINST DECISIONS OF THE LICENSING COMMITTEE

The Executive Manager (Corporate Governance) presented a report on each of three appeals lodged against decisions of the Committee, of which two had been dealt with so far. One appeal was unsuccessful and the Council was awarded £800 costs, the other was settled by negotiation between the applicant's and the Executive Manager Corporate Governance in consultation with Cllrs Lemon and Loughlin who had attended the hearing as observers. The Executive Manager Corporate Governance said he found the Member's input into negotiations invaluable. As both appeals were dealt with internally no expense was incurred by the Council save for officers' time.

RESOLVED that the report of the Executive Manager (Corporate Governance) be noted.

The meeting ended at 8.22 pm.