

LICENCING COMMITTEE held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 31 MAY 2006

Present:- Councillor J I Loughlin – Chairman.
Councillors H D Baker, E W Hicks, R M Lemon, A Marchant, D J Morson and A R Row

Also Present:- Councillor D W Gregory

Officers in attendance:- V Harvey, M Perry and A Turner

LC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors K R Artus, R F Freeman and B M Hughes.

Councillor Gregory declared a personal interest in agenda items four, five and six as he was employed as a taxi driver.

LC2 MINUTES

The minutes of the meeting held on 15 March 2006 were received and signed by the Chairman subject to amending the list of Members present to read:
Councillor J I Loughlin – Chairman
Councillors K R Artus, R F Freeman, E W Hicks, and A Marchant.

Amendment to L166, apologies for absence to read: *apologies for absence were received from Councillors H D Baker, C A Bayley, S C Jones, R M Lemon, D J Morson and A R Row.*

LC3 MATTERS ARISING

(i) LC162 – Budget

The Licensing Enforcement Officer post had been job evaluated and it was hoped to make an appointment by the end of June.

LC4 TAXI RANKS AT SAFFRON WALDEN AND STANSTED

The Executive Manager (Corporate Governance) gave a verbal update to the Committee. There had been no comments from Saffron Walden police, although there had been an opposition from Saffron Walden Town Council regarding the lack of spaces on the High Street. At the last Liaison meeting Sarah Saward, the Saffron Walden Project Officer gave a presentation to representatives from the taxi operators on the proposals for pedestrianisation in the Market Square.

In Stansted there had been no objection from the police. However the parish council had requested further information before responding in detail. This was currently awaited from the trade.

LC5

REAR LOADING OF WHEELCHAIR PASSENGERS ON HACKNEY CARRIAGE VEHICLES

The Licensing Officer had set out a discussion document on whether or not this Council wished to introduced a condition to amend the current policy on Hackney Carriage Vehicles.

At the Annual General Meeting of the National Taxi Association in October 2005 their Members endorsed a resolution that prohibited a disabled passenger confined to a wheelchair being loaded at the rear of the vehicle. This was adopted on road safety grounds and would only apply to vehicles licensed as Hackney Carriage Vehicles.

In October 2003 the then Minister of Transport announced a timetable for the introduction of all new vehicles capable of carrying a wheelchair passenger. This should be phased in by all local authorities by 1 January 2010.

There were currently 31 vehicles licensed in Uttlesford as a Hackney Carriage with only one capable of carrying a wheelchair passenger. The Executive Manager (Corporate Governance) reported that there were a number of private hire vehicles adapted for carrying wheelchairs which were used for school contracts but available for use by disabled members of the public when not so engaged. On 21 February 2006 this matter was discussed at a meeting between Officers, Trade Associations and Operatives and the general view was that it was safer to use the rear loading method.

The Department of Transport did not have a policy on this issue as they were of the view that this was not sufficient evidence to support the National Taxi Association's case.

Councillor Marchant asked how safe the rear loading vehicles would be. The Executive Manager (Corporate Governance) made reference to paragraph seven of the report which stated that the Government were still in consultation with manufacturers and the Trade Associations to produce a suitable vehicle.

Councillor Row drew attention to the letter appended to the report from RoSPA and noted their concerns.

RESOLVED:

1. That the report be noted.
2. Suitable conditions be introduced that specifically affect Hackney Carriage Vehicles after the vehicle specification regulations are introduced.

LC6

BTECH QUALIFICATION FOR THE HACKNEY AND PRIVATE HIRE TRADE

A report had been prepared by the Licensing Officer which discussed the possible additional pre-requisites for the granting for a Hackney Carriage or Private Hire Drivers Licence. Section 45 Town Police Clauses Act 1847 and Section 51 (1) Local Government (Miscellaneous Provisions) Act 1976 provide for the grant of either a Hackney Carriage or Private Hire Drivers Licence. Additionally individuals were subjected to the enhanced level of checking with the Criminal Records Bureau.

Courses such as National Vocational Qualifications were available for employees working in the passenger transport industry to enhance their business performance. The cost of this training would be borne by employers or licensed drivers, however funding may be obtained through the Learning Skills Council.

Enquiries with other local authorities within Essex and surrounding areas revealed that they had no conditions in place whereby they required this type of qualification prior to the granting of a Hackney Carriage or Private Hire Drivers Licence.

Councillor Lemon said this Committee should encourage drivers to obtain qualifications.

Councillor Marchant asked if it would be in the Committee's remit to make obtaining qualifications compulsory. The Executive Manager (Corporate Governance) said this would be an option, but not a practical one as it would be discriminatory towards new people joining the organisations.

Councillor Gregory had first heard about BTech qualifications for the Hackney and Private Hire Trade at a transport conference. He said he would like to see the recommendation made stronger to encourage people in the trade to consider these courses.

Members suggested a representative from a college offering the qualification attend the next liaison meeting with the trade. It was also suggested the resolution encouraged drivers to take these qualifications.

RESOLVED that the current licensing standards remain unaltered and drivers will be positively encouraged to seek qualifications.

LC7

REGULATION OF SEX ESTABLISHMENTS

The Licensing Officer and Executive Manager (Corporate Governance) had prepared a joint report setting out for consideration by Members regulations that prescribe conditions for the Licensing of Sex Establishments within Uttlesford and the ability of the Council to control the number of sex shops within localities.

Currently there were no such establishments within Uttlesford District. However Murray Hardy had been approached by a company wishing to set up such a business at the Parsonage Farm Industrial Estate, Stansted.

An application for a licence would require advertisements to advise local residents to see if any objections were received. When submitting an application to the Licensing Authority a fee of £4,500 must be paid, this was due to be reviewed on 31 March 2007.

Local Authorities were permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to make regulations that prescribe standard conditions applicable for sex establishments. It also gives the Council power to adopt a policy as to how many sex establishments would be appropriate in particular localities. The Act states "nil" could be an appropriate number, but it would not be legitimate to apply a zero policy to the whole district. It would be necessary to identify parts of the district where sex shops could be tolerated and by exclusion apply a nil policy to the remainder of the district.

Councillor Loughlin suggested that the Council write to Parish Clerks asking their views on the subject, whilst stipulating the Council were not promoting sex establishments.

Some Members felt they did not wish to see any sex establishments in Uttlesford. The Executive Manager (Corporate Governance) said that Uttlesford could not make a district wide policy. It could refuse applications on the grounds of appropriateness, but this would not apply as a policy.

RESOLVED that

1. the committee recommend that the Council adopt regulations which prescribe the standard conditions as outlined in the report.
2. the Executive Manager (Corporate Governance) consult with Town and Parish Council for their views
3. following consultation the committee determines whether it wishes to consider a policy regarding the number of sex establishments it would consider appropriate within various parts of the District.

LC8

EXERCISE OF DELEGATED POWERS

The Executive Manager (Corporate Governance) gave a verbal report on exercise of delegated powers. He said that since the last meeting two applications had been refused.

In the first instance the driver did not meet the standards and had six points on their licence, which was gained during the driver's social time, whilst driving at 101mph on the M25 motorway. There were no circumstances why this case should deviate from the Council's policy.

The second driver gained six points on his licence after failing to stop and report an accident and driving without due care and attention. The allegation was that he overtook a vehicle on the inside lane and then pulled across colliding with it and causing minor damage. He denied the events took place but was convicted. He was advised not to appeal by his legal team. There were unusual circumstances surrounding the handling of the application and contrary to usual practice in the light of those circumstances the Executive Manager (Corporate Governance) offered the applicant the opportunity to withdraw his application and have a refund of his fee. He requested however that the application be determined so that he could appeal. The licence was therefore refused.

LC9

ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

(i) Licence Fee For Houses in Multiple Occupation

The Executive Manager (Corporate Governance) asked the Chairman to consider this as urgent business as the Act was already in force. A new provision had been introduced by the Housing Act 2004 making the licensing of certain houses in multiple occupation a mandatory requirement. Applications for a licence needed to be accompanied by a fee, which was set by Housing Authorities and would reflect the anticipated costs in issuing the licence.

Members discussed this item and it was

RESOLVED that

1. The Council sets a fee of £125
2. The Executive Manager Environmental and Cultural Services and those authorised by her be given delegated authority to licence houses in multiple occupation.

(ii) Application Withdrawn

The Executive Manager (Corporate Governance) reported that a premises licence for a pop concert at Radwinter had been withdrawn. He said the applicant may wish to hold a charity dinner, and this application could be authorised by a temporary events notice which would need to be served no later than 10 working days prior to the event.

He then went on to inform the Committee that many letters of thanks had been received for the excellent work undertaken by the Licensing Officers. The Chairman endorsed the excellent work.