

**LICENSING COMMITTEE held at 7.30 pm at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 24 JANUARY 2007**

Present:- Councillor J I Loughlin – Chairman.
Councillors H D Baker, B M Hughes, R M Lemon and A
Marchant,

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

LC55 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K R Artus, R F Freeman, E W Hicks, D J Morson and A R Row.

LC56 STATEMENT BY A MEMBER OF THE PUBLIC

Mr B Drinkwater, the Chair of the Uttlesford Licensed Operators and Drivers Association, reminded the meeting of the Association's concerns regarding the taxi ranks and the Market Square Works and asked for a working party of Councillors and Officers with representatives of the Trade to discuss signposting and other matters affecting the taxi ranks. He added that the Association was revising its proposals, and he submitted a Position Paper which is annexed to these Minutes.

The Chairman thanked him for this information which would be noted.

LC57 MINUTES

The Minutes of the meetings held on 1 November 2006 and 12 December 2006 were received and signed by the Chairman as a correct record.

In addition the Minutes of the meeting held on 20 November 2006 were received as a matter of urgent business and signed by the Chairman as a correct record.

Mrs Nicholson, the Solicitor, reported that the Minutes of the Meeting held on 17 January 2007 were still being prepared.

LC58 BUSINESS ARISING

(i) Minutes LC42 – Saffron Walden Conservative Club: Review of Club Premises Certificate.

The Licensing Officer said that notice of appeal had been served by the Club and the hearing of the appeal was expected to be in May or June 2007.

RESOLVED that Councillors M Lemon, J Loughlin and A R Row, be appointed to represent the Council at the appeal.

LC59

DELEGATED POWERS

The Committee considered a report about a change in law on suspension or revocation of drivers licences and considered extension of the delegated powers of the Assistant Chief Executive.

The report explained that licences were renewed annually. During the course of a licence it might be suspended for a period or revoked. The Assistant Chief Executive had delegated authority to suspend a licence for up to 2 weeks for breach of condition or the commission of an offence where prosecution would be disproportionate, and he could revoke a licence where it had been granted due to a false statutory declaration made by the driver.

Exercise of the drivers rights of appeal to the magistrates' court and the Crown Court could prevent the decision of the magistrates to suspend or revoke a licence from taking effect until any appeal had been disposed of or abandoned, so that the driver might continue to drive for a long time. Where for instance the decision was made on medical grounds, it might be inappropriate for the driver to continue to drive.

An amendment to the Local Government (Miscellaneous Provisions) Act 1976 in section 52 Road Safety Act 2006 now provided that in the interest of public safety a suspension or revocation could have immediate effect subject to proper notice to the driver. Rights of appeal were retained, but the driver could not drive whilst pursuing an appeal.

The report stressed that use of the power should be immediate and not await a meeting of the committee, but that revocation of a licence was a very serious step and inappropriate for delegated powers. It suggested that the Assistant Chief Executive should be given the power to suspend a licence with immediate effect provided the suspension would expire the day after the next meeting of the Committee. At the Committee meeting the Committee would consider the driver's position and determine whether or not the licence should then be revoked. If the Assistant Chief Executive decided to suspend a licence after the agenda had been published, the chairman could consider revocation of the licence as urgent business at that meeting given the importance of the matter to the driver.

RESOLVED that the Assistant Chief Executive have delegated power to suspend the licences of drivers of private hire vehicles and hackney carriages under section 61 Local Government (Miscellaneous Provisions) Act 1976 (as amended) immediately if in his or her opinion it is in the interest of public safety that the suspension has immediate effect, such suspension to last until the day after the next ordinary meeting of the Licensing Committee. This delegated power will come into effect upon the date that section 52 Road Safety Act 2006 comes into force.

LC60

GOVERNMENT GUIDANCE ON BEST PRACTICE FOR TAXI AND PRIVATE HIRE VEHICLE LICENSING

The Committee considered the report of the Assistant Chief Executive which informed Members of Government guidance for best practice in licensing to enable Members to determine what amendments (if any) they wished to make to their licensing policy. The report recommended that the licensing policies remain unchanged for the following reasons:-

- (i) Although the guidance recommended more than one testing centre and contracting out the work to different garages, the advantages of the council conducting its own tests on every taxi had been accepted by the Committee previously.
- (ii) Drivers' licences could be issued for up to 3 years and the guidance recommended this as the norm but experience had shown that the condition for drivers to report convictions was frequently breached so a 3 year renewal could create an unnecessary degree of risk that unsuitable persons might drive. Members had previously endorsed the view that one year renewals reduced the risk to an acceptable level.
- (iii) The maximum length of licence for an operator, 5 years, was recommended by the guidance, but Members were aware that the register of licences was a public document. If it was outdated (because operators had ceased to carry on business), this could discourage potential new operators from entering the market. Members had agreed that it was important for the register to be kept up to date and that best practice would therefore require operator's licences to be issued annually
- (iv) Whilst the guidance recommended that hackney carriage drivers should take a local knowledge test and PHV drivers should demonstrate an ability to read a map and have knowledge of key places (such as main roads and railway stations) within the district, Members had previously agreed that such checks though appropriate in urban areas, would not constitute best practice in a large rural area such as Uttlesford.

In answer to a question from the Chairman the Licensing Officer said that the Depot had four qualified fitters who serviced the Council's vehicles as well as testing the taxis. There were no facilities for HGVs at Dunmow but the rest of the work was all done in house. He believed they had recognised mechanical engineering certificates. The Depot was not an MOT centre however.

The Chairman asked that the points about certificates and MOT registration be firmed up by the Depot, and, since the taxi drivers had asked about MOT testing at Dunmow, that the Committee be informed at the next meeting what is planned for the Dunmow Depot.

RESOLVED that the current licensing policies remain unchanged.

LC61 **EXERCISE OF DELEGATED POWERS**

Mrs Nicholson, the Solicitor, reported on behalf of the Assistant Chief Executive that there had been no exercise of delegated powers since the last scheduled meeting.

LC62 **APPEALS**

Mrs Nicholson, the Solicitor, reported on behalf of the Assistant Chief Executive that no appeals had happened or been lodged since the last scheduled meeting.

LC63 **GENERAL FUND BUDGET 2007/08**

The Committee considered the report of the Assistant Chief Executive and the Director of Resources which provided the basis for completion of the Committee's General Fund budget for 2007/08 subject to final considerations by the Operations Committee and Full Council.

The main variation on the expenditure side was an increase in staffing cost which was more than offset by increased income.

There were no proposals to devolve any of the Committee's budgets to area panels.

Members were pleased to hear that in contrast to all other authorities in Essex, Uttlesford had collected all annual fees for licensed premises. The Chairman congratulated the Licencing team on its efficiency and excellent service.

The meeting ended at 8.10pm.