

LICENSING COMMITTEE held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 21 JANUARY 2009

Present:- Councillor E W Hicks – Chairman.
Councillors J E Hudson, R M Lemon, J I Loughlin, H J Mason, D J Morson, D G Perry, J A Redfern and A D Walters.

Officers in attendance:- M Hardy (Licensing Officer), A Knight (Accountant), J Mitchell (Chief Executive), M Perry (Assistant Chief Executive), C Roberts (Democratic Services Officer) and P Woolcott (Enforcement Team Leader).

LC36 **STATEMENT BY MEMBERS OF THE PUBLIC**

Prior to the meeting statements were read out by Barry Drinkwater the Chairman of the Uttlesford Licensed Operators and Drivers Association, Robert Sinnott of Acme Transport Services, and Andy Mahoney of 24/7 Ltd, who were accompanied by two other members of the public.

The statements referred to the correspondence and meetings the Council had already had upon the subject of taxi and driver licence fees.

The public statement of the representatives of ULODA ended at 7.45 pm.

LC37 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

An apology for absence was received from Councillor E L Bellingham-Smith.

LC38 **MINUTES**

The Minutes of the meetings held on 17 and 19 November 2008 were received and signed by the Chairman as correct records subject, in the case of the meeting on the 19 November, to the inclusion of Councillor J I Loughlin in the list of those present.

The Assistant Chief Executive informed the meeting that an appeal had been lodged from the Committee's decision in Minute LC25, and that the driver would therefore continue to drive until the appeal was resolved.

LC39 **MATTERS ARISING**

(i) Minute LC34 – Progress of outsourcing

The Licensing Officer reported on progress with the outsourcing of vehicle testing. He had written to 19 VOSA approved garages in the Uttlesford District inviting expressions of interest, and was in the process of drawing up a specification for testing on VOSA guidelines (which would be circulated to Members) to operate from 1 April 2009.

Nine positive replies had been received from addresses spread across the whole District and it was thought that if they all met the VOSA specification they should all be used, providing extra capacity to react to urgent need flexibly and swiftly.

Councillor Morson asked whether they all had consistent fees and it was explained that the operators and drivers would pay the garage direct.

The Assistant Chief Executive informed the meeting that VOSA imposed a maximum fee for MOTs; the individual garage could charge less and it would be for the taxi organisations to negotiate fees, the Council being concerned only with the standard of testing. He added in answer to a question that whilst there would be a “one stop shop” for MOT and taxi testing the taxi testing would be more frequent for vehicles aged over 5 years.

Councillor D Perry asked that the matter of outsourcing be considered at a future meeting. The Chairman agreed to this and the Licensing Officer said that he would include this on the agenda of the Uttlesford Hackney Carriage and Taxi Drivers Association.

LC40

REPORT OF THE LICENSING TASK GROUP

Members considered the minutes of the meetings of the Licensing Task Group on 6 and 16 January in the light of the statements made to the Committee that night (21 January) by Messrs Drinkwater, Sinnott and Mahoney.

The Chief Executive referred to the meeting on Friday 16 January which he had thought very productive. A figure of £27.80 had been agreed for the management costs element of the licensing budget instead of the originally proposed one of £35.00 and agreement had been reached on the recharges allocated to Taxi Licensing, and the meeting had closed very positively. He was therefore now disappointed and struggled to understand why Messrs Drinkwater, Sinnott and Mahoney had introduced the debate contained in their statements. It was up to the Committee to decide whether to accept the content of and recommendations in the Task Group’s minutes, which resolved all issues. Whilst there might be room for Members to discuss the original figures, the Chief Executive was sure that in any test the Council’s accounting practices would be found to be sound.

Councillor D Perry, who had chaired the Task Group, thought that agreement had been reached but was concerned that an issue of proportionality had arisen after the meeting. He accepted the minutes as a true reflection of the meetings and put them before the Committee to be accepted.

In answer to a question from the Chairman of the Committee Councillor D Perry confirmed that he was satisfied that the agreement had been reached. He continued that he felt the Trade had had a bad deal as they had not been

given clarity and transparency. He recalled the £19,000 figure in the agreement but thought that aspect was removed from the proportionality aspect.

Ms Knight explained that £19,000 was the figure by which the 2006/7 budget had been reduced. It was then possible to apportion the taxi licensing element.

Councillor A Walters said that he had left the meeting of the Task Group on 16 January believing that they had resolved the matter.

Councillor D Perry said he did not think this aspect was a part of the Task Group's remit.

The Chief Executive said that his understanding of this aspect was as explained by Ms Knight. He stressed however that Members could proceed on the basis of their own understanding of what had been agreed.

Councillor Morson thought that this reduction was to be given in isolation and in answer to a question from the Chairman of the Committee Ms Knight explained what amount was being claimed by Messrs Drinkwater, Sinnott and Mahoney.

Councillors Loughlin and Redfern were completely sure that Members had been told by the Trade in previous meetings that no refund was sought, and they noted that the Task Group minutes showed no change in that position.

The Chief Executive suggested that the matter of compensation was a separate issue for another day. He wished to know more about it – a formal application would be required and it did not necessarily follow that the application would be granted.

Councillor Perry said that the minutes of the Task Group reflected what he felt had happened and he wanted them resolved now.

RESOLVED that the minutes of the meetings of the Licensing Task Group held on 6 and 16 January 2009 be accepted as a true and correct record and the amendments to the Group's terms of reference and recommendations contained in minutes LTG2, LTG6(ii), and LTG6(iii) be accepted.

LC41

EXERCISE OF DELEGATED POWERS

The Committee considered the report of the Assistant Chief Executive on powers delegated to him in dealing with licensing applications and in future as requested at the previous meeting when Mrs Nicholson the Non-Contentious Solicitor had advised that a new delegated power would be necessary consequent upon outsourcing to cater for the situations of a driver failing to get a test completed when suspension of the licence could ensue.

The Assistant Chief Executive explained the content of the report in detail, relaying what feedback there was and adding that he thought the scheme was sound and working well.

Councillor D Perry drew a distinction between powers to decide on the basis of fact and on the basis of opinion and the Assistant Chief Executive agreed to bear this in mind.

RESOLVED that in addition to the existing delegated powers the Assistant Chief Executive has delegated powers to revoke or suspend a vehicle licence where the licence holder has failed to supply a test certificate in respect of the vehicle or where the proprietor fails to produce the vehicle for inspection when requested to do so pursuant to section 50 Local Government (Miscellaneous Provisions) Act 1976.

LC42

ENFORCEMENT

The Committee considered the report of the Assistant Chief Executive prepared at the request of Members about issues of licensing enforcement.

The Chief Executive stressed that the operation of this area was inevitably limited by the available funds. Since the Committee had strong feelings on the quality of enforcement, however, he suggested that a workshop be held where Members of the Committee could gain an understanding of other Committees' issues on enforcement and resources.

RESOLVED. that a workshop be arranged on this subject immediately before the meeting of the Committee on 11 March 2009 at 6.30 pm, and that a further workshop on the subject be arranged for all Councillors in approximately three months time.

LC43

2009/10 LICENSING COMMITTEE REVENUE BUDGET

The Committee considered the report of the Assistant Chief Executive and the Chief Finance Officer on the 2009/10 Revenue Budget for the Committee.

It was noted that there had been an increase in the number of applicants for drivers' licenses due to the effects of the "credit crunch", but it was questionable whether this would be sustained since many pubs and restaurants were closing. Members were informed however that the Committee's Budget was considered to be sound.

RESOLVED. that the Committee's 2009/10 revenue budget as set out in Appendix A to the report be approved for recommendation to the Finance and Administration Committee.

LC44 **EXERCISE OF DELEGATED POWERS**

The Assistant Chief Executive informed the meeting that there had been no exercise of delegated powers since the last scheduled meeting of the Committee.

The meeting ended at 9.17 pm