

**LICENSING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 11 NOVEMBER 2009**

Present: Councillor E W Hicks - Chairman  
Councillors E L Bellingham-Smith, 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), M Perry (Assistant Chief  
Executive) and R Procter (Democratic Services Officer).

LC28

**PUBLIC QUESTION AND ANSWER SESSION**

The Chairman welcomed everyone, and invited members of the taxi trade present to speak, in accordance with their notice of intention to do so.

Statements were then made by Mr B Drinkwater, Mr A Mahoney and Mr R Sinnott.

Mr Drinkwater said, with reference to the money claimed by taxi drivers, he had hoped the meeting with Mr Perry would move matters forward after the successful meeting with the Chief Executive, but unfortunately that meeting had not taken place.

The Assistant Chief Executive, spoke at this point to explain the reason for the deferral of the meeting. When the meeting had originally been arranged, his diary had been clear. However, at short notice, he had been informed that he was required in the High Court on that day, as the judgment in another case was to be handed down. Accordingly, he had re-scheduled the meeting for this coming Friday 13 November.

Mr Drinkwater said the question of the overpayment had been under discussion for a long time now. He expressed concern at this delay, which was causing frustration to the Trade. He looked forward to progress being made regarding the accounts.

With regard to the Quality Taxi Partnership, the Trade had been working with Essex County Council on this proposal. Whilst the Trade was not uniformly supportive of QTP, ULODA did support it. He would like to see solidarity of support from all partners. There was always room for improvement in aiming for best practice, and QTP would help to reinforce the message that local operators and drivers acknowledged this to be the case.

Mr Mahoney then made a statement. He said he wished to sound a cautious note regarding QTP. He felt he did not know enough about it, and could not see exactly how it would be relevant in a rural area. Further, his business was different to most others, as he did not offer a private hire service, but contracted operators. He asked that Members bear these points in mind.

Mr Sinnott made a statement. He said he did not know enough about QTP, and was very concerned about the impact on his workforce, which was made up of many part time workers, whether semi-retired or working parents. They were already very professional, and he was concerned at the prospect of overburdening them with additional requirements. He looked forward to hearing the report to be presented by the Licensing Officer.

The Assistant Chief Executive referred Mr Sinnott to paragraph 8 of the report, which stated that QTP membership would be voluntary.

Mr Drinkwater then gave a brief report on the recent meeting of the Uttlesford Taxi Drivers Association. Issues which had been raised included an announcement of the Trade's intention to apply for a modest increase in fares; and concerns over increased illegal touting in this area. Minutes of the meeting had been circulated to Members.

## LC29 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Artus and Perry (Councillor Perry later joined the meeting). There were no declarations of interest.

## LC30 **MINUTES**

The Minutes of the extraordinary meeting of 16 September 2009 were received, confirmed and signed by the Chairman as a correct record.

The Minutes of the scheduled meeting of 16 September 2009 were received, and a number of amendments were made at the request of Members, as follows:

Minute LC20 page 175 paragraph 8:

The sentence was amended to read: 'Councillor Loughlin said she thought Mr Ford prevented occurrences by his pro-active stance.'

Minute LC20 page 176 top paragraph:

The first sentence was amended to read: 'Councillor Walters said it was very important to note that Members were very unhappy about the situation with regard to enforcement.'

As a matter arising from this Minute, Councillor Walters said he did not recall saying that the issue of Members' concerns regarding enforcement should be brought to Council. Councillor Lemon said he had asked a question at Council in Members' question time, and he hoped most Members had got the message. In reply to further comments regarding taking the matter to Council, the Assistant Chief Executive said it was open to Members to propose a motion on notice to the Chief Executive under rule 9, not later than 10 clear days before the date of the Council meeting.

Councillor Hicks said Councillor Perry (who had not arrived at this point) had given him a list of points he wished to raise regarding the Minutes. Whilst it was a little unusual procedurally, he could exercise Chairman's discretion to allow consideration of the comments in Councillor Perry's absence, if Members felt this was appropriate. Members agreed to this course of action.

Where Councillor Perry's notes related to matters arising, the Assistant Chief Executive suggested that Members proceed on the basis that they had looked at such points and were aware of his concerns. He said regarding points of accuracy raised in Councillor Perry's note, that only where Members could recall the suggested amendments could such amendments be made. Members considered the points raised by Councillor Perry in his absence and made an amendment as follows:

Minute LC20 page 175 first paragraph:

The word 'licensing' was inserted so that the final phrase of the paragraph read: '. . . Mr Ford who was a fully trained licensing enforcement officer'.

Councillor Hicks then signed the amended Minutes.

LC31

## **MATTERS ARISING**

### **(i) Minute LC4 – money claimed by taxi drivers**

Councillor Lemon said he was appalled that this matter had taken so long, (although he appreciated there was a good reason for re-arranging the meeting which was to have taken place earlier this week). He was glad the meeting was scheduled for this Friday, and asked for some indication of when the matter would be concluded. The Assistant Chief Executive replied that the outcome of the meeting would determine the conclusion of the issue. Councillor Loughlin said she too was appalled that this matter kept returning to Committee, and that procrastination was damaging to the Council's reputation. The Chairman said all heartily agreed, and all would be happy to see this matter concluded.

### **(ii) Minute LC26 – Budget**

Councillor Loughlin asked about the issues regarding the Licensing Department. The Assistant Chief Executive said these issues were the subject of the Part II report to be considered later in the meeting.

LC32

## **GAMBLING ACT POLICY**

Members considered the report of the Assistant Chief Executive on revision of the Gambling Act 2005 policy. The Assistant Chief Executive reported that since the report had been prepared he had received one response to the consultation from Great Dunmow Town Council which welcomed the changes and asked to be informed of any applications for premises licences within its area.

RESOLVED that Members recommend that Full Council approve the revised Gambling Policy to take effect from 31 January 2010.

LC33

## **QUALITY TAXI PARTNERSHIP**

Members considered the report of the Licensing Officer. The Licensing Officer reminded Members of the presentation they had received on this subject at an earlier meeting. He took Members through the report, and concluded by inviting them to decide whether a Quality Taxi Partnership should be established in Uttlesford.

The Chairman thanked the Licensing Officer for his report.

Councillor Walters said this was an excellent report, and was a step forward in giving better service. He proposed the motion.

The Chairman asked whether there were any costs implications for the Council arising from the proposal to establish a QTP. The Licensing Officer said such costs would be minimal, arising from his time which he envisaged being 2 to 3 hours per month. He would also suggest that the existing Task Force should continue to meet and report to this Committee.

Councillor Perry arrived at this point.

Councillor Lemon said most districts were entering into QTPs. He seconded the proposal.

In reply to a question from Councillor Hudson, officers confirmed the matter would be publicised if the Council joined the scheme.

The Chairman welcomed Councillor Perry and invited him to put forward any comments.

*Councillor Perry declared an interest as a member of the QTP Task Group.* He said he fully supported the QTP as a good way to ensure a high standard of service.

Councillor Redfern noted there had been an element of apprehension about QTP expressed by Mr Sinnott during the public question and answer session. Councillor Lemon said he presumed that if members voted to join, it would be up to the Licensing Officer to persuade the Trade of the great benefits the scheme would bring.

RESOLVED to establish a Quality Taxi Partnership in Uttlesford.

The Licensing Officer said in view of this decision that he was now able to disclose the publicity arrangements for the launch of the QTP. A formal launch would take place on Friday 4 December in the Council Chamber at 11 am, to which Members were invited. Representatives of ECC, the Fire Service, ULODA and the press were also to be invited.

It was agreed that the Chairman of this Committee should sign the QTP agreement at the launch.

**LC34 EXERCISE OF DELEGATED POWERS**

The Assistant Chief Executive gave a brief verbal report on a recent instance where he had exercised delegated powers to refuse a licence. At the previous meeting Members had authorised the Assistant Chief Executive to deal with an application for a licence where a driver apparently met licensing standards but had admitted offences of driving without a PHV driver's licence and without insurance. It had transpired that the driver already had a conviction for driving without insurance and had six points on his licence, and therefore did not meet the Council's standards in any event.

**LC35 OTHER URGENT ITEMS**

Councillor Perry asked a question regarding the enforcement team. He wished to know how many cases relating solely to licenses had been solely dealt with by the enforcement team. The Assistant Chief Executive said he did not have that information to hand. Generally investigations were carried out by the enforcement team, but they relied on receiving intelligence, for example, reports of illegal touting.

Councillor Perry asked about means of investigating such reports, including night working. The Assistant Chief Executive said it would not be appropriate to state in a public meeting how investigations would be carried out, and that night working would be used if appropriate.

Councillor Perry then asked the Chairman if he stood by the comments he had made at Full Council regarding the licensing trade and taxi money. Councillor Hicks replied that his comments reflected his understanding of the position.

**LC36 EXCLUSION OF THE PUBLIC**

RESOLVED that, under Section 100(I) of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 2, 3 and 5 of Part 1 of Schedule 12A of the Act.

**LC37 LICENSING DEPARTMENT**

Members considered the report of the Assistant Chief Executive.

Following discussion, the Chairman gave an undertaking to address the concerns expressed by Members with the Chief Executive.

Councillors Mason and Redfern left the meeting at 9.30 pm and 9.35 pm, respectively. The meeting ended at 9.55 pm.