

LICENSING COMMITTEE held at 7.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 16 SEPTEMBER 2009

Present:- Councillor E W Hicks – Chairman.
Councillors K R Artus, 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 C Roberts (Democratic
Services Officer).

LC16

PRESENTATION – QUALITY TAXI PARTNERSHIP

Prior to the meeting a presentation was given about a proposed Quality Taxi Partnership by Richard Gravatt of the Essex County Council. A copy of the presentation is annexed to these minutes.

Members considered the proposal good subject to assessment of the costs and asked the Licensing Officer to prepare a report for consideration at the next meeting of the Committee to which Mr Gravatt was invited.

The Chairman of the Committee thanked Mr Gravatt for his presentation.

LC17

STATEMENTS BY MEMBERS OF THE PUBLIC

Statements were made by Barry Drinkwater the Chairman of the Uttlesford Licensed Operators and Drivers' Association and his colleague Andy Mahoney.

Mr Drinkwater referred to previous meetings the Council had with the Association upon the subject of taxi and driver licence fees and said he and Mr Mahoney supported the Quality Taxi Partnership and that Councillors had been supportive of the claim by him and Mr Mahoney for "compensation" regarding which they were meeting the Chief Executive and Assistant Chief Executive in the next week.

He extended his congratulations to the Licensing Officer for supporting increasing numbers of taxi traders.

Mr Mahoney thanked the Licensing Officer for the Quality Taxi Partnership, explaining that all his work was quality school runs. He had had 50 new cars so far this year and 80 new drivers and wished to thank the Licensing Officer and his staff for all the Licensing Officer had done for him which involved 56 vehicles with a number of additional contracts, with 10 new ones to come and another 16 in December, all

of which was down to quality and the Licensing Officer's office. Mr Mahoney said he offered quality.

The Chairman thanked Messrs Drinkwater and Mahoney for their statements which ended at 8.05 pm.

LC18 DECLARATIONS OF INTEREST

There were no declarations of interest.

LC19 MINUTES

The Minutes of the meetings held on 17 June and 11 August 2009 were received and signed by the Chairman as correct records.

LC20 MATTERS ARISING

(i) Minute LC9 – Enforcement

Councillor Redfern asked about Councillor Perry's request for an item on the agenda "about enforcement".

The Assistant Chief Executive said that there had already been a lengthy report and workshop on this subject and Councillor Perry had been asked to specify what aspect he wanted to have dealt with in the report but had not come back.

Councillor Perry said that he had come back to the Assistant Chief Executive and said he and the Assistant Chief Executive had a difference of opinion about enforcement. Councillor Perry was concerned that the Committee had lost another enforcement officer which he said was devastating.

Councillor Hicks explained that staffing of this sort was a matter for the Strategic Management Board, not for the Licensing Committee and that due to the need for cost control and efficiencies the Board had decided on central enforcement. The Licensing Committee had no particular jurisdiction in the matter.

Councillor Perry said that he totally disagreed because it was all about pro-active and re-active and he would deal with it in another way later in the meeting.

In answer to a question from Councillor Loughlin the Assistant Chief Executive said Mr Ford had applied for and obtained the Community Safety Officer's post and that the Council was recruiting to fill his previous post as an enforcement officer.

Councillors Lemon, Loughlin and Perry would not accept this and were of the view that the Strategic Management Board had taken away Mr Ford who was a fully trained enforcement officer.

The Assistant Chief Executive explained that the Strategic Management Board had taken the view that enforcement was generic, relying on general evidence gathering rather than specifically linked to particular sections. The full Council had endorsed the decision to have a generic enforcement team.

In answer to a question from Councillor Perry the Assistant Chief Executive informed the meeting that there was no longer an item in the budget for a licensing enforcement officer, the item having been removed by the decision of the Council.

The Assistant Chief Executive informed the meeting that the complaints referred to the enforcement team had been investigated properly and well.

Councillor Lemon said that he wanted pro-active enforcement regarding underage sales of alcohol and the Assistant Chief Executive explained that the Council did not have the authority to pursue such matters which were the responsibility of Trading Standards and the Police.

Councillor Loughlin said she thought Mr Ford prevented things by being in the pub at midnight and being more friendly.

The Chairman commented that in a time of severe financial constraint it was unfortunately not possible to do all one would like to do.

Councillor Artus asked whether another enforcement officer was to be sought and the Assistant Chief Executive explained in detail how the Council was recruiting to fill Mr Ford's previous post as an enforcement officer. He added that the enforcement team was now dealing very efficiently with planning, fly-tipping, abandoned vehicle and licensing enforcement.

Councillor Redfern suggested that the Committee should ask for a licensing officer in the budget as a lot of money was coming from Mr Mahoney's operations. The Chairman reminded the meeting of the Council's difficult financial position and Councillor Morson suggested asking for extra, possibly part-time, staff in the Licensing Department.

Councillor Perry explained that as the budget showed 40% extra for vehicles and 20% for drivers there were grounds to ask for additional manpower in licensing in the form of a further officer as only one person could do CRBs in that Department. The money, he felt should go back to the Trade.

Councillor Walters said it was very important that Members were very unhappy about this situation. It should be logged that Members had expressed great concern about this ongoing situation and it should be brought to the attention of the Council.

Councillor Redfern felt it was relevant to these matters that the Committee was a non-political regulatory Committee and the Assistant Chief Executive advised her that the Committee had a regulatory and policy functions. Politics was not involved in regulatory issues but could be in policy ones.

(ii) Minute LC4 – Money claimed by taxi drivers

Councillor Perry said he was pleased that a meeting had been arranged with the Chief Executive and he hoped it would finish the matter.

In answer to a question from Councillor Loughlin the Chairman Informed the meeting that he had spoken to the Chief Executive who had been unaware that frictions still existed; he had thought that the meetings with the Trade had resolved them. As regards the £19,000 he could not re-call agreeing that figure as due to the taxi drivers. He had agreed that if there had been any overpayment by the Trade in 2008, repayment would be made but he thought the Trade was seeking a quid pro quo arrangement against future years' fees.

Councillor Loughlin asked for it to be recorded that she had said the relevant meeting had not been included in the paper minute book although it had been published on the Council's web-site.

Councillor Lemon said that the whole matter had taken months and it was a disgrace that the Council had taken so long to make a decision. He thought the public would be appalled to see how the Committee went about its business.

In answer to a question from Councillor Perry the Assistant Chief Executive confirmed that the Committee would be advised before its next meeting of the result of the meeting with the Chief Executive.

LC21

REVISION OF THE GAMBLING ACT 2005 POLICY

Members received the report of Mrs Nicholson the Council's Non-Contentious Solicitor proposing a draft revised licensing policy for approval, consultation and publication pursuant to the 2005 Act.

RESOLVED that

- 1 the Committee having considered the draft revised Licensing Policy approves it as a basis for consultation.
- 2 the Committee authorise officers to carry out a full consultation exercise with statutory consultees, the public, licensees in the District, recognised Trade bodies and Town and Parish Councils and report back to this Committee on the outcome of such consultation.
- 3 the report be noted and the Committee's thanks passed on to Mrs Nicholson.

LC22

RECENT REFORMS TO LICENSING LAW

The Committee considered a detailed report by the Assistant Chief Executive following amendments to the Licensing Act 2003 which included a shortened and cheaper procedure for applying for minor variations to a licence and also made provision for community premises to be able to sell alcohol without having a designated premises supervisor. The report advised members of the changes and sought a variation in the Scheme of Delegation to enable applications to be dealt with effectively. The Assistant Chief Executive explained also that although there was no direct appeal from this procedure there were ample alternative procedures to accommodate any aggrieved person.

RESOLVED that the report be noted and the Scheme of Delegation be amended so as to delegate power to the Assistant Chief Executive to determine applications for minor variations to licences.

LC23

VEHICLE TESTING

The Committee considered a report by the Licensing Officer suggesting a change in the Council's vehicle inspection practice to reflect that of VOSA by permitting vehicles to be taken in for a test one month prior to the computer generated inspection date to permit greater flexibility for the operators.

RESOLVED that the suggested changes are adopted.

LC24

DISABILITY DISCRIMINATION ACT 1995

The Committee considered a report for information by the Licensing Officer about the possibility in the future of regulations to standardise wheelchair accessible hackney carriages.

(Councillor D Perry declared a personal non-prejudicial interest in so far as he was a member of the Uttlesford Access Group).

RESOLVED that the report be noted.

LC25

DELEGATED POWERS

The Committee considered a report by the Assistant Chief Executive drawing Members' attention to an anomaly within the delegated powers and seeking an amendment to the Scheme of Delegation to rectify it.

Where an exception could be made to policy the Assistant Chief Executive could place the application before the Licensing Committee for the possible grant of a licence but did not technically have the power to re-issue that licence on renewal even though there had been no change in circumstances between the grant and renewal. It would be absurd to require the driver to re-appear before the Committee since to refuse to renew a licence which had been so granted would be seen as being perverse. The proposed amendment to delegated powers in no way prejudiced the licensing aim of protecting the public as only drivers who had been approved by the Committee could receive a licence on renewal under this proposal.

RESOLVED that members grant the Assistant Chief Executive delegated authority to grant a licence on renewal to a driver of a private hire and/or hackney carriage where the driver does not meet licensing standards but nevertheless has previously been awarded a licence by the Licensing Committee where there has been no change in circumstances.

LC26

BUDGET MONITORING

The Committee considered a report by the Assistant Chief Executive and the Chief Finance Officer produced in accordance with the budget reporting method and timetable approved by the Finance & Administration Committee on 25 June.

The Committee's expenditure was forecast to be in line with budget and the Committee would receive an update on its budgets in January.

Councillor Perry said he had serious concerns as there had been a 40% increase in vehicles so the figures could not be right. The Assistant Chief Executive explained that the figures were accurate up to July which was as far as they went.

Councillor Perry said he wanted officers to prepare a report on how particular officers could be supported with the money that was coming in because he felt it should be used for licensing and not for the

general pot. The Assistant Chief Executive explained that this sort of matter came within the purview of the Finance and Administration Committee.

In answer to a question from Councillor Morson the Assistant Chief Executive explained that the Council was not empowered to make a profit out of licensing; he would therefore look at the fees in consultation with the Trade. The income received could not be allocated towards expenditure but the surplus could be carried forward to future years and off set against the level of fees. The Licensing Committee could make an appropriate recommendation to the Finance and Administration Committee at the time of the year on year increase.

Councillor Perry said that the Licensing Department was at crisis point and needed support now, not in a year's time

Councillor Mason considered that money spent on more licensing staff should be regarded as an investment.

Councillor Artus suggested that if the Licensing Committee recommended to the Finance and Administration Committee the appointment of additional staff and the Finance and Administration Committee agreed this, the cost would become a part of the cost base of the Finance and Administration Committee. The Assistant Chief Executive agreed.

Councillor Redfern was anxious about what the Licensing Department staff thought about their work and thought it should be found out and included in the report.

The Chairman felt it was unlikely that the staff view was not known to the officers present.

Councillor Artus made an extended comment on what he considered a Committee chairman should do and what views Councillor Artus considered Councillor Hicks should express.

The Chairman replied that the report which had been requested was going to be prepared for the next meeting.

Councillor Redfern continued to ask whether the views of the Licensing Department staff were allowed to be included in the report. The Assistant Chief Executive explained that the report would concern options regarding staffing and that, once an option had been decided on, the Trade would be consulted.

The Licensing Officer informed the meeting that the fee income had gone up in the past five years and that they had recently taken on Julie Howe. The Essex County Council contracts had increased and this would be likely to increase work and revenue.

Members considered whether to approve the budget report and Councillor Perry said that he would be voting against it because he wished to see more figures.

Councillors Walters and Bellingham-Smith explained that the figures were accurate up to July which was as far as they went.

RESOLVED (unanimously) that the budget report be approved for submission to the Finance and Administration Committee.

LC27

EXERCISE OF DELEGATED POWERS

The Assistant Chief Executive informed the meeting that there had been no exercise of delegated powers since the last meeting of the Committee but that he was aware, as a result of the work of the Enforcement Section, of an applicant who had admitted offences of driving a private hire vehicle without a private hire vehicle driver's licence, driving without insurance and taking a vehicle without consent. The Enforcement Team were preparing a file for prosecution but the application would need to be dealt with before the matter came to court.

RESOLVED that the Assistant Chief Executive have delegated authority to refuse the licence.

The meeting ended at 9.20 pm.

ANNEX follows on the next
page

Report for Uttlesford Committee QTP 2009 09 16 draft1.doc

Report Title:	Present QTP to Uttlesford Licensing Committee
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Report for:	Richard Gravatt
Report by:	Andrew James
Report compiled:	08/09/09

Report Objective

- To request consideration for an Uttlesford Quality Taxi Partnerships (QTP) by the Uttlesford Licensing Committee.

Background

- A Quality Taxi Partnership (QTP) is an Essex County Council framework to facilitate joint working between individual organisations.
- It can be used to implement separate initiatives to address specific geographical concerns utilising resources from the various organisation.
- Typical membership includes, ECC, District/Borough Council, Essex Police, Essex County Fire & Rescue and Trade representatives.

The aims of the Quality Taxi Partnership include:

- Promote Accessibility to everyday facilities for all.
- Meet the needs of people without access to a car.
- Reduce crime and fear on the transport systems.
- Improve quality and quantity of transport services.
- Support services for people who cannot use conventional services.
- Reduce Road Traffic Collisions that cause death and serious injury.

The objectives of the Quality Taxi Partnership include:-

- To improve the customer care skills of drivers.
- To improve on-street waiting facilities for customers.
- To provide priority access where possible through the district.
- To improve working relationships and understanding between partners
- To assist in developing a locally deliverable training package.
- To make taxi journeys as safe as they can be

Report for Uttlesford Committee QTP 2009 09 16 draft1.doc

How QTP could work in Uttlesford:

Preliminary discussions with district officers, councillors, trade representatives, Essex Police and Essex County Fire and Rescue have indicated support to create an Uttlesford QTP.

There is a need throughout Essex to improve soft measures such as: attitudes, awareness, understanding, mutual passenger/driver respect, driving skills, information marketing, availability and hard measures such as: vehicles fit for purpose, waiting points, and highways infrastructure improvements.

The taxi and PHV trade are an integral part of our transport network, responsibility of enforcement falls upon the District/Borough Council under Miscellaneous Provisions Act 1976 and the Town Police Causes Act 1847. The Uttlesford Quality Taxi Partnership can use the combined resources and experience of members to make improvements where they have been locally identified.

Possibilities such as:

Reducing the number killed and seriously injured on our roads. A priority for all and statistics show up to 1 in 3 road crashes involve a vehicle being driven for work.¹ The taxi trade often work unsocial hours, on rural roads, to high expectations and demands. There is an opportunity for Essex County Fire & Rescue, Police and the Trade to work together to reduce this through Essex County Fire & Rescue, Community Wheels project.

Improving safety for customers and drivers may be possible through a vehicle CCTV initiative. A pilot scheme is currently being pursued through Basildon Police with installation and purchase costs funded by Essex County Council.

Improving the service through by displaying a passenger charter in vehicles setting out expectations of drivers and customers and how to compliment or complain.

Consider the introduction of compulsory training program for new license application, benchmark current practice and review available training options and funding.

In conclusion

While one authority does not have the legislative power or means to enforce change, many organisations can work together for a common goal. A QTP Partnership creates a framework working locally to pursue these goals. The QTP will facilitate this joint working, opening clear communication channels and enable specific objectives and targets to be worked towards through QTP.

The suggestion is for Uttlesford District Council working closely with the Trade, Essex County Council, Essex County Fire and Rescue, Essex Police, to implement an Uttlesford QTP.

¹ Driving at Work: <http://www.hse.gov.uk/pubns/indg382.pdf>