

**LICENSING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 20 JANUARY 2010**

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

Officers in attendance: M Perry (Assistant Chief Executive) and C Roberts  
(Democratic Services Officer).

**LC44 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 who all expressed their appreciation for the resolution of the controversy regarding taxi licence fees.

Mr Mahoney thanked all present for their contribution to this work and expressed his confidence in the accounting procedures now being used by the Council. He also thanked the Assistant Chief Executive for helpful advice provided regarding display of licensing plates and commented that the efforts towards co-operation between Council and Trade in Uttlesford compared very favourably with those elsewhere.

The Chairman of the Committee thanked the three members of the taxi trade for the hard work patience and perseverance they had shown in this matter.

The Assistant Chief Executive referred to a table of suggested taxi fares circulated to Members of the Committee at the request of ULODA, and Mr Drinkwater explained that this was an early intimation of a request to raise fares which would be submitted, with reasons, for consideration at the meeting to be held on 10 March. The Assistant Chief Executive stressed the need for prompt action on this.

**LC45 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors E L Bellingham-Smith and J A Redfern. There were no declarations of interest.

**LC46 MINUTES**

The Minutes of the scheduled meeting of the Committee held on 11 November 2009 and the extraordinary meetings held on 16 December 2009 and 21 December 2009 were received, confirmed and signed by the Chairman as a correct record subject, in the case of the Minutes of the meeting held on 21 December, to an amendment to Minute LC43 to record that Councillor Perry did not agree with a proposal to withhold moneys on the

basis previously set out in a Part 2 report to the Committee. The amendment arose from the following discussion.

**Minute LC43 – Licence Fees paragraphs 4 and 6:**

Councillor Perry requested that the Minutes of the meeting on 21 December 2009 include a more detailed record of his suggestions on fee reduction.

The Assistant Chief Executive reminded the meeting that as the Committee's discussion at that time included information derived from a Part 2 report publication of the discussion must therefore be circumspect. He suggested that the Minutes should record that Councillor Perry did not agree with a proposal to withhold moneys on the basis previously set out in a Part 2 report to the Committee and this was agreed.

Councillor J Loughlin requested a Part 2 session to remind the meeting of the advice and the Chairman agreed that this could take place at the end of the meeting.

LC47

**MATTERS ARISING**

**(i) Minute LC31 – money claimed by taxi drivers**

Councillor J Loughlin said she was pleased with the satisfactory resolution of this matter and wished to record her thanks to all concerned.

**(ii) Minute LC33 – Quality Taxi Partnership**

The Assistant Chief Executive informed the meeting that funding in the sum of £10,000 was promised from the Essex County Council for CCTV. The Chairman of the Committee expressed Members' appreciation of this news.

**(iii) Minute LC40 – Determination of Private Hire Driver's Licence**

The Assistant Chief Executive informed the meeting that the driver in this case had not appealed the decision of the Committee.

In answer to a question from the Chairman he confirmed that the review of procedures was in hand.

LC48

**POSSIBLE REVOCATION OF HACKNEY CARRIAGE DRIVER'S LICENCE**

Members considered the report of the Assistant Chief Executive on steps he had taken under delegated powers to suspend a driver's licence with immediate effect and to enable Members to reach a decision as to whether or not the driver should continue to drive as a licensed hackney carriage driver.

Members were asked to determine whether or not to revoke the driver's licence.

The Assistant Chief Executive said that the driver had been informed of the reference to the Licensing Committee, and invited to attend but that he had not come.

The Assistant Chief Executive's report reminded the Committee that although the driver had been dismissed his licence was not limited to the employer company and he would be legally able to drive with his licence until the time it expired on 31 January 2010.

The driver had been driving a hackney carriage on behalf of Elsenham Cabs when he was stopped by the police for exceeding the speed limit. He was required to take a breathalyser test which proved positive. He was charged with the offence of driving with excess alcohol and was summoned to appear at the Harlow Magistrates Court. The case had been listed for the 13 January 2010 but adjourned. It was understood that the breath/alcohol ratio was at least twice the legal limit.

The Assistant Chief Executive felt the driver, having a conviction for drinking and driving which occurred when he was working as a hackney carriage driver, posed a threat to public safety. He had therefore exercised his delegated powers to suspend the licence with immediate effect. The report also covered the matter of spent convictions. Councillor Perry reported that the outcome of the case had been a 2 year ban and fine, and that the driver had declined to go on a driving course.

Members expressed the view that the Assistant Chief Executive had acted quickly, decisively and well.

RESOLVED that the licence be revoked with immediate effect in the interests of public safety.

LC49

## **2009/10 BUDGETARY MONITORING**

Members considered the report of the Assistant Chief Executive and the Chief Finance Officer detailing Licensing Committee income and expenditure for the period April to November 2009 and a forecast for the end of 2009/10 of a net underspend of £20,000. There was an excess of income over expenditure relating to taxi licensing of £26,000.

It was noted that the Committee total in the column headed "Variance April to November" should read -43 not -86.

In answer to a question from Councillor J Loughlin the Assistant Chief Executive confirmed that Members would be kept informed of service improvements, but said that he was considering improving the position regarding fees.

RESOLVED that the report be approved.

**LC50 2010/11 FEES AND CHARGES**

Members considered the report of the Assistant Chief Executive and the Chief Finance Officer detailing annexed proposed fees and charges for 2010/11.

It was noted that there should be scope for reduction of charges in connection with taxis later in the year.

In answer to a question from Councillor J Loughlin the Assistant Chief Executive affirmed that a few authorities charged more than Uttlesford for a sex establishment licence, but that in Uttlesford there were no such licensed establishments.

RESOLVED that the proposed 2010/2011 fees and charges as set out in Appendix A to the report be approved.

**LC51 2010/11 BUDGET**

The Committee considered the report of the Assistant Chief Executive and the Chief Finance Officer on the 2010/11 Revenue Budget for the Committee.

It was noted that the taxi licensing income budget had been reduced in line with the reduced fees referred to above.

It was noted that there was an apparent discrepancy between the figures in this report and those in the table referred to in Minute LC 49 above as regards staffing costs in 2009/10 but that this did not affect the outturn. The Assistant Chief Executive undertook to refer this matter to the Finance Department for comment.

RESOLVED that the Committee's 2010/11 revenue budget as set out in Appendix A to the report be approved for recommendation to the Finance and Administration Committee subject to officers exploring ways to reduce the surplus on taxi licensing fees.

**LC52 EXERCISE OF DELEGATED POWERS**

The Assistant Chief Executive informed the meeting that there had been no exercise of delegated powers further than the one referred to in Minute LC 48 above.

**LC53 EXCLUSION OF THE PUBLIC**

RESOLVED that, under Section 100(I) of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

LC54

**LICENCE FEES LEGAL ADVICE**

The Assistant Chief Executive advised the Committee about the effect and likely extension of recent legal developments and the prudent course of action in the light of these matters.

The meeting ended at 8.35pm