

**EXTRAORDINARY LICENSING COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 26 AUGUST 2010 at 6.30pm**

Present: Councillor E Hicks – Chairman.
Members present for hearing at 6.30pm: Councillors J Hudson, D Morson and D Perry; joined by the following Members from 7.30pm: Councillors E Bellingham-Smith and R M Lemon.

Officers in attendance: Michael Perry (Assistant Chief Executive), Rebecca Procter (Democratic Services Officer) and Sonia Williams (Enforcement Team Leader).

LC20 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest in relation to this part of the meeting.

LC21 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information within the meaning of s.100 I and paragraph 1 of Schedule 12A Local Government Act 1972.

LC22 DETERMINATION WHETHER TO SUSPEND OR REVOKE A PRIVATE HIRE DRIVER'S LICENCE

The Chairman welcomed the witness and invited the Enforcement Team Leader to summarise the situation. The Enforcement Team Leader referred to the report already circulated, and said Members had also seen the statements of another witness and (following the deferred hearing) of the driver who was the subject of the hearing.

The Chairman invited the witness to give his evidence. The witness said he wished to make Members aware that he was a qualified driving instructor and this was the first time during forty years of driving that he had made such a report. He then gave his account of the incident.

The Chairman thanked the witness and invited questions from the Panel. In response to a question regarding the speed of the taxi when the driver pulled in front, the witness said the speed at which cars were travelling when they started to brake was 20 to 30 mph, and when the driver pulled in front they were doing perhaps half that speed. Further questions were put regarding the circumstances, and the witness was asked to give his interpretation of the driving of the subject taxi driver. He replied that in his view her driving was dangerous. Members asked a number of further detailed questions about what had occurred. In reply to a question as to whether the witness agreed with the statement of the taxi driver, he said he agreed it had been safe to overtake, but the issue was whether she had a

space to pull into. There had been a space behind him, but she did not take it. She seemed to be trying to get as far ahead as possible. He felt she failed to show respect to other drivers, as also demonstrated by her cutting across to the slip road. The Assistant Chief Executive noted this was the first time that further incident had been raised.

The Chairman thanked the witness, and asked him to withdraw at 6.50pm whilst the Panel deliberated the matter in private.

The Panel, having concluded its deliberations at 7.05pm, recalled the witness to hear the decision.

Decision

The Chairman made the following statement:

‘The Panel would like to thank the witness for taking the time and trouble to attend, and appreciated he had acted as a good citizen in helping the District Council to maintain good standards of taxi driving. The Panel had considered the evidence carefully, and whilst the behaviour of the driver was less than the Panel would expect, they did not feel it came within the definition of dangerous driving. However, the Panel agreed the nature of the incident was such that it did not condone that standard of driving. Therefore the Panel considered it appropriate to impose a sanction of a suspension of the taxi driver’s licence for three days. The taxi driver would receive written notification of this decision, and it would be made clear to her that any further incident reported to the Committee would be dealt with more severely.’

This part of the meeting ended at 7.10pm.

LC23 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J I Loughlin and A Walters.

LC24 GOVERNMENT CONSULTATION ON PROPOSED AMENDMENTS TO THE LICENSING ACT 2003

The Committee considered the report of the Assistant Chief Executive, informing Members of a Government consultation on proposed reforms to the Licensing Act 2003, and seeking Members’ responses. The Assistant Chief Executive said he had lodged a complaint regarding the short consultation period, but his email had received no acknowledgement. He had therefore called this extraordinary meeting to ensure the Council’s responses could be submitted in time. However, there were indications from the LACORS website that the Government was more interested in implementing such changes, rather than hearing views on the proposals.

The Assistant Chief Executive proceeded to take Members through the consultation questions, and invited their views on each point. Members were in full agreement with the suggested responses, subject to the following.

Paragraph 13 – proposal to add the prevention of health harm as a fifth licensing objective: Members felt this initiative should relate to local problems, and preferred the alternative proposal that the prevention of health harm should be a discretionary power.

The Chairman thanked the Assistant Chief Executive for his report.

The meeting ended at 8.20pm.