

**LICENSING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 19 JANUARY 2011 at 7.30pm**

Present: Councillor E W Hicks – Chairman

Councillors H J Asker, E L Bellingham-Smith, J E Hudson,
J I Loughlin, D J Morson, J A Redfern and A D Walters.

Officers in attendance: Michael Perry (Assistant Chief Executive – Legal),
Stephen Joyce (Assistant Chief Executive – Finance), Murray
Hardy (Licensing Officer) and Catharine Roberts (Democratic
Services Officer).

LC57

PUBLIC QUESTION AND ANSWER SESSION

The Chairman welcomed all present at 7.30 pm and invited members of the public present to speak in accordance with their notice of intention to do so.

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

Mr Sinnott explained that ULODA was still considering the matter of taxi fares; Barry Drinkwater would speak on this at the next meeting of the Licensing Committee.

He asked the Committee to raise with the Essex Highways Authority the provision of a shared taxi rank in the High Street in Saffron Walden, as this was still not operational due to issues with that authority. Councillor Walters and the Licensing Officer agreed to raise with the Highways Engineer the need for the appropriate signs to be installed.

Mr Sinnott expressed the desire of the Association to continue to contribute to the Committee's budget process in 2011/12.

Mr Mahoney endorsed this wish, thanked the Committee for the dialogue and wished them a Happy New Year.

LC58

APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

None reported.

It was agreed to re-order the agenda to deal with the financial reports first.

LC59

2010/11 BUDGETARY CONTROL REPORT

The Committee considered the report of the Assistant Chief Executive – Finance who also informed the meeting that as a result of the September decision to amend the taxi licence fee tariff a small surplus of £4000 was anticipated. This would be used to off-set costs in future years.

RESOLVED that the report be noted and approved.

LC60 **FEES AND CHARGES**

The Committee considered the report of the Assistant Chief Executive – Finance containing the Committee's draft 2011/12 fees and charges.

The Assistant Chief Executive - Finance drew the attention of the meeting to the recommended changes which had been informed by economic conditions, service objectives and expected activity levels, and where appropriate the new Pricing and Concessions Policy. The Policy emphasised that income should cover costs and that fairness should be ensured when awarding discounts.

RESOLVED that the proposed 2011/2012 fees and charges be approved as set out in Appendix A to the report.

LC61 **2011/12 BUDGET**

The Committee considered the report of the Assistant Chief Executive – Finance on the draft 2011/12 Budget, which protected the existing level of service. He informed the meeting that the table relating to taxi licensing made it clear that the anticipated deficit for future years would reduce the current surplus to zero. He would however be happy to meet members of the Trade to discuss these figures.

The Assistant Chief Executive - Legal said that a meeting was usually arranged at the year end to discuss the figures with the accountants and members of the Trade to ensure that the Council remained on target to eliminate the surplus within three years.

The Chairman thought it would be best to keep to this arrangement.

RESOLVED that the proposed 2011/2012 revenue budget be approved for recommendation to the meeting of the Finance and Administration Committee on 8 February 2011.

LC62

MINUTES

The minutes of the scheduled meeting of the committee held on 10 November 2010, and the extraordinary meeting of the committee held on 23 November 2010 were received confirmed and signed by the Chairman as a correct record, subject to amendment of the word "barrister" to read "solicitor" in the list of persons present at the meeting on 23 November.

The Assistant Chief Executive - Legal informed the meeting that no appeal notice had been received regarding the Committee's decisions set out in minutes LC46 and LC55 and that the time for such appeals had now elapsed.

A notice of appeal had been received, within the time for appeal, regarding the Committee's decision set out in minute LC56. The appeal would be by re-hearing hence Members presence would not be necessary.

LC63

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS (ROOF LIGHTS)

The Committee received a report from the Licensing Officer about a suggestion from the Trade endorsed by the British Transport Police that the current conditions in respect of roof lights on Hackney Carriage Vehicles be amended to allow the name of the company to be displayed on the rear of the roof light only.

This suggestion had the support of ULODA, British Transport Police and other Hackney Carriage proprietors. The amendment if approved would improve public safety especially during the hours of darkness in respect of vehicle identification; it would confirm to the customer that the car was a bona fide licensed vehicle and the one which the customer might have pre-booked.

Members considered the available information fully and asked about regulation of unauthorised signs. The Assistant Chief Executive - Legal informed the meeting that this area was already covered by a requirement in the conditions to obtain Council approval for such signs.

RESOLVED that the Council's Hackney Carriage Vehicle Licence Conditions be amended to allow the name of the company to be displayed on the rear of the roof light.

LC64 **EXERCISE OF DELEGATED POWERS**

The Committee received the report of the Assistant Chief Executive - Legal to inform members of the exercise of his delegated powers since the last meeting of the committee. The Assistant Chief Executive – Legal had e-mailed to Members details of all such action taken excepting the latest instance which was the immediate suspension of a driver for medical reasons. The Assistant Chief Executive – Legal explained to the meeting the reasons for this action and the resolution of the case.

LC65 **EXCLUSION OF PRESS AND PUBLIC**

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

At this point Councillors E L Bellingham-Smith, J E Hudson, D J Morson, and J A Redfern left the meeting.

Councillors E W Hicks, J I Loughlin, D J Morson and A D Walters formed a Panel to consider the next item.

LC66 **CONSIDERATION OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

Neither the driver nor any representative for him appeared in this case. A communication had been received from the driver, confirming that he would not be able to attend, expressing contrition for his behaviour and describing why he had engaged in wrong conduct.

The Committee considered the report of the Licensing Officer which informed them that the licensed driver had been arrested on suspicion of fraud and other relevant offences and that a number of charges were likely to be preferred. It appeared that he had, over a period of seven years, been using a driving licence belonging to someone else to avoid disclosing points on his own licence. His employer had suspended him from driving and working at Stansted Airport.

The Assistant Chief Executive – Legal explained that the Panel was entitled to take into consideration the information even though there was as yet no conviction, and that they would be entitled to revoke the licence if they felt in the light of the information presented that the licence holder was not a fit and proper person to hold a driver's licence.

The Licensing Officer withdrew from the room at 8.15 pm and the Panel deliberated upon its decision until 8.20 pm.

The Chairman of the Committee thanked the Licensing Officer for his report and informed those present that the Panel had found that the driver was not a fit and proper person to hold a licence for Uttlesford District Council, and had decided to revoke the licence to take effect in 21 days time subject to the driver's right to appeal to a magistrates court within 21 days of the decision.

The meeting ended at 8.23pm