

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at  
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7pm on 18  
JANUARY 2012**

Present: Councillor E Hicks – (Chairman).  
Councillors H Asker, J Freeman, J Loughlin, D Morson, D Perry, J  
Salmon and A Walters.

Officers in attendance: R Dobson (Democratic Services Officer), M Hardy  
(Licensing Officer) and M Perry (Assistant Chief Executive-Legal).

LIC43 **PUBLIC QUESTION AND ANSWER SESSION**

The Chairman welcomed all those present.

Mr Barry Drinkwater made a statement, a summary of which is appended to  
these minutes.

Mr Mahoney of 24 x 7, having been introduced by Mr Drinkwater, spoke briefly,  
giving members details about the timing of the new contract he had secured at  
Stansted Airport.

On behalf of the committee, the Chairman offered congratulations to Mr  
Mahoney on his successful bid.

LIC44 **PRESENTATION ON INCIDENTS AT LICENSED PREMISES IN 2011**

Mr Steve Sparrow, Police Licensing Officer, gave a presentation on incidents at  
licensed premises in Uttlesford in 2011. He gave a summary of current law; the  
types of activities which were licensed and the work undertaken by the  
Licensing Unit. He highlighted the reviewing of premises licences, as a very  
serious matter, which was fortunately rarely required. Mr Sparrow described  
other areas of work addressed by the Licensing Unit, such as developing best  
practice and working with other stakeholders. In particular he referred to the  
administration of five 'Pubwatch' schemes and four 'Behave or Be Banned'  
(BOBB) schemes in Uttlesford.

Mr Sparrow gave statistics on the number of licensed premises of all types in  
the district and county, and the number of unlicensed Temporary Events  
Notices locations in Uttlesford. He said there had been 52 recorded incidents  
at Uttlesford's 'top ten' premises, out of a total of 160 incidents in total; and that  
of the 18 arrests at licensed premises in the district, 5 were in the 'top ten'  
premises.

Mr Sparrow gave a breakdown of figures of the Pubwatch and Challenge 25  
schemes operating in the area. He then invited questions.

In reply to a question about the BOBB scheme, Mr Sparrow said this was a  
county-wide scheme, involving the display of a notice in a pub's window  
indicating that anyone entering should expect to be banned from all

participating pubs if they engaged in bad behaviour. The scheme had been running for two years. There were very few reports of those who had been banned trying to re-enter premises, which was an indication that the initiative was successful.

In reply to a question about the decline of pubs generally, Mr Sparrow said that overall numbers seemed static in this district, as although some businesses closed, others would then open.

Councillor Asker asked about the possibility that the 'BOBB' scheme could be extended to sales of alcohol from retail premises near pubs in order to address the potential problem of those who were intent on excessive drinking obtaining alcohol from other sources. The Assistant Chief Executive-Legal said the difficulty with such an initiative was the fact that shops tended to sell a range of products other than alcohol, therefore a ban on entering retail premises would be impractical. Councillor Hicks commented that the purpose of a BOBB was to deter bad behaviour rather than excessive drinking. Mr Sparrow agreed that this was the case, and said that in Uttlesford there were 24 premises currently in the BOBB scheme.

Councillor Loughlin asked how the police were preparing for the large number of Temporary Event Notices which were anticipated for the Olympics and Diamond Jubilee celebrations. Mr Sparrow said he would encourage the organisers of large-scale public events to plan well in advance. Councillor Loughlin said the smaller events planned in many villages would be numerous and therefore difficult to police. Regarding policing of small events, Mr Sparrow said he hoped people would comply with the law.

Mr Hardy, the Licensing Officer, said he was willing to act as a point of contact with the Divisional Commander, and therefore he asked that all members inform him of any event connected with the Jubilee or Olympics which they became aware was planned in their respective wards.

Mr Sparrow said a Force diary was being put together to facilitate policing during the year. He then gave details of the new personnel who had recently been appointed to this area.

Councillor Perry said he welcomed the fact that Mr Sparrow had remained in this district's Licensing Unit. The Scrutiny Committee was shortly to receive a presentation from the police. He expressed concern that there should be appropriate levels of support for the work of the unit.

Councillor Morson asked whether there was a common factor in arrests made at the 'top ten' premises where there had been incidents, in particular whether they were operating the BOBB scheme and whether there were other sanctions available.

Mr Sparrow said it was open to landlords to ban customers; that anti-social behaviour orders could be imposed and that a further option was to seek exclusion orders through the courts. However, he emphasised that the incident figures given in his presentation were extremely low, which showed Uttlesford

to be a generally law-abiding district. Whilst the police licensing team were not complacent, this fact should be a source of pride.

Councillor Morson agreed that there was clearly only a minority of premises causing problems.

Mr Sparrow said credit was also due to Mr Hardy and his team, and to members of this committee.

Councillor Walters said the responsibility for keeping an orderly public house lay with the landlord or manager, and the police should crack down on those who were too lenient on customers' bad behaviour.

The Chairman thanked Mr Sparrow for addressing Members.

#### LIC45 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Lemon and Ranger.

There were no declarations of interest.

#### LIC46 **MINUTES OF THE MEETING HELD ON 12 OCTOBER 2011**

With reference to the public statement made at minute LEH17, Councillor Perry said he was concerned that the committee's agenda did not include the issue of the Quality Taxi Partnership, as formerly this item used to appear on the agenda. He also wished to ask why costs had not been obtained on appeal in the Costcutter matter.

Mr Perry, the Assistant Chief Executive-Legal, said the Costcutter appeal had been dealt with by consent, and that because it was successful in that the shop had a reduced period of suspension, costs would not have been granted by a court and could not therefore be expected in a settlement.

Mr Perry said the Quality Taxi Partnership was a policy matter for Cabinet. The Licensing and Environmental Health Committee was a regulatory, not a scrutiny, committee.

Councillor Perry disagreed. He said the committee could make recommendations to Cabinet, and should set its own agenda, as this should not be a matter for the executive member with responsibility for licensing to decide. He proposed that the committee should have the right to set its agenda and make recommendations to Cabinet.

Councillor Perry went on to say that the committee should have the opportunity to consider and make recommendations on certain issues. He gave as an example the suggestion by Mr Drinkwater that match funding for CCTV equipment should be looked into. Councillor Walters agreed with this comment.

The Assistant Chief Executive-Legal said that without prior notice of this proposal he could not be satisfied that the committee would not be acting ultra vires. It would be necessary to establish whether what was being proposed was permissible under the Council's constitution. The Chairman suggested that consideration of this matter should be deferred until the next meeting to permit Mr Perry to advise on the ability of the committee to act as proposed.

Councillor Perry said he felt strongly that the matter should not be deferred.

Members continued to discuss the question of the committee's role under the Council's new governance system, with concern being expressed that matters such as the annual review of taxi fares and ULODA's budget had not been fully reported to the committee. Members referred to the fact that on occasion the agenda would include items for the committee to note, and questioned why the committee should not be involved in the preparation of its agenda.

Mr Perry said he was willing to carry out Members' wishes regarding the proposal if it could be achieved. If an amendment to the constitution was necessary to achieve that intention, then that could be put to Council for a vote. However, he was mindful at this stage that an ultra vires resolution would require him to submit a Monitoring Officer's report to Council. He would prefer not to find himself in that situation, and therefore requested time to ascertain the position under the constitution.

Councillor Perry asked it to be recorded in the minutes that Members were not looking for a decision process but for a provision for making recommendations.

The Chairman agreed the minutes should reflect Members' wish to be involved in setting the agenda for this committee's meetings.

Councillor Perry expressed concern that policy matters regarding licensing supposedly now rested with the Executive Member rather than this committee. Councillor Salmon asked if it was correct that any member could approach a Cabinet member to request that an item be put on the agenda. The Chairman confirmed that this was so. Councillor Perry said an agenda item he had requested had not been included on the agenda.

The Chairman said he would arrange to meet the Cabinet member to discuss the matter, together with Councillor Perry.

Councillor Morson proposed that a vote on this question be deferred until other information had been obtained on the committee's powers in setting its agenda under the constitution and until the Chairman and Vice Chairman had discussed the matter with the Cabinet member.

RESOLVED that a vote on the committee's powers regarding setting its agenda be deferred until other information had been obtained and until the Chairman and Vice Chairman had discussed the matter with the Portfolio Holder with responsibility for licensing.

The Chairman then signed the minutes of the meeting held on 12 October 2011 as a correct record.

LIC47 **MATTERS ARISING FROM MINUTES OF 12 OCTOBER 2011**

(i) **Minute LIC31 – determination of a private hire driver’s licence**

The Assistant Chief Executive-Legal said no appeal had been submitted.

(ii) **Minute LIC32 – determination of a private hire driver’s licence**

No appeal had been submitted and the driver remained suspended.

(iii) **Minute LIC33 – determination of a private hire driver’s licence**

No appeal had been received.

LIC48 **MINUTES OF MEETING HELD ON 3 NOVEMBER, ADJOURNED TO 7 NOVEMBER 2011**

The minutes were received, confirmed and signed by the Chairman as a correct record.

LIC49 **MINUTES OF THE MEETING HELD ON 21 DECEMBER 2011**

The minutes were received, confirmed and signed by the Chairman as a correct record.

LIC50 **MATTERS ARISING FROM THE MEETING HELD ON 21 DECEMBER 2011**

(i) **Minute LIC34 – determination of a private hire driver’s licence**

No appeal had been received.

(ii) **Minute LIC37 – determination of a private hire driver’s licence**

The time during which an appeal could be submitted expired today. No appeal had been received, and Mr Perry said he had been advised by Mr Drinkwater that the driver had taken legal advice and had decided not to appeal.

LIC51 **MINUTES OF THE MEETING HELD ON 5 JANUARY 2012**

The minutes were received, confirmed and signed by the Chairman as a correct record.

LIC52 **MATTERS ARISING FROM THE MEETING HELD ON 5 JANUARY 2012**

(i) **Minute LIC40 - determination of a private hire driver’s licence**

Mr Perry said there had been no appeal, and no contact from the driver, who therefore remained suspended.

**(ii) Minute LIC41 – determination of a private hire driver’s licence**

Although the time for an appeal had not yet expired, the driver had on leaving the meeting handed to the Licensing Officer his licence and badge.

LIC53

**EXERCISE OF DELEGATED POWERS**

The committee considered the report of the Assistant Chief Executive-Legal informing members of the exercise of his delegated powers since the last meeting.

Mr Perry said that by contrast with the previous occasion on which he had reported, it was disappointing that there had been an increase in the number of potential breaches of conditions of drivers’ licences, as set out in his report. He explained the calculation underlying the usual suspension period of two days, which resulted in a loss of earnings at a lower level than would be the case if such matters were to attract a fine through the courts. The fact that already this year he had suspended a number of licences might be an indication that the duration of two days’ suspension was no longer an effective deterrent.

Mr Perry said he had also encountered problems with some operators failing to inform the authority when vehicles had been involved in an accident, as they had a statutory duty to do. The option of suspending an operator had implications for the operator’s drivers, therefore he intended to deal with a breach of condition in the first instance by means of a caution and in a subsequent instance by means of a criminal prosecution.

In response to a request by members for a reminder to be circulated to operators, officers explained that reminders had recently been included in the local trade publication and via email.

In response to a suggestion that operators be summoned to a meeting to remind them of their obligations regarding conditions of licence, Mr Perry said the statutory requirements were brought to the attention of operators both at regular meetings with officers and at meetings dealing with those operators who were interviewed for breaching their conditions.

The committee noted the report.

LIC54

**ANY OTHER BUSINESS – ALLEGATION AGAINST A PRIVATE HIRE DRIVER**

RESOLVED that, under section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of part 1 of Schedule 12A of the Act.

The Assistant Chief Executive-Legal gave a verbal report regarding an allegation which had been made against a driver by a female passenger. He

explained the circumstances of the allegation. He had received strong representations from Mr Drinkwater on behalf of the driver. The driver had voluntarily attended the police station and co-operated fully during an interview following which he had not been arrested, charged or bailed. Mr Perry gave further details about the passenger who had made the allegation. The police were not taking further action against the driver, and were investigating whether to prosecute the passenger for wasting police time. Mr Perry said he had thought it appropriate to bring this matter to the attention of the Committee. He had not suspended the driver, and asked Members to endorse that decision.

Members considered the allegation seemed likely to be spurious, taking into account the circumstances. The Committee agreed with the approach taken by the Assistant Chief Executive-Legal.

The meeting ended at 8.50pm.

### **Public Statement by Mr Barry Drinkwater, Chairman, Uttlesford Licensed Operators and Drivers Association**

I attended a constructive meeting regarding the licensing reserve and annual budget, with officers of the Council on 31 October 2011. Budget monitoring as at December 2011 showed figures to be on target. The forecast figures for 2012/13 indicate that the reserve surplus would be extinguished during 2013/14, subject to levels remaining constant.

The steering group for the Quality Taxi Partnership met on 21 October 2011 to finalise police and contract protocols for the new CCTV scheme funded by Essex County Council. There was good media coverage of the launch event on 19 December, at which equipment was fitted to 15 vehicles, and already more drivers have requested equipment to be fitted to other vehicles. We are investigating the possibility of 'matched' funding with the Council.

The current table of fares came into effect from 1 October 2011, following consultation. The working party would shortly undertake the 2012 review, taking into account increases in taxi costs and forecast further RPI reductions.

Finally, I am proud to announce two major commercial coups for the trade in Uttlesford. First, Andy Mahoney and his 24 x 7 team have secured the taxi concession at Stansted Airport with effect from 1 February, against competition from national operators. Secondly, Robert Sinnott has won the contract from Essex County Council for ACME to run the Route 11 public bus service from Chrishall to Saffron Walden.

I am sure Members will wish to join us in applauding our colleagues on these significant professional successes.