



# Uttlesford District Council

Chief Executive: John Mitchell

## **Licensing and Environmental Health**

**Date:** Wednesday, 01 October 2014  
**Time:** 19:30  
**Venue:** Committee Room  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors H Asker, J Davey, J Freeman, E Hicks, J Loughlin, M Lemon, D Morson, D Perry (Chairman) V Ranger, J Salmon and A Walters

### **Public Speaking**

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given two working days prior notice.

## **AGENDA PART 1**

### **Open to Public and Press**

- 1 Apologies for absence and declarations of interest.**
  
- 2 Minutes of previous meetings**
  
- 2i Minutes of the meeting held on 2 July 2014** **5 - 8**
  
- 2ii Minutes of the meeting held on 9 July 2014** **9 - 14**

**2iii Minutes of the meeting held on 30 July 2014**

- Information relating to any individual;
- Information which is likely to reveal the identify of an individual;

**3 Matters arising.**

**4 Table of Fares for Hackney Carriages** 15 - 20

To inform members of a consultation undertaken with regard to hackney carriage fares and to seek members' views as to whether a recommendation should be made to the Cabinet for any amendments to be made to the current table.

**5 The Licensing Reserve** 21 - 22

To update Members with regard to the licensing reserve.

**6 Exercise of Delegated Powers** 23 - 24

To inform Members of the exercise of the delegated powers of the Assistant Chief Executive Legal since the last meeting of the Committee.

**7 Items for future agendas.**

**8 Any other items which the Chairman considers to be urgent.**

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The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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Council Offices, London Road, Saffron Walden, CB11 4ER  
Telephone: 01799 510510  
Fax: 01799 510550  
Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)  
Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)



**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH  
COMMITTEE MEETING held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2pm on 2 JULY 2014**

Present: Councillor D Perry (Chairman)  
Councillors J Davey, J Loughlin and J Salmon

Officers in attendance: M Perry (Assistant Chief Executive – Legal) and A Rees (Democratic Services Support Officer).

LIC10 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

It was decided that item 2 would be heard in the absence of the driver.

LIC11 **EXCLUSION OF THE PUBLIC**

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 paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

LIC 12 **DETERMINATION OF A PRIVATE HIRE/ HACKNEY CARRIAGE  
DRIVERS LICENCE**

The Assistant Chief Executive – Legal outlined the report. The driver was licensed by the Council as a combined private hire/hackney carriage driver. He was first licensed from 4 June 2013 and the licence was due to expire on 31 May 2015. He was employed by 24/7 and carried out school contract work. On 16 June 2014, the Council received a report from a police officer. He had stopped the driver and stated that the driver was travelling at speeds between 90 and 95mph for a period of time and 95mph for 2.2 miles. At one point he undertook a van and a caravan. When the police officer stopped the vehicle, he discovered that there was a 10 year old passenger in the front seat.

The driver was suspended with immediate effect by the Assistant Chief Executive – Legal on the grounds of public safety. The Assistant Chief Executive – Legal said that further information had been received from the police that morning but as it had not been possible to serve this upon the driver in good time before the meeting he would not be drawing that information to the attention of the Committee. If the Committee felt unable to reach a decision then the Assistant Chief Executive – Legal would ask that the meeting be adjourned and the suspension continued, so that the driver could be served with the information and have the opportunity to comment on it before it was considered by Members.

The driver had received a fixed penalty notice for excess speed for an offence committed on 10 July 2013. He had failed to notify the Council of

the conviction within seven days, which breached the conditions of the licence. When the police officer stopped the driver, he observed that the driver was not wearing their badge. In a letter the driver had said that they would not appeal any decision made by the Committee Members were advised that the driver's licence could not be suspended indefinitely. The licence could be suspended until its expiry date. If drivers received six or more points on their licence for a single offence, they were not considered a fit and proper person to hold a licence. Members were informed that the Assistant Chief Executive – Legal could, in consultation with the Chairman, remove the suspension in the event the driver received less than six points on their licence because of the offence. The driver's licence could also be revoked.

In response to questions by members, the Assistant Chief Executive – Legal said that it was not known how fast the driver was travelling when he received a fixed penalty notice on 10 July 2013. For a child to be allowed to sit in the front seat of a vehicle they had to be either over 1.3 metres tall, or at least 12 years old. The driver was carrying out a school contract when he was stopped by the police officer.

## **DECISION**

The driver was licensed by the Council as a combined private hire/hackney carriage driver. He was first licensed with effect from 4 June 2013. His licence was renewed with effect from 1 June 2014 and expires on 31 May 2015. He was engaged by 24/7 performing school contract work.

On 16 June 2014 the council received a report from a police officer. He reported that he stopped a Skoda Fabia registration number AF10 XE0 which is licensed by this council as a private hire vehicle plate number 256. The vehicle was being driven by the driver on the A11 at Wymondham. The police officer states that the vehicle was travelling between 90 and 95 mph for a period of time and 95 mph for 2.2 miles. The driver undertook a van and a caravan on this stretch of road. When the police officer stopped the vehicle he found there was a 10 year old passenger in the front seat. The police officer reports that the driver stated that he was going through a bad patch as he had lost his mother and father recently. He asked the officer to let him off with a warning as he feared he would lose his job, but the police officer feels the matter is so serious that it would be dealt with by the court.

In the light of the nature of this report the Assistant Chief Executive - Legal suspended the driver's licence with immediate effect in the interests of public safety.

In addition to the complaint regarding the driver's driving the Assistant Chief Executive – Legal referred two further matters to the Committee. The first of these is that when applying to renew his licence this year the driver disclosed that he had received a fixed penalty notice for excess speed for

an offence committed on 10 July 2013. The driver had failed to notify the council of that conviction within seven days in accordance with the conditions relating to his licence. The second matter is that when the driver was stopped by the police officer he was observed to not be wearing his badge. Failure to wear a badge is a criminal offence. The badge was in the vehicle, but the driver told the police officer that it was too hot for him to wear.

The driver has not appeared before the Committee today but has sent a letter to the Chief Executive and the Assistant Chief Executive – Legal which has been placed before the Committee today. In that letter the driver acknowledges he was speeding but does not agree with the speed recorded by the police officer. He does not consider the car he was driving was capable of that speed. No evidence has been put forward by the driver in support of that assertion. Most cars manufactured today are capable of speeds of over 100 mph which is greater than the speed the police officer attributes to the driver. The driver also says that he undertook the van and caravan because he was pulling over as indicated by the police officer. He says that he was under strain at the time having recently lost both of his parents, he had undertaken a long journey and lost his concentration.

In his letter the driver did not comment on why he failed to notify the Council of the earlier fixed penalty notice. With regard to the failure to wear his badge he said that he removed the badge temporarily as it was causing neck irritation and also it was very hot.

The driver says in his letter that he has been driving for many years without being involved in or causing any accident. However the Committee note that the driver had received a fixed penalty notice for excess speed less than 12 months prior to the most recent incident. As that was a fixed penalty notice the speed limit would not have been breached by the same margin as occurred with regard to the latest offence. The driver's driver's licence also shows 2 previous fixed penalty notices for excess speed in 2007 and 2008. Whilst these endorsements are no longer current the Committee is entitled as a matter of law to have regard to them and the picture painted overall is that the driver does not pay close attention to speed limits.

Members regard the manner of the driver's driving as reported by the police officer and accepted by the driver to be wholly unacceptable. He was exceeding the speed limit by a considerable margin. At the minimum he would have been driving at 25 mph over the limit. He overtook vehicles on the inside. He was a danger to road users and himself and put his passenger, a schoolchild, at risk. In the circumstances members are no longer satisfied that the driver is a fit and proper person to hold a private hire/hackney carriage driver's licence. The driver's licence is therefore revoked for any other reasonable cause under s.61(1)(b) Local Government (Miscellaneous Provisions) Act 1976. Members having found that the driver's manner of driving did pose a danger to the public and his

passenger members consider that the interests of public safety require the revocation of the licence to take immediate effect and give notice of that decision under s.61(2A) of the Act.

With regard to the two further matters of the breach of condition on his licence and the offence of not wearing his badge these are matters which would usually have been dealt with by the Assistant Chief Executive – Legal under delegated powers. Applying the council’s policy unless there were mitigating factors or aggravating factors the driver’s licence would have been suspended for 5 days for the breach of condition and he would have been formally cautioned for the offence. These two matters have not influenced the Committee’s decision to revoke the driver’s licence and in the light of the decision no further action is required with regard to them.

The meeting ended at 2.30pm



**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE MEETING  
held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at  
7.30pm on 9 JULY 2014**

Present: Councillor J Salmon (Acting Chairman)  
Councillors H Asker, J Davey, E Hicks, V Ranger and A  
Walters.

Officers: J Jones (Licensing Officer), M Perry (Assistant Chief Executive –  
Legal), A Rees (Democratic Services Support Officer) and A Turner  
(Licensing Team Leader).

Also Present: Les Davidson (Treasurer – ULODA), Murray Hardy and Andy  
Mahoney (24/7 Ltd).

**PUBLIC SPEAKING**

Mr Davidson said Martin Ott had resigned as the Chairman of ULODA.  
ULODA's executive committee had no objections to the proposed changes  
to the Council's licensing policy following amendments to the Rehabilitation  
of Offenders Act. If changes were right for the public then they were right for  
the Trade.

The three clauses added to the Deregulation Bill 2014 which affected the  
Trade had been added late on in the process. ULODA was concerned that  
enforcing legislation related to the illegal hiring of private hire vehicles would  
be difficult. Furthermore, without national standards it was possible that  
drivers who did not meet Uttlesford's licensing standards could be used by  
operators throughout the district. It was best practice for operators in the  
district to only use drivers who met the Authority's standards.

Mr Mahoney said that Mr Hardy was now employed by 24/7 following his  
retirement from the Council. He would work on vehicle compliance. Due to  
high demand, contracts were to be issued late. This was the case across all  
councils. 24/7 was changing its vehicle policy and was in the process of  
replacing around 220 cars in its fleet.

**LIC13 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Freeman, M  
Lemon, J Loughlin, D Morson and D Perry.

**LIC14 MINUTES OF PREVIOUS MEETINGS**

The minutes of the meetings on 4 March, 5 March, 20 March, 14 April, 6  
May, 20 May, 2 June and 18 June 2014 were approved and signed by the  
Chairman as a correct record.

**MATTERS ARISING****(i) Minute LIC60 (Meeting 4 March 2014) – Consideration of a Private Hire Operators Licence – Car Service Travel Limited**

The Assistant Chief Executive – Legal said that there had been no appeal against the Committee’s decision. He also reported that the company had been prosecuted for using an unlicensed driver and failing to report an accident. For the first offence the company was fined the maximum of £1000, for the second it was fined £300. The company was also ordered to pay costs of £781.

**(ii) Minute LIC68 (Meeting 5 March 2014) – Limited Drivers Licences for Drivers who are Vehicle Testers**

The Assistant Chief Executive – Legal informed the Committee that there had been a larger than expected number of applications for limited drivers’ licences. If the Deregulation Bill was passed then these licences would not be required.

**(iii) Minute LIC70 (Meeting 5 March 2014) – Exercise of Delegated Powers**

The Assistant Chief Executive – Legal said that the police had investigated the alleged offence of perjury. Witness statements had been taken from officers and he was hopeful that a prosecution would follow.

**(iv) Minute LIC74 (Meeting 20 March 2014) – Application for the Grant of a Premises Licence – Sugars Café Bar, Unit 6 Priors Green, Bennett Canfield**

The Assistant Chief Executive – Legal told the Committee that no appeal had been made.

**(v) Minute LIC80 (Meeting 6 May 2014) – Determination of a Private Hire/Hackney Carriage Driver’s Licence – Mrs Excell**

The Assistant Chief Executive – Legal said that no appeal had been made.

**(vi) Minute LIC82 (Meeting 6 May 2014) – Application for the Grant of a Premises Licence – Walden Ladies Football Club, Crabtrees, Saffron Walden**

The Assistant Chief Executive – Legal said that no appeal had been made.

**(vii) Minute LIC2 (Meeting 20 May 2014) – Application to Vary a Premises – Stansted Service Station, 1 Cambridge Road, Stansted Mountfitchet**

The Assistant Chief Executive – Legal said that no appeal had been made.

**(viii) Minute LIC3 (Meeting 2 June 2014) – Determination of a Private Hire Operators Licence**

The Assistant Chief Executive – Legal said that no appeal had been made. The Applicant had made a similar application to Epping Forest District Council, which was examining the reasons given by the Committee for refusing the application.

**(ix) Minute LIC9 (Meeting 18 June 2014) – Consideration of a Private Hire Driver’s Licence**

The Assistant Chief Executive – Legal said that no appeal had been made. The driver remained suspended as both he and the Chairman were still not satisfied the driver was a fit and proper person to hold a private hire driver’s licence.

LIC16 **CHAIRMAN’S REMARKS**

Councillor Salmon thanked Mr Hardy for his service at the Council following his recent retirement. Mr Hardy had always proven to be professional and amenable. He wished Mr Hardy well in his new job at 24/7. The rest of the Committee extended their thanks to Mr Hardy.

Mr Hardy said he hoped he had served the Committee well during his time working at the Council. The Authority was held in high regard throughout the Trade and this was due to the work of the entire Licensing department.

LIC17 **RECOMMENDATION FROM THE LICENSING TASK GROUP**

Members discussed the recommendation made by the Licensing Task Group to amend the Council’s licensing policy relating to the hackney carriage and private hire trades, outlined in Appendix C of the report, following amendments made to the Rehabilitation of Offenders Act 1974.

The Assistant Chief Executive – Legal said there had been no written representations by the Trade. At the Licensing Task Group meeting on 23 June 2014, Richard Ellis (Vice Chairman – ULODA) had suggested this was because the Trade believed the changes were inevitable.

RESOLVED that the amended licensing policy of Uttlesford District Council relating to the hackney carriage and private hire trades would be adopted.

LIC18 **DEREGULATION BILL 2014**

The Assistant Chief Executive – Legal said the Deregulation Bill 2014 aimed to make provisions for reducing the burden arising from legislation. The Bill

would amend the Local Government (Miscellaneous Provisions) Act 1976 and permit private hire vehicles to be driven by people who did not hold a private hire driver's licence, providing they were not being made available for hire. If the vehicle was carrying passengers, it would be presumed the vehicle was being used for hire. This could not be effectively enforced as local authorities did not have the power to stop private hire vehicles.

The Act stated that driver's licences should be issued for three years, or a lesser period to be determined by the local authority. The Council issued licences for drivers and operators annually. This was because drivers often only reported endorsements on their licence when they renewed their licence. Once the new legislation came into effect, licences could only be issued for a period shorter than three or five years if the circumstances required it.

Although it was not known when the legislation would come into effect, it would most likely be at the beginning of a financial year. In the first year after the legislation became effective, the increase in the licensing team's workload would not be substantial. The size of the licencing team had been based on the number of annual renewals. As one of the licensing officers had recently retired, this vacancy would have to be filled. The vacancy would be filled on a fixed term contract for a period of two years.

The Assistant Chief Executive-Legal said it was not appropriate that three years should elapse before driver's licences were checked. He suggested that once the legislation came into effect drivers' licences were submitted annually for inspection. He proposed that he should be given delegated authority to suspend drivers' licences until their expiry date if they were not produced annually. He could then remove the suspension upon being provided with the licence and if he was satisfied that they remained a fit and proper person.

The Assistant Chief Executive-Legal said medical and DBS checks were currently carried out after a licence was first granted and at three year intervals thereafter. Under the new legislation some drivers would have had their medical and DBS checks one or two years before their first three year licence was granted. It was unreasonable for them incur the cost of extra medical and DBS checks. Therefore the Assistant Chief Executive - Legal proposed that when the legislation came into effect, he should be given delegated powers to suspend any driver, until his or her licence was to expire, if they failed to produce their medical or DBS check. The Assistant Chief Executive-Legal could then lift the suspension once the driver had provided his or her medical and DBS check and once he was satisfied they were a fit and proper person.

The Assistant Chief Executive-Legal said the proposed amendments would also permit sub-contracting by operators to operators in other parts of the country. The draft bill relating to the private hire and hackney carriage trades issued by the Law Commission set out national standards. There were currently no national standards and it was possible that operators in Uttlesford would sub-contract to drivers who did not meet the Authority's

licensing standards. As the draft bill would not be passed before the end of the current parliament, if at all, this could cause problems.

The Assistant Chief Executive-Legal said the bill would also amend laws related to alcohol and entertainment licensing. From 2016, the number of temporary event notices that could be served by a premises would increase to 15. Personal licences would no longer need to be renewed every 10 years. This would not affect the Council as it had never budgeted for income from renewals. The sale of liqueur confectionery to children would no longer be prohibited.

The amendments would also impact upon late night refreshment. Licensing authorities would have the power to exempt premises from their requirements to hold a premises licence. Exemption could be either by area, type of premises, or by referencing times a licence would not be required. It was unlikely that such exemptions would be suitable in rural areas. Licence holders would no longer have to report the loss or theft of their licensing documents to the Police.

Community premises would be exempt from holding a premises licence for the display of films, provided the showing of the film was not for profit; the audience did not exceed 500 people; the film was shown between 8am and 11pm and the film was screened in accordance with an appropriate classification.

In response to questions by the Committee, the Assistant Chief Executive – Legal said that the draft bill would not be passed before the end of the current parliament. The Government had been advised by the Select Committee on Transport to carry out a wholesale review without reference to the Law Commission, but had done so anyway. The Assistant Chief Executive-Legal said it was clear the Trade was concerned with the way reform was being handled, as had been intimated by Mr Davidson during the public speaking section of this meeting

The Assistant Chief Executive-Legal said in response to a further question that the Council did not currently perform checks with the DVLA. Extra costs caused by performing these checks would have to be passed onto to drivers.

The Committee noted the report.

LIC19

## **EXERCISE OF DELEGATED POWERS**

The Assistant Chief Executive – Legal reported on his use of delegated powers since the last ordinary meeting of the Committee. He said he had interviewed 14 drivers since the last meeting: eight of these were on suspicion of failing to inform the Council of a conviction or fixed penalty notice within seven days; one had not breached the conditions of licence and so no action was taken; four were suspended for five days as in each

instance there were no aggravating or mitigating factors; three drivers were suspended for three days as there were mitigating factors.

The Assistant Chief Executive – Legal said one driver had failed to notify the Council of a change of address and one had been in an accident. Both were suspended for five days. Another driver had allegedly acted inappropriately to a member of the public. In light of conflicting evidence and the complainant's refusal to appear before the Committee, no further action was taken.

The Assistant Chief Executive – Legal said he had suspended three drivers with immediate effect in the interest of public safety. All three were carrying out school contracts at the time. The first driver had allegedly held a child against a wall and shouted at the child. The Assistant Chief Executive-Legal had been given delegated authority in consultation with the Chairman to lift the suspension, if following an investigation by the County Council he was satisfied the driver was a fit and proper person. The driver had submitted no further evidence and remained suspended.

The second had had his licence suspended until its expiry date by the Committee. An application to renew the licence was also refused. Delegated authority had been given to the Assistant Chief Executive-Legal, in consultation with the Chairman, to remove the suspension and renew the licence if he was satisfied the driver was a fit and proper person. The driver had presented no further evidence and remained suspended.

The third driver had been stopped by a police officer after driving at speeds in excess of 95mph. The Assistant Chief Executive – Legal understood that the driver would be prosecuted for the offence, but given the nature of the offence, he had felt it necessary to suspend the driver. The Committee had since revoked the licence with immediate effect. The driver was unlikely to appeal the decision.

The Committee noted the report.

The meeting ended at 8.10pm.

**Committee: LICENSING & ENVIRONMENTAL HEALTH**

**Agenda Item**

**Date: 1 October 2014**

**5**

**Title: TABLE OF FARES FOR HACKNEY CARRIAGES**

**Author: Michael Perry, Assistant Chief Executive  
Legal, 01799 510416**

Item for decision

## Summary

1. This report is to inform members of a consultation undertaken with regard to hackney carriage fares and to seek members' views as to whether a recommendation should be made to the Cabinet for any amendments to be made to the current table.

## Recommendations

2. Members determine whether any variation should be recommended.

## Financial Implications

3. The cost of the adverts will be approximately £1,600 which would be met from existing budgets.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - Responses to the consultation exercise.

## Impact

- 5.

Communication/Consultation	All hackney carriage proprietors and ULODA were invited to comment as to whether there should be any changes to the current table of fares.
Community Safety	None.
Equalities	In the event that members are minded to recommend an increase in the table of fares an equality impact assessment would need to be carried out before that recommendation is passed to Full Council.

Health and Safety	None.
Human Rights/Legal Implications	The council has power to set a table of fares which is the maximum fare which can be charged for hackney carriages. Proprietors/drivers may charge a lower fare if they wish. There is no power to fix fares for private hire vehicles although anecdotal evidence suggests that in settling fares the private hire trade has regard to the hackney carriage tariff.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

6. Some time ago the council gave a commitment that it would review the table of fares on an annual basis. Such a commitment was not of course an indication that fares would be increased annually. In practice this has not been the case. The table of fares was last amended with effect from 1 October 2012 and prior to that with effect from the 12 July 2010. A copy of the current table of fares is attached.
7. In the past ULODA has taken the lead with regard to the annual reviews. It has consulted with its members and either put forward proposals for a variation to the table of fares (as it did in 2010 and 2012) or if there was no appetite within the trade for an increase has indicated to the council that the trade is happy for the status quo to remain as happened in 2011 and 2013.
8. ULODA's consultation of its members in 2013 was somewhat controversial. ULODA indicated that it would not be consulting with its members this year. Mindful of the fact that the table of fares was now 2 years old I therefore undertook a consultation exercise seeking views of proprietors of hackney carriage vehicles as to whether there should be any changes to the table of fares including the charges for waiting time and the soilage charge.
9. There are 37 licensed hackney carriage proprietors in the district. Only two have responded to the consultation at the time of preparation of this report. The first responder said "I am happy until spring 2015 for the tariff to remain as is, this is taking into account the recession has only just lifted and customers in many areas are still finding their finances tight with the increased cost of living across many areas. I would like to see a significant increase in waiting time. From research I have carried out on behalf of ULODA I have established the licensed trade in areas which neighbours ours all currently charge similar to Uttlesford and without exception have all gone many years without a review. From observation I note that professional services which are used on a routine



basis i.e. car servicing, electricians, plumbers, dentists, taxi medical (excluding legal services) charge around £50 plus per hour, therefore I would ask for an increase of waiting time to a minimum of £40 (gross) an hour. Of course operators may not wish to embrace this increase however like the current tariff it would be the max one could officially charge”.

10. The other response said simply “I feel the fares should not increase as we are one of the higher rates with our neighbouring licensing areas, and an increase will only force our local custom to elsewhere.
11. It is right to say that the charge for waiting time has not increased since 2006. Comparing the lowest rate of fare then with the rate now it would appear that the fares have increased by approximately 25% over that period. If the waiting time were to reflect that percentage it would increase to £25 per hour.
12. Unfortunately, there is no evidence from the trade as to the extent of waiting which occurs. It is not therefore possible to gauge what benefit the trade would experience from any increase in the charge for waiting time. Members will also have regard to the fact that out of the 37 proprietors licensed by this council, only one actively supports an increase in the waiting charge whilst the other proprietor who responded was against any change in the table of fares at all.
13. If the table of fares is to be changed, the proposal will need to be advertised in the local press. The expense of this ultimately is borne by the trade in the licensing fees. If any objections are received to the proposed variation, the Cabinet would need to consider those representations and the decision post-consideration would again need to be advertised at further expense. In the absence of the known benefit to the trade it is difficult to see whether the cost involved would be proportionate.
14. It is right to mention that the setting of hackney carriage fares is a Cabinet function but following the last revision in 2012 it was agreed the matter would be reported to the Licensing Committee in the first instance for a recommendation.

## Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
Hackney carriage fares are set at a level so low that it becomes uneconomic to operate hackney carriages in the district.	2, there is no evidence that the number of hackney carriages is declining at the current level of fares and there is	3, there would be insufficient numbers of hackney carriages to meet the needs of the travelling	If the committee consider a variation in the table of fares is justified it recommends that the Cabinet set fares at a level which the committee consider to

	no overwhelming support from the trade for an increase.	public.	be reasonable.
Hackney carriage fares are set too high.	2, some proprietors are charging less than the table of fares at the present time having decided that the market would not bear previous increases.	3, if fares are too high, market forces will divert passengers to those hackney carriages charging lower fares or to the private hire trade.	

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



**Uttlesford District Council  
Fares for Hackney Carriage Vehicles**

Hackney Carriage Number: \_\_\_\_\_ Vehicle Registration Number: \_\_\_\_\_  
 Licensed to carry \_\_\_\_\_ Passengers \_\_\_\_\_ Proprietor: \_\_\_\_\_

**TABLE OF FARES**

Rate 1	(7.00am to 10.30pm Monday to Saturday) Up to 1364 yards After 1364 yards (for each additional mile) <i>Equivalent to each additional unit of 83 yards @ 10p</i>	<b>Up to 4 passengers</b> £3.20 £2.10
Rate 2	(10.30pm to 7.00am, Monday to Saturday, Midnight Saturday to 7.00am Monday, Public Holidays) Up to 1364 yards After 1364 yards for each additional mile <i>Equivalent to each additional unit of 83 yards @ 15p</i>	<b>Up to 4 passengers</b> £4.80 £3.15
	(7.00am to 10.30pm Monday to Saturday) Up to 1364 yards After 1364 yards for each additional mile <i>Equivalent to each additional unit of 83 yards @ 15p</i>	<b>5-8 passengers</b> £4.80 £3.15

**EXTRAS**

Waiting time £20.00  
 Soiling Charge (max) £80.00

**Complaints should be referred to the proprietor in the first instance, and if necessary, then to the Uttlesford District Council, Council Offices, London Road, Saffron Walden quoting all the facts including the number of the Hackney Carriage Licence.**

**Dated: 1 October 2012**

<b>Rate 3</b>	<p><b>(6.00pm Christmas Eve to Midnight Boxing Day, 6.00pm New Year's Eve to Midnight New Year's Day)</b></p> <p>Up to 1364 yards After 1364 yards (for each additional mile) <i>Equivalent to each additional unit of 83 yards @ 20p</i></p> <p>(10.30pm to 7.00am, Monday to Saturday, Midnight Saturday to 7.00 am Monday, Public Holidays)</p> <p>Up to 1364 yards After 1364 yards (for each additional mile) <i>Equivalent to each additional unit of 83 yards @ 20p</i></p> <p>(6.00pm Christmas Eve to Midnight Boxing Day, 6.00pm New Year's Eve to Midnight New Year's Day)</p> <p>Up to 1364 yards After 1364 yards (for each additional mile) <i>Equivalent to each additional unit of 83 yards @ 30p</i></p>	<p><b>Up to 4 passengers</b></p> <p>£6.40 £4.20</p> <p><b>5-8 passengers</b></p> <p>£6.40 £4.20</p> <p><b>5-8 passengers</b></p> <p>£9.60 £6.30</p>
<b>EXTRAS</b>		
	Waiting time	£20.00
	Soiling Charge (max)	£80.00

**Complaints should be referred to the proprietor in the first instance, and if necessary, then to the Uttlesford District Council, Council Offices, London Road, Saffron Walden quoting all the facts including the number of the Hackney Carriage Licence.**

**Dated: 1 October 2012**

**Committee: LICENSING & ENVIRONMENTAL HEALTH**

**Agenda Item**

**Date: 1 October 2014**

**6**

**Title: THE LICENSING RESERVE**

**Author: Michael Perry, Assistant Chief Executive  
Legal, 01799 510416**

Item for information

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### Summary

1. This report is to update members with regard to the licensing reserve.

### Recommendations

2. That members note this report.

### Financial Implications

3. None.

### Background Papers

4. None.

### Impact

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	The council is entitled to recover the cost of running the licensing service but ought not to make a profit. It is therefore necessary to ensure that costs and income balance out over a period of time.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Situation

6. In September 2010 the council identified that for the period between 2006/7 and September 2010 there was a surplus of income over expenditure for licensing in the sum of £138,000. Because of the legal requirement that over a period of time income and expenditure should balance out, members approved a fee structure for licences for drivers, operators and vehicles which would have eradicated the surplus within a period of 3 years. Since that time officers have met with members of the trade on an annual basis to review the licensing fees. The fees have not changed since 2010.
7. At the end of the financial year 2013/14 the balance on the reserve stood at £45,666. This is higher than was anticipated and arises from efficiency savings within the service and increase in the number of drivers, operators and vehicles being licensed. For members' information at the end of the financial year 2010/2011 the reserve was £138,590. This decreased to £101,323 at the end of 2011/12 and to £62,039 at the end of 2012/13. Members will therefore see that the trend is steadily downwards.
8. When discussing last year's budget with members of the trade we were challenged over the software which we use for licensing purposes. Licensing officers and I have carried out research as to alternatives available and will be discussing these with members of the trade as part of the budget setting process.
9. Members will be aware that since the departure of one of the licensing officers from the licensing team, the licensing team has been restructured. This is forecasted to deliver a saving of £10,650 per annum in salary costs and the trade will benefit from that saving.
10. Although I have yet to meet with members of the trade to discuss next year's budget I consider it highly unlikely that a recommendation would be forthcoming for an increase for the ensuing year assuming the situation stays unchanged. The unknown at the present time is when the Deregulation Bill 2014 will become law and assuming it does so when it will take effect. Members will recall from the report before members at the committee meeting on the 9 July that authorities will be required to issue licences for 3 years for drivers and 5 years for operators as opposed to the present 12 months for each licence. That change when it comes into effect will clearly have a substantial effect upon the budget.

## Risk Analysis

11. There are no risks attached to this report.

**Committee: LICENSING & ENVIRONMENTAL HEALTH**

**Agenda Item**

**Date: 1 October 2014**

**7**

**Title: EXERCISE OF DELEGATED POWERS**

**Author: Michael Perry, Assistant Chief Executive  
Legal, 01799 510416**

Item for information

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### Summary

1. This report is to inform members of the exercise of my delegated powers since the last meeting of this committee.

### Recommendations

2. That members note the contents of this report.

### Financial Implications

3. None.

### Background Papers

4. None.

### Impact

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	Drivers who have had their licences suspended have a right of appeal to the Magistrates' Court. In the event that an appeal is lodged they may continue to drive until such time as the appeal is abandoned or determined unless the suspension has been imposed with immediate effect in the interest of public safety.
Sustainability	None.
Ward-specific impacts	None.

Workforce/Workplace	None.
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**Situation**

6. Since the last meeting of this committee I have dealt with 7 drivers with a view to exercising my delegated powers. This is most encouraging as the months of July and August are the busiest in the year for renewal of licences. Typically therefore it would be expected that more drivers would be detected for failing to notify convictions and fixed penalty notices during this period than at other times of the year. By comparison with previous reports, the number this time is very low.
7. Four of the drivers interviewed had failed to notify the council of a fixed penalty notice. Three of these were suspended for 5 days each. In their cases there were no aggravating or mitigating factors. In the other case, the driver was suspended for 3 days. The driver there had notified the council promptly upon return of the licence with the penalty points endorsed and volunteered the information prior to renewal.
8. A further driver detected driving a private hire vehicle with the plate in the back window rather than on the exterior of the vehicle as required by conditions. He was also driving at excess speed (80 mph plus in a 70 limit) and overtaking on a motorway on the inside lane. That driver was suspended for two days. The level of his income was such that a longer suspension would have been disproportionate compared to any likely fine had this been witnessed by a traffic officer and he had been prosecuted.
9. A further driver was reported for dangerous driving and during the course of the investigation it was discovered that he had failed to notify the council of a change of address in accordance with the conditions of his licence. He failed to attend the interview or give any explanation for not doing so and in the circumstances; I suspended him for the full 14 days.
10. Finally I suspended a driver with immediate effect having been informed by his operator that he had been charged with an offence of indecency with a child. This driver's case is due to be considered by the committee shortly.

**Risk analysis**

There are no risks associated with this report.