

**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.