

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES SAFFRON WALDEN at 7.30pm on 1 OCTOBER
2014**

Present: Councillor D Perry (Chairman)
Councillors J Davey, J Salmon and A Walters.

Officers in attendance: M Perry (Assistant Chief Executive – Legal) and R
Dobson (Principal Democratic Services Officer).

Also present: Barry Drinkwater, Richard Ellis – ULODA; Andy Mahoney –
24x7 Ltd.

PUBLIC SPEAKING

Public statements were made by Barry Drinkwater on behalf of ULODA, and
Andy Mahoney of 24x7 Ltd. A summary of both statements is appended to
these minutes.

LIC33 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Asker, Hicks,
Loughlin, Lemon, Morson and Ranger.

LIC34 MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 2 July, 9 July and 30 July 2014 were
received and signed by the Chairman as a correct record.

LIC35 MATTERS ARISING

**(i) Meeting held on 2 July 2014 - Minute LIC12 – determination of a
private hire/hackney carriage drivers licence**

The Monitoring Officer said no appeal had been submitted.

**(ii) Minutes of the meeting held on 9 July 2014 – Minute LIC18 –
Deregulation Bill 2014**

The Monitoring Officer said the bill was now before the House of
Lords, and was likely to be dealt with during this Parliament.

**(iii) Minutes of the meeting held on 30 July 2014 – Minute LIC21 –
determination of a private hire/hackney carriage driver's licence**

The Monitoring Officer said the proceedings against Mr Aggarwal had
been started within the six month period for bringing action, but due to
lack of court time had not yet been heard.

(iv) Minutes of the meeting held on 30 July 2014 – Minute LIC24 – determination of a private hire/hackney carriage driver’s licence

The Monitoring Officer said no appeal had been submitted.

(v) Minutes of the meeting held on 30 July 2014 – Minute LIC25 – determination of a private hire/hackney carriage driver’s licence

The Monitoring Officer said no appeal had been submitted.

LIC36 TABLE OF FARES FOR HACKNEY CARRIAGES

The Committee considered a report informing 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 Cabinet for any amendments to be made to the current table.

The Monitoring Officer said it was disappointing that only two replies had been received to the consultation. Neither supported an increase in fares but one of which asked for a significant increase in waiting time charges. No other support for the request for an increase had been received and no evidence had been put forward regarding the potential benefits of any increase in waiting time charges. Therefore no change was recommended. It remained open to the trade to make representations at any time. This consultation seemed to indicate no appetite for any change to the table of fares, but if the trade wished to put together evidence in support of a change, then the Committee could consider the matter and make recommendations to Cabinet.

RESOLVED to make no recommendation at this time.

LIC37 LICENSING RESERVE

The Committee considered a report updating members with regard to the licensing reserve. The Monitoring Officer referred to the circumstances in 2010 in which a surplus of income over expenditure for licensing in the sum of £138,000 had arisen. A fee structure was agreed at that time with a view to eradicating the surplus within 3 years. The reserve had reduced consistently but the target had been missed. There had been efficiency savings at the Council as a whole, contributing to a higher balance on the reserve than had been anticipated. The trend was steadily downwards, as set out in the report.

The Monitoring Officer said although a meeting with the trade was yet to take place to discuss next year’s budget, he was of the opinion that no increase in licensing fees should be needed in the ensuing year, assuming the situation stayed unchanged. The timing of an increase would depend on when the Deregulation Bill came into effect, in that either next year or the year after that the licensing structure would move to three year licenses. To

ensure all drivers benefitted from the surplus, costs would be calculated across the three year period.

Regarding new licensing software, officers had carried out benchmarking to assess whether the cost of the software was justified. Whilst a cheaper system was available, caution was advisable, as there were some concerns about that provider's resilience. The Monitoring Officer said also that all local authorities visited as part of the comparative exercise had more staff but less work than this council. If we changed systems there would probably be a need to recruit more staff to the licensing section.

Councillor Perry said the council provided a top-rate service. He asked that the next agenda include an item on licensing software. He asked about the staffing structure in the licensing section, as he was keen to avoid any undue pressure on staff.

The Monitoring Officer said following the departure of a member of licensing staff, the division of work between the remaining team members was currently working well.

Mr Mahoney, commenting with the permission of the Chairman, said he had found there to be a lack of availability of staff during the busy period during the summer.

The Monitoring Officer said he was surprised to hear this comment, as it was rare for there to be no cover in the office.

LIC38 **EXERCISE OF DELEGATED POWERS**

The Monitoring Officer presented a report detailed the exercise of delegated powers since the last meeting of the committee. He said that whilst Mr Drinkwater had commented that there was a low number of drivers failing to report offences, it seemed there a relatively high numbers of drivers who received fixed penalty notices or convictions did not report them. Of those who had received fixed penalty notices about 50% were not reporting this fact. However the Monitoring Officer was very encouraged that since the last meeting of the committee, he had dealt with only seven drivers with a view to exercising his delegated powers, as the months of July and August were the busiest in the year for renewal of licences. By comparison with previous reports, the number of instances where the Monitoring Officer had been required to exercise delegated powers was very low.

The Monitoring Officer drew to members' attention the prevalence of drivers not telling the authority about matters which would be disclosed in the DBS report. The Monitoring Officer was concerned that there were indications of deliberate dishonesty, so he now took the stance that he would prosecute a driver who made a false statement to obtain a licence. There had been such an instance today, and members would need to consider whether the driver was a fit and proper person to hold a licence.

The Monitoring Officer said he had sent a circular to operators to tell drivers that they had to tell the council about any cautions they received, and if they did not that they should expect to be dealt with quite harshly.

Councillor Perry agreed. He said he had raised this matter with contacts in the Police. The message was clear, and the trade should ensure the message was taken back, that if an attempt was made to mislead the authority the driver would be prosecuted.

Mr Mahoney said he agreed entirely with this approach, but that some of the wording on the application form was confusing, as it asked whether the applicant had any convictions. The column for entering details stated "penalty points", and he had been asked numerous times whether this referred to general convictions or just driving convictions. He asked that this should be clarified.

The Monitoring Officer said the form was clear, as it stated "including motoring convictions", and few of those who made a false statement had been confused on this point. However he would discuss with the licensing officer the way in which the form was worded, although he did not think it was unclear.

The Monitoring Officer said he had this week authorised the prosecution of a driver for failing to disclose a conviction for driving without insurance.

Councillor Perry thanked the Monitoring Officer for his clear report.

The meeting ended at 8.15pm.

SUMMARY OF PUBLIC STATEMENTS

Barry Drinkwater

Barry Drinkwater said that he and Richard Ellis were sharing the role of Vice Chairman at ULODA for the time being. The Executive Committee of ULODA had met recently to consider the agenda for tonight's meeting. The decision of the Committee to refuse a driver's licence on the grounds that he could not speak the Queen's English had been welcomed by ULODA, to ensure standards were maintained.

Councillor Perry said in relation to this comment that the applicant had been advised that he could submit another application for a licence if his English improved.

Mr Drinkwater said in relation to the review of the Table of Fares that whilst in previous years ULODA had consulted with hackney carriage proprietors and made recommendations, ULODA supported the change this year to direct consultation of the Council with the trade. He noted that the Council's consultation had elicited only two responses, the same number received last year when ULODA had carried out the consultation. It was clear that for a

second successive year that there was no appetite for an increase in metered fares.

Mr Drinkwater said he hoped the request by a respondent for an increase in waiting time would be viewed favourably.

Regarding the licensing reserve, last year the meeting between the trade and the Council had been attended by Mr Joyce. Following his departure Mr Drinkwater asked whether Mr Joyce's role would be taken by another officer. The Monitoring Officer said he would seek guidance from the finance section as to whether the role could be fulfilled by Sarah Chapman.

Mr Drinkwater said he had expressed concern on behalf of ULODA about the high cost of licensing software, and he noted officers were looking at the contract and would report to the Committee. This report was timely in view of the forthcoming budget setting period for 2015/16. He noted licence fees were not forecast to rise.

Regarding the exercise by the Monitoring Officer of his delegated powers, ULODA was pleased that there had been a decrease in the number of drivers who had required interview. Mr Drinkwater said credit for this decrease was due to the hard work of operators and proprietors to educate and support their drivers in the requirements of the new licensing policy. The overall number of allegedly non-compliant drivers was extremely low pro rata, and the trade was rightly proud of its service to customers.

Mr Drinkwater informed the Committee that ULODA would be electing a new Chair at its Annual General Meeting next month.

Andy Mahoney

Andy Mahoney gave an update on the impact on 24x7 Ltd of recent changes at Highways Passenger Transport regarding processing of bids submitted for school contract work. He said that the number of staff at Passenger Transport had been reduced, and that existing staff had undergone a major restructuring. This had occurred at the busiest time for the operator, as many school runs had been up for tendering at the same time.

Overall, 24 x 7 had had a very successful tendering year for school contracts. From having 196 spare staff on the books 10 days before the schools returned, once term started he had run out of staff. Intensive recruitment was now taking place. He therefore thanked licensing staff for the very good job they were doing in processing the large volume of licence applications.

Mr Mahoney said in the midst of the school contract work, 24 x 7 Ltd was bidding for the tender at Stansted Airport. The process had been demanding, in that a shorter notice period than expected was notified for submission of bids and additional information was requested. The outcome was awaited, although the new concession was due to start in November.