

(h) 3 October 2017.

4. ISSUES RAISED BY HARLOW DISTRICT COUNCIL

The Assistant Director of Neighbourhoods (Neighbourhood Services) presented a report highlighting a number of Licensing issues that had been recently raised by Harlow District Council.

The Assistant Director informed the Committee that Licensing Officers at Harlow District Council had reported an increased number of Hackney Carriage Vehicles and Drivers licensed by this Council working for a Harlow based Operator. This was causing some concern within the trade in Harlow and their Members were taking a keen interest in the matter. Officers had sought external legal advice, which had stated that a Harlow Operator could use a Hackney Carriage licensed by this Council to undertake pre-booked work in Harlow, provided that the Driver was licensed by the same authority that had licensed the vehicle. There was the possibility of the law being changed in respect of cross-border hiring, but until then there was not much that the Council could do about this.

The Assistant Director also reported that some Drivers licensed by this authority were removing their Hackney Carriage roof signs and replacing them with 'Metro Cabs' roof signs when driving in the Harlow area. This contravened the Council's regulations and Officers had taken steps to address this issue. Licensing Officers in Harlow had also highlighted a recent case whereby a Driver had had his Licence revoked by Harlow District Council, but had been subsequently licensed by this Council and was now working for a taxi firm in Harlow again. This case perhaps emphasised the need for consistency as different authorities could have different rules.

In respect of the last issue raised by Harlow District Council, Cllr Jennings remembered the case. The issue was raised with the Driver during the Sub-Committee meeting, and he was asked why he hadn't applied to Harlow District Council but he did not disclose that his application to Harlow District Council had been refused. Cllr Jennings felt that it would be helpful if previous applications to other local authorities were detailed on the application form. The Assistant Director did point out that the letter of revocation from Harlow District Council had been distributed via a pink supplementary agenda for that meeting. Cllr Dorrell also remembered the case and his application had been refused by Harlow District Council due to a discrepancy in his application, although the Driver had stated at the Sub-Committee meeting that he would work in the Epping Forest District not Harlow if his application was granted.

Cllr Sartin recalled that the case was highlighted in the local newspapers, and enquired as to whether the Council could check with other local authorities prior to an application being heard by a Sub-Committee. The Assistant Director stated that there was no reason why applications to this Council could not be cross checked with Harlow District Council. In this particular case, the decision had been made by the Sub-Committee on the basis of erroneous information given by the Applicant, and the Council had issued a press release afterwards stating that the decision had been made on its own merits.

The Assistant Director suggested that Sub-Committees could ask Applicants for details concerning any applications made to other local authorities during the meeting. The Council did carry out checks for criminal convictions on all applications received for Hackney Carriage or Private Hire Driver Licences; however, all other information considered for the application was based on what the Applicant included

on his / her form. There was no central register kept of Hackney Carriage / Private Hire Driver applications made, and it was impractical for Licensing Officers to attempt to contact all local authorities in the United Kingdom whenever an application was received.

Cllr Keska enquired how Hackney Carriage and Private Hire vehicles could be identified as being licensed by this Council. The Assistant Director stated that vehicles licensed by this Council had to display a plate on the back of the vehicle and two small stickers on the inside of the rear passenger windows. Previously, a large sticker had to be displayed but this requirement was discontinued by the Committee a number of years ago; magnetic stickers were being stolen from the cars, and the taxi trade did not want permanent signs on the vehicles. Other Local Authorities insisted that the vehicles had to be a particular colour. Cllr Sartin enquired whether the Council logo could be incorporated on roof signs? The Assistant Director undertook to investigate this further and whether the stickers on the inside windows could be bigger, and report back to the next meeting of the Committee. The Assistant Director reminded the Committee that the purpose of any signs or stickers was to show that the vehicle was licensed by the Council.

Resolved:

- (1) That the Hackney Carriage Licensing issues raised by Harlow District Council be noted;
- (2) That Licensing Officers investigate the feasibility of including the Council logo on the roof signs of licensed vehicles and report to the Committee at its next meeting scheduled for 18 April 2018; and
- (3) That Licensing Officers investigate the feasibility of increasing the size of the stickers on the inside of the rear passenger windows and report back to the Committee at its next meeting scheduled for 18 April 2018.

5. CONSULTATION ON TAXI TARIFFS

The Assistant Director of Neighbourhoods (Neighbourhood Services) presented a report outlining the results of a consultation recently undertaken on Taxi Tariffs.

The Assistant Director reminded the Committee that some members of the taxi trade requested the Sunday tariff be lowered to bring it into line with the tariff in operation during other days of the week. Any change in tariff required the Council to carry out a consultation exercise, which was subsequently undertaken and the results had been attached as an Appendix to the report. It appeared that there was no consensus within the trade regarding the proposed change to the Sunday tariff, in fact there were many who felt that the tariff should be increased on all days throughout the week. A further Appendix had been attached to the report illustrating the tariffs in operation at other local authorities; this indicated that the tariff operated by this Council was neither the cheapest nor the most expensive. The Council could propose new tariffs and consult again with the taxi trade, or leave the current tariffs in situ.

The Committee noted that the taxi trade had differing views on the current levels of the tariffs, and that the current tariffs were in the middle of the range of tariffs implemented by other local Authorities. Therefore, it was probably best to keep the tariffs at the current levels for the time being. The Assistant Director added that the current tariffs were set three years ago and that the Committee could review them at some point in the future. Cllr Sartin suggested that the current tariffs be retained but

that they be reviewed in twelve months time as there could be a possible rise in fuel charges during that period; this was agreed by the Committee.

Additionally, the Assistant Director requested that the Committee considered the abolition of the charge for exempting vehicles from displaying the Licence plate. The Council could no longer justify this charge, and generally it was only the more prestigious Private Hire vehicles who did not wish to display a Licence Plate. The Committee agreed that this charge should be abolished.

Resolved:

- (1) That the results of the recent consultation on taxi tariffs throughout the District be noted;
- (2) That the current taxi tariffs be retained and reviewed in twelve months time; and
- (3) That the charge for exempting vehicles from displaying the Licence Plate be abolished.

6. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005

The Licensing Manager reported that in respect of Premises Licence applications or variations, there had been 13 new applications, 127 renewals, 37 change of Designated Premises Supervisor or variation applications received in the period 1 May to 28 September 2017. Of these, 11 applications had been considered by the Sub-Committee and granted subject to conditions. A total of 24 (EU Directive) Temporary Event Notices, 117 Temporary Event Notices and 37 Late Temporary Event Notices had also been granted. 48 Personal Licence applications had been received and granted under delegated authority. There had been no appeals to the Magistrates Court during the period. There had also been one Premises Review undertaken during the period.

In respect of the Gambling Act 2005, the Licensing Manager informed the Committee that there had been no Betting Office applications received, and no Club Gaming Permits granted during the period; two notifications had been received for two gaming machines.

Resolved:

- (1) That the report to the Licensing Committee regarding the applications received under both the Licensing Act 2003 and the Gambling Act 2005 be noted.

7. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

(a) Pre-Meeting Briefings

At the last meeting of the Committee, Cllr Keska had pointed out that the Sub-Committees used to receive a briefing before their meeting from Licensing Officers. Whilst Members did not necessarily require a full briefing before each meeting of the Sub-Committee, a reminder of the options available to the Sub-Committee for each application to be considered would be of benefit. It was also highlighted that Licensing Officers used to be present during Member deliberations in private session to advise on technical matters, which Members had also found useful.

The Assistant Director of Neighbourhoods (Neighbourhood Services) acknowledged that briefings did occur some years ago before each meeting of a Sub-Committee. The Assistant Director of Governance (Legal Services) stated that, legally, the Sub-Committee had to consider all of the options open to them, and these should be listed in the report. In addition, any advice received by the Sub-Committee at a briefing beforehand would have to be disclosed at the meeting of the Sub-Committee to all participants, which could raise more questions than answers at the meeting. Members were invited to let Officers know what other information they would like to receive before the meeting to assist in making decisions.

Cllr Keska added that this point had been raised by past and present Members of Licensing Sub-Committees. Members were given useful information on the relevant policy and options available to the Sub-Committee at the briefings before the actual meeting, and not details of the actual case(s) to be heard. The Assistant Director of Governance reminded everyone present that this should really be raised at the start of each case so everyone was aware of the issues involved. It was acknowledged that the current procedure did not specifically allow for this, but the Assistant Director of Governance stated that it was open to Members to raise questions of policy and procedure at any point during the proceedings as it would not look fair to the participants if advice was received by the Sub-Committee prior to the meeting. Members were invited to inform Officers of previous issues which could be addressed for future meetings.

Cllr Sartin suggested that Members could examine the DVLA Licence with the relevant convictions listed for each Applicant at a pre-meeting. The Assistant Director of Governance stated that this information could be given to the Sub-Committee prior to the meeting if it could be distributed confidentially, along with a list of the DVLA offence codes. This would be considered evidence so it would not cause any problem with the actual meeting itself. Alternatively, the meeting could be adjourned for ten minutes while the Sub-Committee retired to consider this information. The Assistant Director of Neighbourhoods stated that he would be very wary of giving copies of any disbarring notices to Members of the Sub-Committee, although they usually received a copy of the DVLA Licence issued as a 'pink' document which was not published for public consumption. The Licensing Manager reminded the Committee that they would not receive a copy of the Applicant's DVLA Licence if the issue was with the criminal record (DBS) check rather than driving offences. The Assistant Director of Neighbourhoods agreed to re-issue all Members of the Licensing Committee with the DVLA list of driving offence codes. The Committee was also reminded that the DVLA no longer issued paper licences with the current endorsements listed on them; these had to be accessed online either by the Drivers themselves or by Licensing Officers if they were given the DVLA access code by the Driver.

Cllr Keska enquired whether a Sub-Committee could defer the determination of a particular case in order to liaise with another local authority. The Assistant Director of Governance stated that if the Sub-Committee had sufficient evidence before it then the application could not be deferred; however, if the Sub-Committee felt that it required further information during the meeting then the application could be legitimately deferred.

(b) Council Website

Cllr Pond requested that the Committee considered the Licensing information currently on the Council's website, with a view to it being made more useful and relevant to the public. In particular, Cllr Pond felt that a schedule should be posted on

the Council's website listing all licensed Premises within the District and their permitted licensed activities to enable Members and the public to check.

The Assistant Director of Neighbourhoods (Neighbourhood Services) acknowledged that the Council's website required updating and the Website Board was engaged in this, including interrogation with back office systems for information. Therefore, the ability to view a Premises Licence would be available in the future. However, the Assistant Director reminded the Committee that the contents of a Premises Licence was public knowledge, and residents could always be advised via email or telephone of the hours and conditions of a Premises Licence by the Licensing Team.

Cllr Neville welcomed this development for the future and encouraged the regular review of information on the Council's website to ensure its accuracy.

Resolved:

- (1) That Officers be informed of any further information that Members would like to receive before a meeting of a Licensing Sub-Committee to assist with their determination of cases;
- (2) That Officers be informed by Members of previous issues which had occurred at previous Licensing Sub-Committee meetings in order to address them for future meetings; and
- (3) That a list of the DVLA driving offence codes be re-issued to all Members of the Licensing Committee.

8. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

The Committee considered whether any further training was necessary for the Members tasked with discharging the Council's Licensing function. There had been a request made on behalf of the Town and Parish Councils that they be invited to attend the annual Member Licensing training event.

The Assistant Director of Neighbourhoods (Neighbourhood Services) informed the Committee that the training provider would probably be changed next year, simply to give Members a different perspective. Officers were also content to extend the invitation to the Licensing Training to Members of the District's Town and Parish Councils. The Committee generally felt that there was no reason to exclude Local Councillors from Licensing training. Local Councils commented on Licensing applications, and encouraging their participation at the Member training sessions would make their comments on applications more relevant, as well as improve their understanding of and performance at Licensing Sub-Committee meetings.

Cllr Morgan highlighted that Local Councils sometimes objected to applications, but a dual hatted Member who was also a Member of that Local Council would then sit on the Sub-Committee considering the application. The Assistant Director of Governance (Legal Services) reminded the Committee that Members should declare an interest at the meeting if necessary, but this situation could leave the Council open to objections so it was probably better if the membership of Sub-Committees ensured that this situation could not arise. Cllr C P Pond stated that Loughton Town Council avoided dual hatted Members sitting on their Planning and Licensing Committees. Cllr Sartin felt that this was more of a perception problem; with only three Members sitting on each Sub-Committee to determine applications, there could be a perception of bias if the Local Council had commented/objected to an application and that Sub-Committee included a dual hatted Member.

Resolved:

(1) That Members of Town and Parish Councils be invited to attend future Licensing Training events organised by the District Council.

9. ANY OTHER BUSINESS

The Committee noted that there was no other urgent business for consideration.

10. MATTERS ARISING

Cllr Sartin commented that all members of the Licensing Committee received a paper copy of the agenda for every meeting of a Licensing Sub-Committee, despite only four members of the Committee were required to be in attendance. Cllr Sartin suggested that only the four members of each Sub-Committee should receive a paper copy of the agenda, and the Committee felt that this was a sensible course of action for the future.

Resolved:

(1) That paper copies of an agenda for a Licensing Sub-Committee meeting only be distributed to the four Members scheduled to attend that meeting.

11. DATE OF NEXT MEETING

The Committee noted that the next meeting was scheduled for 18 April 2018 at 2.00pm in the Council Chamber.

CHAIRMAN