

Minutes

Licensing Committee

12th January 2011



Present:

| Councillors | Present | Councillors | Present |
|--------------------------|-----------|---------------|-----------|
| M J Banthorpe (Chairman) | Yes | M Lynch | Apologies |
| J C Collar | Yes | T McArdle | Yes |
| J G J Elliott | Yes | A M Meyer | Yes |
| R Elliston | Yes | Mrs J A Pell | Yes |
| J H G Finbow | Apologies | A F Shelton | Apologies |
| Mrs S A Howell | Yes | Mrs J A Smith | Apologies |
| P J Hughes | Apologies | F Swallow | Yes |
| E R Lynch | Yes | | |

26 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

27 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 1st December 2010 be approved as a correct record and signed by the Chairman.

In discussing this item, Councillor E R Lynch referred to Minute 23 – Outcomes of Licensing Act Hearings and Drivers Panels, which he considered did not accurately record the decision made. Councillor Lynch had understood that, in addition to receiving information about both the outcome of Hearings and Appeals lodged under the Licensing Act 2003 and meetings of the Drivers Panel, it had been agreed that all Councillors should receive details via E-Mail of all applications (excluding those for Temporary Events), submitted under the Licensing Act.

In response, Councillor Banthorpe, Chairman of the Committee, verified that it had not been the intention to provide all Councillors with such information, but that it would be provided on a weekly basis via E-Mail to Licensing Committee Members. This would commence in the near future.

28 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

29 **REVIEW OF VEHICLE FARES**

INFORMATION: The Committee considered a request from Braintree District Taxi Association for an amendment to current Hackney Carriage fares. The request sought an increase of .20p in the Tariff 1 starting fare for every journey up to and

exceeding 643.7 metres (704 yards or 0.4 of a mile) from £2.60 to £2.80.

It was reported that the Taxi Association was able to submit an annual request for the amendment of Hackney Carriage fares and that the last request had been approved in 2008. Any amendment was subject to public notice being given in the local Press.

In presenting this item, Mrs R Crouch Licensing Officer, reported that the Tariff 1 fare referred to at Appendix 3 to the Agenda report was incorrect and that both starting fares should state £2.80. Mrs Crouch circulated also a revised copy of Appendix 4 which indicated the fares charged within the areas of other authorities both locally and nationally.

DECISION: That the Hackney Carriage Tariff 1 starting fare for every journey be increased by .20p from £2.60 to £2.80.

30 **LICENSING ACT 2003 HEARINGS AND APPEALS AND DRIVERS' PANEL MEETINGS - OUTCOMES**

INFORMATION: Consideration was given to a report on the outcome of recent Hearings, reviews and appeals made under the Licensing Act 2003, and the outcome of Drivers' Panel meetings.

Particular reference was made to a Hackney Carriage and Private Hire driver whose licence to drive had been suspended pending confirmation of his right to reside and work in this Country. The driver had subsequently surrendered his licence voluntarily. This case had highlighted the Council's current inability to verify an applicant's right to reside, or work and it was proposed that the Driver's Licence application forms should be amended to indicate that proof of an applicant's right to reside may be required. This matter would also be addressed as part of the review of the Council's licensing policy. Officers had also been in discussion with the Immigration Service which had offered guidance on how the Council might deal with similar cases.

Members were advised that the suspended driver had been granted a driving licence by the DVLA prior to making his application to the Council and it was questioned whether the DVLA carried out any checks to confirm an applicant's authenticity. Members expressed concern about a possible anomaly in the system which ultimately could lead to people working illegally and could put the safety of the public at risk should such people be licensed as Hackney Carriage or Private Hire drivers. It was suggested this matter should be drawn to the attention of the Parliamentary Under-Secretary of State for Transport.

DECISION:

- (1) That the report on the outcome of recent Hearings, reviews and appeals made under the Licensing Act 2003 and the outcome of Drivers' Panel meetings be noted.
- (2) That a letter be sent to the Parliamentary Under-Secretary of State for Transport drawing his attention to a possible anomaly in the granting of DVLA driving licences.

Relaxation of Licensing Hours for the Royal Wedding – Consultation

At the close of the meeting, reference was made to a consultation paper issued by the Government which proposed a relaxation of licensing hours to mark the wedding of Prince William and Catherine Middleton on 29th April 2011. It was proposed that all licensed premises in England and Wales should be able to open until 1.00am on Friday, 29th April 2011 and Saturday, 30th April 2011 for the sale of alcohol for consumption on the premises and the provision of regulated entertainment.

Members of the Licensing Committee were invited to forward any contrary representations to Mrs R Crouch, Licensing Officer, by no later than Monday 24th January 2011 so that these might be referred to the Home Office by the close of the consultation period on 26th January 2011.

The meeting closed at 7.45pm.

M J BANTHORPE

(Chairman)