

**Unconfirmed**



Minutes of a Meeting of the **Licensing Committee** held in the Conference Room, Riverside, on **Monday, 17 April 2023 at 6.30pm**

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Edward Back, Councillor Alison Cackett, Councillor Linda Coulam, Councillor John Fisher, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Keith Patience, Councillor Keith Robinson, Councillor Rachel Smith-Lyte

**Other Members present:**

Councillor Mark Jepson, Councillor Mary Rudd

**Officers present:** Teresa Bailey (Senior Licensing Officer), Ben Bix (Democratic Services Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Alli Stone (Democratic Services Officer), Alison Woodley (Licensing Officer)

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Cooper, Craig, Goldson, and Newton.

**2 Declarations of Interest**

No declarations of interest were made.

**3 Minutes**

On the proposition of Councillor Back, seconded by Councillor Coulam, it was by a unanimous vote

**RESOLVED**

That the Minutes of the Meeting held on 16 January 2023 be agreed as a correct record and signed by the Chairman.

**4 Minor review of the Council's Hackney Carriage and Private Hire Licensing Policy**

The Committee received report **ES/1529** of the Cabinet Member with responsibility for Community Health, which proposed two amendments to the Council's Hackney

Carriage and Private Hire Licensing Policy. As Cabinet Member, Councillor Rudd invited the Licensing Manager and Housing Lead Lawyer to introduce the report.

The Committee firstly heard that the Licensing Team had seen an unprecedented number of applications for private hire and hackney carriage driver licences. Many such applications were from persons who were from, or who had lived, overseas. Where an applicant held an EU or overseas passport, the Disclosure and Barring Service (DBS) would only check their history for a 5-year period of residence in the UK. This contrasted with applications made by UK passport holders who would be subject to an DBS check for their adult lifetime. Attention was drawn to the extant policy wording:

*Applicants, including all directors and partners, who have lived out of the UK for any period of time within the five years prior to their application or renewal must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.*

*The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate. Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant.*

The Licensing Team were of the opinion that the extant policy requirement was not robust enough and the report before Members sought to rectification. Applicants who were from overseas or who had lived overseas at any time would be required to provide a certificate of good conduct for all of the period spent overseas, not just the 5 years prior to application.

The Chairman invited questions to Officers. In response to Councillors Cackett and Ashdown, Officers clarified that the existing government provisions, including establishing the applicant's immigration status and their right to work in the UK would have to be satisfied in addition to the applicant seeking a certificate of good conduct from the country that the applicant had moved to the UK from. This would also apply to any other countries that the applicant had lived in during their adult lifetime. Councillor Fisher queried what would happen in circumstances where an applicant was not able to provide the certificate due to external factors, Officers confirmed that in exceptional circumstances, an applicant could appeal to the Licensing Sub Committee. In response to Councillor Coulam, the Senior Licensing Officer emphasised that the cost of obtaining a certificate of good conduct would be borne by the applicant.

Secondly, On 12 January 2023, a request was received from a private hire operator within East Suffolk for an addition to the operators and driver's duties listed in the Hackney Carriage and Private Hire Licensing Policy for operators and drivers to keep a record of a fare (the cost) for each journey. The reason given was that without the requirement for operators or drivers to record fares it was uncertain how any fare could be challenged either by a customer or the East Suffolk Licensing team. Officers explained that there was no Policy requirement for individual drivers to keep a record of a fare, whether they were driving a hackney carriage or a private hire vehicle.

It was explained that a private hire operator would facilitate passenger bookings and would typically keep such a record. The operator would also keep a record if they

dispatched a hackney carriage to carry out a private hire job. However, keeping a record of individual fares was considered unworkable for a driver of a hackney carriage. A meter would run continuously until the driver chose to clear it. This would usually be at the end of the day, or the end of a shift. The record the driver would obtain at that point would usually show the total number of paid miles, unpaid miles, and the total fees taken. It would not be possible to look at an individual journey from an earlier time. The only way a driver of a hackney carriage could keep a record was to record the fare at the end of each and every journey undertaken. This was considered burdensome for the driver and unnecessary.

The Chairman invited questions to Officers. In response to Councillor Cackett, Officers explained that there had only been one request received for consideration by the Committee, and emphasised that the Licensing Team had not received many complaints from passengers regarding overcharging. On the occasions when complaints had been made, the private hire operator had been able to provide details of the journey along with the fee charged.

Experience had demonstrated that all private hire operators recorded the fee charged for a journey. This included journeys in private hire vehicles and pre-booked journeys in a hackney carriage. It would not therefore, be burdensome on a private hire operator to include such information in their records. Maintaining such records would be considered to represent best practice.

The Chairman thanked Officers for their report. There being no debate, the Chairman called for each recommendation to be voted on separately. Accordingly, on the proposition of Councillor Cackett, seconded by Councillor back it was by a majority vote

#### **RESOLVED**

That the proposed amendment to the Policy with regard to a certificate of good conduct be approved.

And, on the proposition of Councillor Cackett, seconded by Councillor Coulam it was by a unanimous vote

#### **RESOLVED**

That the request from a private hire operator to record the fee charged for a journey for private hire operators only, be approved.

### **5 Issued Licences in East Suffolk and an Overview of the work of the Licensing Sub-Committees January - March 2023**

The Committee received report **ES/1530** of the Cabinet Member with responsibility for Community Health, which provided an overview of the current number and licences issued with regard to the Licensing Act 2003, the Gambling Act 2005 and taxis by East Suffolk Council. The report also summarised the applications received and the work of the Licensing Sub-Committees from January to March 2023.

The Chairman expressed thanks on behalf of the Committee for the work of the Licensing Team throughout the year; and thanked those Members that had participated in Licensing Sub-Committees. The Committee was unanimous in expressing its appreciation to Councillor Mary Rudd, Cabinet Member for Community Health, who was retiring as a Councillor at the end of her term of office.

There being no questions nor debate; at the invitation of the Chairman and with the assent of the meeting it was

**RESOLVED**

That the overview of some of the work of the Licensing Team and the Licensing Sub-Committees during the first quarter of 2023 be noted.

The meeting concluded at 6.52pm

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Chairman