

**Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL**

Licensing Committee

Date: Friday, 3rd March, 2017

Time: 10.00 am

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Committee Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the Meeting held on Tuesday 24th January 2017**
- 4 Application to be Recognised as a Taxi Drivers' Association**
Report of Deputy Chief Executive (Place) attached

TO: The Chairman & Members of the Licensing Committee:

Councillor D McGlone (Chair)

Councillors R Hadley (Vice-Chair), B Ayling, M Borton, S Buckley, M Butler,
T Callaghan, N Folkard, S Habermel, D Jarvis, D Kenyon, H McDonald,
C Mulroney, G Phillips and J Ware-Lane

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Committee

Date: Tuesday, 24th January, 2017
Place: Committee Room 1 - Civic Suite

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Present: Councillor D McGlone (Chair)
Councillors R Hadley (Vice-Chair), B Ayling, S Buckley, M Butler,
T Callaghan, D Jarvis, D Kenyon, H McDonald, C Mulroney,
G Phillips and J Ware-Lane

In Attendance: P Tremayne, T Row, A Penn, M Newton and L Colby

Start/End Time: 2.30 - 3.35 pm

681 Apologies for Absence

Apologies for absence were received from Councillors Borton, Folkard and Habermel (no substitutes).

682 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Callaghan – Agenda Item No. 4 (Application to be Recognised as an Association for Taxi Drivers) – Non-pecuniary interest: Taxi Driver;

(b) Councillors Jarvis – Agenda Item No. 5 (Consultation of the Proposed Gambling Policy for 2017) – Non-pecuniary interest: Member of Genting Club, the Rendezvous Casino and the Shoebury Conservative Club;

(c) Councillor Phillips – Agenda Item No. 5 (Consultation of the Proposed Gambling Policy for 2017) – Non-pecuniary interest: Member of Genting Club and the Rendezvous Casino.

683 Minutes of the Meeting held on Thursday 3rd September 2015

Resolved:-

That the Minutes of the Meeting held on Thursday, 3rd September 2015 be received, confirmed as a correct record and signed.

684 Application to be recognised as an association for taxi drivers

The Committee was informed that this item had been withdrawn from the Agenda on the basis that the formal application and supporting documentation had not been received.

Resolved:-

That consideration of this matter be deferred pending the receipt of a formal application and the relevant supporting information.

685 Consultation of the proposed Gambling Policy for 2017

The Committee received an oral report and presentation from the Council's Regulatory Services Manager on the proposed changes to the Gambling Licensing Policy Statement 2017-19. A copy of the policy statement was presented to the Committee to enable its views to be forwarded to the Cabinet as part of the consultation process. The Committee also received, for information purposes, a summary of the consultation responses that had been received to date.

The Committee considered and discussed the policy statement in some detail, and noted the requirement for applicants to carry out (and review as necessary) their local risk assessments. Furthermore, in order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Committee noted that it was proposed that the Licensing Authority would be publishing a local area profile (LAP). The LAP would be published as a separate document to the policy statement and would not form part of it. An initial draft copy of the LAP was circulated at the meeting. The Committee also noted that approval would be sought to delegate any necessary amendments to the LAP to the Deputy Chief Executive (Place) to ensure the information included within it was up to date and accurate.

Resolved:-

1. That, subject to the amendment of the term "Criminal Records Bureau" to "DBS" or "Disclosure" check in paragraphs 25.2 and 27.1, the proposed changes to the Gambling Licensing Policy Statement 2017-19 be supported.
2. That the Cabinet be recommended to approve the publication of the LAP as a separate document to the policy statement and that the LAP should include, amongst other things, areas of deprivation to assist in the completion of risk assessments.

686 Update on Other Licensing Matters

The Committee received an oral report and presentation from the Council's Regulatory Services Manager which provided Members with a brief update on the following matters:

- Sex establishments and Sex entertainment venues
- Animal Licensing
- Massage and special treatment licensing
- Scrap metal licensing
- Licensing Act 2003

Resolved:-

1. That the report be noted
2. That the amendment of Part 3 Schedule 3 – Delegations to Officers to include the determination of applications and renewals of Animal Licences by the Deputy Chief Executive (Place) be noted.

Chairman: _____

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Southend-on-Sea Borough Council

Report of Deputy Chief Executive (Place)

To

Licensing Committee

On

3rd March 2017

Report prepared by: Adam Penn

Agenda
Item No.

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Application to be recognised as a taxi drivers association
Chairman of the Licensing Committee C – Councillor David McGlone
A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 Members are invited to consider an application from the AC Drivers Association (ACDA) to be recognised where appropriate by this Authority for the purposes of consultation, negotiation and representation on behalf of licensed Hackney Carriage and Private Hire drivers, together with other representatives of the trade who in the past have been recognised to the same extent.

2. Recommendation

- 2.1 **Members recognise where appropriate the AC Drivers Association for the purpose of seeking their views by consultation and representation in relation to Hackney Carriage and Private Hire licensing matters.**
- 2.2 **This recognition shall be limited to the same extent as that currently enjoyed by other similar organisations representing the trade, namely (at the current time) the Southend Licensed Taxi Drivers Association, the Southend Private Hire Association, the GMB Union and the Thames Axis Group of the Unite Union (formerly Transport and General Workers Union).**

3. Background

- 3.1 The Licensing Committee has, for several years, recognised and has consulted with Southend Licensed Taxi Drivers' Association, the Southend Private Hire Association and the GMB and Unite unions in matters concerning Hackney Carriage and Private Hire licensing.
- 3.2 The ACDA is a newly established organisation in the Borough representing Hackney Carriage drivers on the AC taxi circuit licensed by this Authority. A letter from the association requesting recognition together with AGM minutes and a copy of the constitution of the ACDA are attached at **Appendix 1**.
- 3.3 The number of members licensed by this Authority driving on AC is currently believed to be in excess of 200.

3.4 Currently Officers will accept requests and representations for private hearings with Trade Representatives to discuss concerns they may have; will discuss, consult and consider suggestions with the trade as appropriate and will notify and copy the trade reports and agendas of Licensing Committee meetings where Taxi/Hire Car matters are to be discussed.

3.5 Members of the Licensing Committee currently allow these trade bodies to represent, consult and make suggestions (by letter or in person) at Committee meetings before making final decisions.

4. Corporate Implications

4.1 Resource Implications

None.

4.2 Contribution to Council's Vision & Critical Priorities

To help maintain and improve transport availability within the Borough.

4.3 Financial Implications

None

4.4 Legal Implications

No legal implications

4.5 People Implications

Not applicable.

4.6 Property Implications

To help maintain a taxi service within the Borough.

4.7 Consultation

All recommendations have been fully consulted with Officers and interested parties

4.8 Equalities and Diversity Implications

No assessment necessary.

4.9 Risk Assessment

No assessment necessary.

4.10 Value for Money

Licence fees form part of the overall budget for the Council; however fee levels do not impact on this decision.

4.11 Community Safety Implications

To help make transport available potentially assisting with reducing potential crime or safety issues.

4.12 Environmental Impact

None

5. Background Papers

There are no background papers.

6. Appendices

- 6.1 **Appendix 1** - comprising a letter requesting recognition of the ACDA, minutes of the first AGM and the constitution of the ACDA

1. Letter requesting recognition of the ACDA

Dear Cllr M. Flewitt.

I am writing to you as Chairman of the newly formed AC Drivers Association. On the 27th October 2016 saw the associations very first meeting, followed by a general meeting on the 8th November 2016.

During the meetings the Executive Committee Members and Non – Executive members were democratically voted into office by the members present.

The committees consists of 4 exec members: - Chairman, Vice Chairman, Secretary and Treasurer.

Also 6 non-exec members. Our membership is open to any AC driver full or part time, but we will when asked support and help any Southend Licensed Driver. We have a very small constitution, but strong in depth which will grow as the ACDA (AC Drivers Association) grows. The objective of the ACDA will be to protect and serve our members that work within the Taxi trade of Southend.

Protect and serve the travelling public by working with our members and Southend Council to maintain the very high level of safety standards that have already been achieved. We as an association realise the important roll the Taxi trade play within the economy of Southend, especially as we offer our service, 24hrs a day and 365 days a year. A service that no other provider within the sustainable transport infrastructure of Southend can offer.

On behalf of the membership of the AC Drivers Association I would like to seek recognition and approval of the association from Southend Council. Enabling us to represent our members at meetings with Southend Council and to be invited to any meetings regarding or connected with the hire and reward industry of Southend.

As soon as it is convenient with yourself and your licensing team we would very much welcome an informal meeting to introduce ourselves.

Look forward to hearing from you.

Phil Spreadborough

Chairman AC Drivers' Association.

Enclosed

Minutes of General Meeting. 8th November 2016

2. Minutes of the first AGM of the ACDA

Meeting minutes of AC Drivers Association General Meeting Held on 8th November 2016

The meeting was held at The Call Centre Chase Road Southend

The meeting started at 19:10.

Minutes secretary Paul Lenard .

Exec committee in attendance	Chairman	Phil Spreadborough
	Vice Chair	Andy Gunn
	Secretary	Justin Basnett
	Treasurer	Paul Lenard

Apologies none recorded

Number of drivers in attendance 61 (sign in document available on request)

CHAIRMAN.

Chairman opened the meeting by welcoming those in attendance, explaining this is the starting point of AC Drivers Association. In the chairman's opening speech he introduced the executive committee as voted in by a majority vote at a meeting held on the 27th October 2016.

The reason behind the forming of this association, what it will aim to achieve and what it stands for. Itemising a small but strong constitution, a constitution that will allow every member a say on any issues they may have a democratic way of voting to allow the majority to rule with an equal chance open to all members. The main task will be to protect the hire and reward trade (local and national), passenger safety, to work with Southend Borough Council, Police, any interested parties and organisations to achieve our goal.

Non – Exec committee request

The Chairman asked for volunteers from the membership to fill the position of non - exec committee

There were six nominations from the membership and all were duly elected to the committee

Non exec committee members are 1, M. Springhall 2, B. Riley 3, R. Jenkins

4, Ali 5, G. Rodrigues 6, A. Sayer

SECRETARY

The secretary explained there are always issues within the Taxi trade that need to be dealt with, local and national. At this present moment there are two issues that stand out from the rest, one local and one national.

The National one is of course UBER, this is possibly the most serious situation the Southend trade have found themselves in for a long time, but this issue has a big passenger safety issue attached to it as well. The message we will be sending out is that, as far as we can tell Uber cars working in Southend are doing so illegally.

The other local issue is one of emissions and air quality. Legislation will soon be upon us, so it is vital we get the ball rolling to find out how this will affect us, our passengers and what can be done to help Southend Council reach Central Governments clean air policy.

CHAIRMAN

Chairman asked for any questions.

15 questions were put to the Chair. A list of questions asked with answers available on request.

CHAIRMAN

Chairman closed the meeting at 21:15

Date of next meeting TBA

3. Constitution of the ACDA

CONSTITUTION

Governance:-

All accounts and fees will go through our elected committee with one member whose duty it will be to oversee all financial arrangements and membership. AC Taxi Ltd has put at AC Drivers Association disposal the use of their accounts department to keep the correct financial records as required by Southend Borough Council. All records will be made available to Southend Borough Council on request.

AC Drivers Association to be funded by its membership.

OBJECTIVES:-

To work with Southend Borough Council and its officers to improve our members working condition. To enhance safety at all times for all.

To improve the day to day Taxi service in Southend – on – Sea Licensed area to the benefit of the travelling public.

To work with SBC officers or any other agency to reduce the carbon footprint in Southend.

To enhance the use of zero emission vehicles as Taxis.

To Bring to the forefront, modern day technology and explain the benefits of dual fuel or all electric Taxis, that will be a requirement in the world of tomorrow.

To enhance our duty of care and safeguarding.

MEMBERSHIP & RULES

Membership is open to any Licensed Southend Hackney Carriage driver that drives on AC Taxi circuit.

Only an AC driver can receive the full benefits of membership, however we will help and support when asked any Southend licensed Driver.

RULES

AC Drivers Association insists that every member must at all times abide by Southend Council Licensing terms and condition, to include all by- laws and common law. This forms part of our Code of Practice, any breach of our Code of Practice will be investigated and reported.

MEETING RULES

Meetings will take place once a month except in the month of December.

Meetings to be attended by all committee members when possible, apologies will be accepted.

A minimum of 2 executive members and a minimum of 3 non exec - committee members.

Chairperson of the meeting has the deciding vote if required.

Members can sit in on committee meetings as an observer only and by invitation. Max of 2 per meeting.

Any item up for discussion at a monthly meeting must be put to the Secretary at least 24hrs prior to the meeting taking place.

All items to be discussed must be entered on the agenda

All meetings to have recorded minutes.

Only the chairperson as he deems fit can co-opt members to serve on the committee

AGM

An AGM will take place once every calendar year.

A full report and minutes must be published and be made available.

All members must be given 21 days' notice of an AGM

All current committee members Exec and non – exec must stand down from their duties.

A non-committee person to take charge of the meeting, as nominated by the outgoing Chair, until a new Chairperson has been nominated.

Members will be asked to vote for Executive Committee members only.

The Chairperson position to be voted for first.

On the election of the new Chairperson, the new Chairperson takes control of the meeting

Voting continues until all Executive Committee positions are filled.

Nomination for non- exec committee members to be taken from the floor at the chairpersons discretion

EGM

An EGM can be called at any time during the year. This type of meeting can only be called as a matter of urgency.

EGM can only be called by Chairperson or Deputy Chairperson in the absence of the current Chairperson.

RESOLUTION

Our resolution is that by having regular meetings and listening to the membership, we can as an association and the elected voice of our membership, bring constructive objectives and reasoning to the officers of Southend Borough Council in the best interest of all parties concerned .

Whether it be on enforcement, tariffing, training or safeguarding.

We as an elected association on behalf of our members have a duty to bring to the attention of our licensing authority any such worries or concerns that affects their safeguarding.

To further the efficiency of service to the general public.

To facilitate the exchange of ideas and methods.

To foster the continuity of the Association.

To advise in the enactment of just, equitable and constructive legislation.

To assist its members in all and every way possible.

To encourage the development of younger members.

To gather, organise and to keep on file useful information.

Through proper operation of this Association and integration of the creative forces and its command, to act or co-act with others and especially with Local Authorities in the improvement of the economic, social and civic values of the licensed hackney carriage trade. To protect the vested interests of its members and secure the living standard and welfare of all who are engaged in the industry.

ORGANISATION

AC Drivers Association is not affiliated to any political, religious or other grouping and includes legislation, for the benefit of all its members.

Executive Committee members and contact details

Chairman

Mr. P. Spreadborough. Telephone number provided but redacted

Secretary

Mr. J. Bassnett. Telephone number provided but redacted

Vice Chairman

Mr. A. Gunn Telephone number provided but redacted

Treasurer

Mr. P. Lenard Telephone number provided but redacted

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