

## MINUTES OF LICENSING COMMITTEE HELD ON

10 November 2008

7.30pm-9.20pm

### PRESENT

#### COUNCILLORS

Nick Churchill (Chairman)

Joel Charles

Tony Hall

Jean Clark

Muriel Jolles

Russell Perrin

Sarah-Jane Dangerfield

Linda Pailing

### APOLOGIES

David Carter

Lesley Rideout

Manny Doku

Maggie Hulcoop

Robert Thurston

#### 58. DECLARATIONS OF INTEREST

None.

#### 59. MINUTES

**RESOLVED** that the minutes of the meeting held on 13 October 2008 be agreed as a correct record and signed by the Chairman.

#### 60. MATTERS ARISING

- (a) Hackney Carriage and Private Hire Drivers Random Alcohol and Drug Testing  
(Minute 52 Refers)

Members noted that, whilst the introduction of random testing for private hire drivers was being considered later in this agenda, the introduction of random testing for hackney carriage drivers would be considered at a later date. This was because the method for introducing such testing for private hire drivers followed a different route than that for hackney carriage drivers (ie through conditions for private hire drivers, but through by laws for hackney carriage drivers).

61. **WRITTEN QUESTIONS AND PETITIONS**

None.

62. **RANDOM ALCOHOL TESTING – PRIVATE HIRE**

Further to Minute 52 (13/10/08), the Committee received a report on proposals for the introduction of random alcohol testing for private hire drivers.

**RESOLVED** that

- (a) the proposals for random alcohol testing for private hire drivers, as contained in paragraphs 9-12 of the report, be referred to the Environment & Community Committee for adoption;
- (b) the changes to the private hire driver licensing conditions, as contained in paragraph 13 of the report, be referred to the Environment & Community Committee for adoption;
- (c) random alcohol testing be introduced with effect from 1 December 2008;
- (d) a review be undertaken in six months and reported back to the Licensing Committee.

63. **RANDOM DRUG TESTING – PRIVATE HIRE**

Further to Minute 52 (13/10/08), the Committee received a report on proposals for the introduction of random drug testing for private hire drivers.

An amendment to the financial implications in the report was tabled.

Members were keen to ensure that drivers could not predict when the testing would take place, so decided that a limit should not be set for the number of drivers who could be tested each month.

**RESOLVED** that

- (a) paragraph 9 of the report be amended to read:  
'A minimum of two private hire drivers will be chosen at random times each month and an appointment made for them at Harlow Occupational Health Service. They will be

given between 24 and 48 hours notification of the appointment.';

- (b) the proposals for random drug testing for private hire drivers, as contained in paragraphs 9-14 of the report (as amended at (a) above, be referred to the Environment & Community Committee for adoption;
- (c) the changes to the private hire driver licensing conditions as contained in paragraph 15 of the report, be referred to the Environment & Community Committee for adoption;
- (d) random drug testing be introduced with effect from 1 April 2009;
- (e) an additional amount of £5 (to cover the cost of random drug testing undertaken at Harlow Occupational Health Service using the dip test) be included in the private hire driver licence fee, when it is revised for 2009/10;
- (f) the cost of any subsequent laboratory testing be borne by the Safety & Licensing Department, apart from cases where there is a failure of the laboratory test, when the cost should be recovered from the private hire operator.

64. **HACKNEY CARRIAGE VEHICLE EMISSIONS**

This item was withdrawn from the agenda.

65. **MINUTES OF PRIVATE HIRE MEETING ON 23 OCTOBER 2008**

The notes of the private hire trade consultation meeting were tabled.

**RESOLVED** that the notes of the private hire consultation meeting held on 23 October 2008 be noted.

66. **REFERENCES FROM OTHER COMMITTEES**

None.

67. **MATTERS OF URGENT BUSINESS**

The Chairman ruled the following items as matters of urgent business:-

(a) Enforcement Policy

The Committee received a report proposing amendments to the Enforcement Policy to take account of the addition of random alcohol and drug testing.

This was urgent because the Enforcement Policy needed to be considered in time to meet the proposed implementation date.

Members requested that the Enforcement Policy should highlight that Officers had the appropriate powers to suspend a private hire drivers' licence immediately they considered that public safety was at risk.

**RESOLVED** that

- (i) the third paragraph of the Random Alcohol Testing proposals at Appendix 1 of the General Enforcement Policy (page 17 of the agenda) be deleted and substituted with 'Any failure or refusal of a random alcohol test will result in an immediate suspension of the private hire driver licence under the provisions of Section 52 of the Road Traffic Safety Act 2006 and the matter referred to a Licensing Sub-Committee within 7 working days.';
- (ii) the wording of an additional fourth paragraph to the introduction at Appendix 1 of the General Enforcement Policy, to reflect that Officers can act to secure public safety, be delegated to the Safety & Licensing Manager in consultation with the Chairman and Vice-Chairman of the Licensing Committee;
- (iii) the General Enforcement Policy Hackney Carriage & Private Hire Licensing appendix (including the recommendations at (i) and (ii) above) be referred to the Environment & Community Committee for adoption.
- (iv) the Scrutiny Committee be requested to scrutinise the drug testing process undertaken by the Harlow Occupational Health Service;
- (v) a report be submitted to a future meeting of this Committee giving information on the consequences of drugs in drivers' systems.

(b) Sale of Alcohol to Underage People

The Chairman reported that, on behalf of the Committee, he had written to Tesco Supermarket to congratulate them for refusing to serve alcohol to an individual who was attempting to purchase it for underage drinkers. He had witnessed the incident whilst shopping in the store and was pleased that the store had behaved so responsibly.

He tabled a copy of the letter which he had sent to the supermarket.

CHAIRMAN OF THE COMMITTEE