



Uttlesford District Council

Chief Executive: Dawn French

Licensing and Environmental Health Committee

Date: Wednesday, 21st March, 2018

Time: 7.30 pm

Venue: Committee Room - Uttlesford District Council, Council Offices, London Road, Saffron Walden, Essex CB11 4ER

Chairman: Councillor R Chambers

Members: Councillors A Anjum, G Barker, J Davey, A Gerard, T Goddard (Vice-Chair), J Gordon, E Hicks, S Morris and G Sell

Substitutes: Councillors H Asker, J Freeman, R Freeman, D Jones and J Loughlin

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of Previous Meetings

5 - 28

To consider the minutes of previous meetings held on 24 January 2018, 12 February 2018 and 19 February 2018.

3 Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private hire Operators 29 - 30

To receive the Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private hire Operators update report.

4 Environmental Health (Commercial) Update 31 - 34

To receive the Environmental Health (Commercial) update report.

5 Environmental Health (Protection) Update 35 - 38

To receive the Environmental Health (Protection) update report.

6 Cross Border Operations 39 - 42

To receive the Cross Border Operations report.

MEETINGS AND THE PUBLIC

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm on 24
JANUARY 2018**

Present: Councillor R Chambers (Chairman)
Councillors A Anjum, G Barker, J Davey, A Gerard, J Gordon, E
Hicks and S Morris

Officers in
attendance: A Cobden (Environmental Health Manager - Commercial), B
Ferguson (Democratic Services Officer), J Jones (Licensing
Officer), B Stuart (Accountant), A Turner (Licensing Team Leader)
and M Watts (Environmental Health Manager - Protection)

Also Present: B Drinkwater (representing ULODA) and A Mahoney
(representing 24x7)

LIC37 **PUBLIC SPEAKING**

Public statements were made to the meeting as follows:

1. Barry Drinkwater representing ULODA
2. Andrew Mahoney representing 24x7

A summary of the statements are appended to these minutes.

The Chairman thanked both speakers for their statements and addressed their concerns regarding a rise in licence fees and charges. He said local taxi companies would be consulted on this proposed rise and the decision put before Members tonight was only to put the policy out for consultation for a 28 day period.

With reference to the matter of licensing Uber drivers, the Chairman said a decision would have to be made in future but currently the position was under review.

LIC38 **MINUTES**

The minutes of the extraordinary meetings held on the 25 September, 31 October, 20 November, 6 December and 18 December 2017 were received and approved as correct records.

In response to a member question on premises licences, officers said an update would be provided regarding appeal in relation to decisions made, and where an appeal was lodged, the outcome.

FEES FOR DRIVERS, HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND PRIVATE HIRE OPERATORS

Members considered the report reviewing the Council's licence fees and charges in respect of Hackney Carriage, Private Hire and Operator Licences which would take effect from 3 April 2018.

The Licensing Team Leader said that the income received by Licensing over the following three years would be reduced due to a change in legislation which allowed licences to be issued on a three or five year basis, whereas previously they had been issued annually. This left the Council open to financial risk, as the cost of issuing and administering the licences would not be covered by the current rate of fees and charges.

In response to a question relating to the increase in time it took to process a licence, the Environmental Health Manager (Protection) said this was due to a change in working practices and personnel at the Council. Previously, the Head of Legal Services had delegated powers and had taken on many cases himself. Now it was a cooperative exercise and the relationship between Enforcement and Legal was alike to a client-business relationship.

Members asked whether the time stated to process a licence was realistic.

The Environmental Health Manager (Commercial) said the time analysis study had been carried out by experienced staff and it would take longer if a new member of the licensing team was asked to process a licence.

The Chairman said that even with the increase in charges as proposed by the report, Uttlesford would still remain an inexpensive licensing authority in comparison to other local authorities.

The Environmental Health Manager (Commercial) said the licensing system in place was very efficient but reminded Members that public safety was the priority for the licensing team, not the speed at which licence applications were processed.

RESOLVED to:

- 1) Approve the fee structure proposed in Appendix B to come into effect on 3 April 2018
- 2) That the fees in respect of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences be advertised for a period of 28 days in at least one local newspaper circulating in the district.
- 3) If any objections are received then Members will need to meet to consider the same and must then set a further date (not being later than two months after the first) on which the variation to fees will come into force with or without modification. They will be reported back to this Committee for consideration.

LIC40

EVALUATION AND IMPLEMENTATION OF SECTIONS 165 AND 167 OF THE EQUALITY ACT 2010 (WHEELCHAIR ACCESSIBLE VEHICLES)

The Licensing Officer presented her report informing Members that the Government had enacted Sections 165 and 167 of the Equality Act 2010. This provided protection for wheelchair users who wished to travel by a hackney carriage/private hire vehicles.

The Licensing Officer said Section 165 placed a duty on drivers whose vehicles were listed by the local authority as wheelchair accessible, to provide assistance to wheelchair users when entering and alighting the vehicle.

Section 167 gave local authorities a power to maintain a list of hackney carriages/private hire vehicles that were designated as wheelchair accessible vehicles.

It was noted that local authorities were not obliged to produce a list of designated vehicles although, if a list was not maintained, the provisions giving protection to wheelchair users under S165 could not come into effect.

The Licensing Officer said that there were 260 wheelchair accessible private hire vehicles in the district, although all of these vehicles were licensed by operators who used them solely for contracted work. She had contacted six school contract operators to ask whether their wheelchair accessible vehicles could be made available for general private hire; only one said they would be happy to help on the proviso that the vehicle was not being used for a contracted journey. In practical terms, this meant that if such vehicles were included on 'designated list' they would not actually be available for use by the general public, providing no benefit for individuals who required a wheelchair accessible vehicle. Furthermore, the administrative burden of maintaining such a list would be high due to the significant number of vehicles that the authority licences in the district.

Officers had concluded that a voluntary list of vehicle proprietors that operate wheelchair accessible vehicles would be produced, which would provide the disabled community with a list of vehicles that were genuinely available to the public. Whilst drivers who refused to comply with S165 of the Equality Act could not be prosecuted, conditions could be applied to licences which enabled the authority to investigate discrimination and take appropriate action, such as reviewing whether the driver remained a fit and proper person to hold a hackney carriage/private hire vehicle licence.

LIC40

ENFORCEMENT ACTIVITY SINCE APRIL 2017

The Environmental Health Manager (Protection) presented his report which updated the committee on Enforcement activity since April 2017.

The Environmental Health Manager (Protection) said fourteen suspensions had been issued by the Enforcement Team under delegated powers for minor

offences that did not necessitate prosecution or a committee hearing. A consistent approach had been applied and the fact that no cases had gone to appeal validated current practice.

Members were informed of five licensed vehicles that had been suspended by officers under delegated powers due to damaged vehicles, or for proprietors who had failed to have their vehicles tested; one licence was surrendered and four vehicles had the suspension lifted following hearings with the Licensing Committee. Powers were available to officers to intervene without delay in cases where the seriousness of the offence suggested that inaction would lead to an endangerment of public safety.

Enforcement work had been carried out in partnership with Transport for London (TFL) and intelligence was shared between Essex Police force and the TFL. Recently, compliance checks had been performed on licenced vehicles at Stansted Airport by Enforcement Officers in tandem with the police. The Environmental Health Manager (Protection) said he would bring a report to the next meeting of the committee to summarise the outcomes of such checks.

LIC40

ANY OTHER BUSINESS

In response to a request from the Chairman, the Environmental Health Manager (Protection) said he would produce a report for the next meeting, updating Members on the status of Environmental Health work.

The Chairman said he would ensure that at the next meeting a legal officer was present to provide guidance to Members if required.

The meeting ended at 8.45pm.

PERSONAL STATEMENTS

Barry Drinkwater – Chairman, ULODA

First apologies from Doug Perry, ULODA's Hon President, currently recovering from what he describes as a minor medical procedure yesterday. Also from Murray Hardy, Andy's Head of Human Resources - who is also with his approval a member of ULODA's executive committee.

If Doug was here to speak to you I know he would want to say how pleased he has been to continue to be an influence in all trade matters with the council. As you know from previous meetings, he and I have made regular public statements to this committee as well to Cabinet and Scrutiny about Enforcement and the Licensing Policy review. We'd hoped that Tony Cobden would have tonight presented the results of the peer review which Oliver Rawlings has fronted so very ably as far as the trade is concerned, but sadly this is not to be and we look forward to hearing about it at your April meeting. We understand that a presentation was made to officers last week and we would love to have been a fly on the wall. It's good to see that Marcus Watts has reported to you on Enforcement and this will enable us to update ULODA's historical analysis of trends at a time when we have already seen and sensed a lighter hand on officers' part, with advice and education the key elements going forward.

Turning to your meaty agenda this evening! Let me concentrate on Amanda's report on Licence Fees. First, it's not unexpected! The Licensing Reserve was due to be exhausted and this in itself means no further funds to discount operator, driver and vehicle fees. One question you may like to ask officers on our behalf please: Amanda says in para 7 of her report that the final £17.000 in the reserve has been used to fund the licensing operational deficit in 2016/17. I'm not an accountant but I can't see how it has been applied or where it appears in Appendix A?? Yes, it appears like an orphan in the box at the foot of the page, but where is it in the Licensing Accounts?

We are delighted to see the continuing emphasis on keeping costs to an absolute minimum (mentioned in Amanda's Risk Analysis). We do acknowledge the need to increase for example staffing costs, presumably (and hopefully) to reflect an increase in Amanda's Licensing Team to cope with Right to Work checks and the rest!

It's true to say all of us in the trade want to see service levels optimised. Andy will speak to this and I know Murray would have done at the sharp end for 24x7!!

The one item in Licensing costs which continues to grate with your trade leaders is the inclusion of Enforcement (in Appendix A). We have long argued

that the legislation entitles the council to recover the costs of licensing administration - but not, we are reliably informed by the NPHTA, the costs of Enforcement. Yet here they are again, along with some new projected cost items in Appendix C - cautions and prosecution work?? How are these justified, we ask, and invite you to ask too.

We very much hope your preparations for this evening's meeting include several such questions for officers. We also hope you will NOT approve the proposed increases until both you - and importantly we too - are satisfied that they are fair, reasonable and justified. When given the chance to have our say in our annual review meetings with officers since 2010, we have always reviewed the accounts and the budget for Licensing through forensic eyes, and always with an eye to agreeing to them.

Thank you, Chairman and members. We will enjoy listening to your discussions this evening as usual! Over to you, Andy.

Barry Drinkwater
Chairman, ULODA
Uttlesford Licensed Operators & Drivers Association

24 January, 2018

Andy Mahoney – Managing Director, 24x7 Ltd

My comments on tonight's main agenda items:

3. Fees

Robert Sinnott, Barry and I led the trade in discussions with the council in 2008/09 when MP proposed an increase of 29%.

We all agreed the discussions then under cllr Doug Perry's chairmanship of the licensing task group were excellent.

It was proved beyond doubt that operators, proprietors and drivers had been overcharged in their licence fees....

The outcome was that it was agreed (a) they should be repaid by discounting licence fees through the licensing reserve and (b) the trade delegation would help make sure such overcharging never ever happened again.

From 2010 we had regular annual convivial discussions with officers - including the accountant - to check that items in the licensing budget were (a) correctly apportioned to the trade and (b) fair and reasonable. These meetings continued for 5 years until 2016 when mp retired. Every year he and we (including Richard) signed off the budget and accounts. We understood the costs and agreed they were correct, fair and reasonable. MP recommended the annual reviews should continue but sadly they have fallen away, though not for want of trying on our part at the highest levels in the council.

With the licensing reserve now exhausted, we do accept there needs to be an increase in licence fees. We have only seen amanda's proposals since tonight's agenda was published. May we please ask for a meeting with officers in the next week to go through the numbers with a view to approving them, **not** objecting. For example, one item is about right to work checks properly carried out by members of the licensing team. We are suffering long delays in arranging these. This is having a considerable impact on our schools business at 24x7. We assume that the projected increase in staffing costs shown in appendix a "hides" an increase in staff in the licensing team - we hope so in the interests of ongoing business success. Another point I must make about appendix b: the proposed 73.9% increase in the vehicle licence transfer fee requires very careful consideration.....

Finally, there are some new cost items such as cautions and prosecution work, which we need to get our heads around. If as we believe we are moving into an era of informal enforcement with advice and education as the key elements, why is this work being allowed to be itemised?

4. The equality act - sections 165 and 167

We support Jo's recommendation that there should be a voluntary published list of operators and proprietors happy to have their wavs included. I am very happy for 24x7 to set the example by making vehicles available for public hire. I have drivers trained to work with the disabled. I'm also happy to rent out my vehicles to other operators for such work.

AOB. Uber. Steve Garlick of the GMBU trade union is suggesting he and i approach the council with a view to having uber's UDC operator's licence challenged. It was originally granted correctly by the council in mp's time. Uloda have suggested to officers more than once that uber's operating base in Uttlesford should be paid an uninvited visit by enforcement.

THANK YOU.

ANDY MAHONEY
MANAGING DIRECTOR
24x7 GROUP
STANSTED AIRPORT

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held in the COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 10am on 12 FEBRUARY 2018**

Present: Councillor R Chambers (Chairman)
Councillors G Barker, J Davey and E Hicks

Officers in
Attendance: M Chamberlain (Enforcement Officer), B Ferguson (Democratic
Services Officer), E Smith (Solicitor) and A Turner (Licensing
Team Leader)

Also Present: Mr Ashford (Essex Police), Ms Powell (Licensing Officer - Essex
Police) and Mr Sparrow (Essex Police)

LIC36

**APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT
2003 – RADHUNI**

The applicant, Mr Nazmul Islam Tapadar, had not arrived by 10am.

*The Licensing Team Leader left the room to call Mr Tapadar to ascertain his
arrival time.*

On her return to the room, she said Mr Tapadar had not answered her call.

The Chairman began proceedings at 10.10am.

The Chairman explained procedure and introduced the panel to the police
officers present.

*The meeting was adjourned at 10.17am to allow the Enforcement Officer to
leave the meeting to check if Mr Tapadar had arrived. On his return, he said Mr
Tapadar had not arrived.*

The meeting was re-convened at 10.20am.

The Licensing Team Leader presented her report to the panel and gave a
summary of the new application for a Premises Licence to be granted to
Radhuni restaurant, Newport.

A previous premises licence had been held by Radhuni restaurant under a
different holder but had been revoked by the Licensing & Environmental Health
Committee on 6 December 2017. This was on the basis that 'the prevention of
crime and disorder' licensing objective, as defined in the Licensing Act 2003,
had been breached due to illegal workers being found on site by Immigration
Officers in September 2017.

A new application for Radhuni restaurant had now been made in the name of Mr Nazmul Islam Tapadar. The Licensing Authority served copies of this application to all of the statutory bodies. Representations were made by the Home Office (Immigration Enforcement) and Essex Police based on the crime and disorder objective. For this reason the application had been referred to the Committee for determination.

At 10.27am, the Chairman adjourned the meeting and requested that the Licensing Team Leader call Mr Tapadar again. On her return, she said there had been no answer, although she had left a message for him.

The Chairman re-convened the meeting at 10.33am.

The Solicitor said the application before Members had to be judged on its own merits in accordance with the Council's licensing policy and the Licensing Act 2003. She said ample opportunity had been given to the applicant to attend the meeting and was satisfied he had received notice.

The Chairman invited Ms Powell to present her report to the panel.

Ms Powell said she had concerns regarding the application, particularly because it was received so soon after the revocation of the previous licence, and evidence suggested this was an attempt to re-licence Radhuni restaurant 'through the back door'.

She said the new application presented itself as a separate business entity, although in reality Mr Tapadar was the 'silent' business partner of the previous applicant, Mr Ahmed. Internet searches had found that Mr Tapadar and Mr Ahmed were dissolved officers of the same company (Radhuni UK Ltd inc 13/07/2005), and that Mr Tapadar was Director of Curryworld London Ltd, a company that was registered to the same address as Radhuni restaurant, as of 19/09/17.

Ms Powell said this showed the new application was not for a separate business, and in reality no change of management had occurred at Radhuni restaurant. This was further demonstrated when police visited the premises on 18 January 2018. Mr Tapadar was not present and the officers were told by a man, who said he was Mr Ahmed's cousin, that Mr Ahmed was still in control of the restaurant. She said there was even a food safety award on display which stated the names of both men proving that they were in business together.

Ms Powell said the licensing system had been undermined as alcohol was still visible and wine lists remained on tables. Furthermore, no 'right to work checks' had been established as routine practice at the restaurant. She said this

indicated that management of Radhuni restaurant had not taken the revocation of the premises licence, or the arrests of illegal workers on site, seriously.

She concluded by saying this was not a new application, but a deceitful attempt to re-licence the restaurant under a different licence holder's name. The restaurant had not undergone a change in management, or even working practices, following the revocation of its licence and she asked Members to refuse the new application on the grounds that the restaurant had breached and was continuing to undermine Licensing Objective One, the prevention of crime and disorder.

In response to a question from the Chairman, Ms Powell said intelligence was shared between Immigration and Licensing Enforcement officers and if necessary the Radhuni restaurant would be subject to an immigration check again.

In response to a Member question, Mr Ashford said personal licences could not be revoked as it was the company in question, not the individual, that was under investigation. He said it would require an individual conviction for a personal licence was to be revoked.

The Chairman said he would be writing to the Licensing Authorities which had issued the personal licences to inform them of this situation.

At 10.55am the Chairman adjourned the meeting to allow the Enforcement Officer to check whether Mr Tapadar had responded to the previous messages.

He had not responded.

The meeting was re-convened at 11.00.

The Solicitor said all possible attempts had been made to contact Mr Tapadar and a decision would have to be made by the panel.

At 11.02am, the Committee withdrew to make its determination.

At 11.36am, the Committee returned and the Chairman read the decision.

DECISION

The application before the Panel today is for the grant of a new premises licence of the Radhuni Restaurant, High Street, Newport. The application is dated 20th December 2017 and is made by Nazmul Islam Tapadar.

Representations have been made by both Essex Police and by the Immigration Authorities and accordingly the matter has been referred to us for determination.

We have had sight of a detailed report and have considered the extensive background papers, including:-

Premises licence application (Appendix A)
Plan of premises (Appendix B)
Representation from Statutory consultee (Home Office) (Appendix C)
Representation from Statutory consultee (Essex Police) (Appendix D)
Location map of premises (Appendix E)
Revised Guidance issued under section 182 of the Licensing Act 2003
Uttlesford District Council Statement of Licensing Act 2003 Policy 2017-22

As prescribed by the Licensing Act 2003, where an applicant submits documentation supporting a premises licence application, then an operating schedule must be submitted. This demonstrates how the licensing objectives will be met and also outlines what licensable activities are sought.

These are set out in part M of the application form (Appendix A of the bundle before us).

The licensable activities being sought on the application are listed below:

(F)	Recorded music	(indoors only)
	Sunday to Thursday	11am to 10pm
	Friday & Saturday	11am to 11pm
(J)	Supply of Alcohol for consumption on the premises (on the premises)	
	Sunday to Thursday	11am to 10pm
	Friday & Saturday	11am to 11pm
(L)	The opening hours of the premises	
	Sunday to Thursday	11am to 10pm
	Friday & Saturday	11am to 11pm

Copies of the application have been served on all of the statutory bodies, and has attracted representations from Home Office (Immigration Enforcement) and from Essex Police, both based on the Crime and Disorder objective. Details of these representations can be seen at Appendix C and Appendix D respectively and we have also heard from Miss Powell, Mr Sparrow and Mr Ashford from Essex Police. Mr Tapadar did not attend and numerous attempts were made to contact him in the course of the hearing.

In carrying out the statutory function, the Licensing Authority must promote the the licensing objectives as set out in the 2003 Act, namely:-

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

The decisions that are available to this Committee are to

- Grant the application
- Modify the application by inserting conditions
- Reject the whole or part of the application

When determining an application due regard should be given to the Council's licensing policy and the Secretary of State's Guidance issued in accordance of the Act. The Secretary of State's guidance issued in April 2017 year includes new guidance in respect of immigration issues.

Paragraph 2.6 says The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters.

Paragraph 11.26 relates to reviews, but can be taken into consideration in determining new applications - 'Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder. '

Paragraph 11.27 says 'There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol. ‘

The relevant sections of the Council’s Licensing Policy are:

3.3 The prevention of crime includes the prevention of immigration crime, and the Licensing Authority will work with Home Office Immigration Enforcement in respect of these matters.

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. If representations are made to the Licensing Authority applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

3.4 When addressing the issue of crime and disorder, the applicant should consider those factors that impact on crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Illegal working

Control Measures

3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule in the event that representations are received, having regard to their particular type of premises and/or activities:

- a) Effective and responsible management of premises
- b) Training and supervision of staff
- c) Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA (British Beer and Pubs Association) Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- d) Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs or adoption of industry best practice (e.g. Challenge 25 policy)
- e) Provision of effective CCTV and mirrors in and around premises
- f) Employment of Security Industry Authority licensed door staff
- g) Provision of toughened or plastic drinking vessels
- h) Provision of secure, deposit boxes for confiscated items ('sin bins')
- i) Provision of litterbins and other security measures, such as lighting, outside premises
- j) Membership of local 'Pubwatch' schemes or similar organisations
- k) Right to work checks on staff and retention of documents

Should the Committee be minded to impose conditions on the grant of a licence, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. This is made clear in paragraphs 10.8 and 10.10 of the Home Office Guidance. Equally, the Committee should not impose conditions that duplicate the effect of existing legislation.

Specifically, that guidance provides as follows:-

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided...Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment

might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.

We have heard from Miss Powell, who presented the Police case and from Messrs Sparrow and Ashford, who answered questions from us. The Police were concerned that an application for a fresh licence had been made so soon after the revocation of the previous licence, in fact, within the time period during which an appeal could have been filed. They were satisfied on the basis of evidence obtained from Companies House that the Applicant and Mr Ahmed, the previous licensee, have carried on business from the High Street, Newport, premises both in partnership and as directors of various companies, since at least 2005.

Visits to the premises revealed that no personnel files incorporating right to work checks were being maintained, that Mr Ahmed, the previous licensee, remains the manager of the premises, that alcohol remained visible upon the premises and wine lists remained in place on the tables, and that food hygiene certificates in the names of Messrs Ahmed and Tapadar remained on display.

Miss Powell submitted that this is not a new application, but a deceitful attempt to revive the old business without going through the appellate process; that the business is the same business and that no changes have been made; and that the grant of a new licence would be a substantial undermining of the prevention of crime and disorder objective.

This Committee's primary function is the protection of the public. Though we are not a Court and the standard of proof before us is the civil one of the balance of probabilities, we are satisfied that the Police have made out their case and that this application does not relate to a wholly new business; instead, the Applicant and Mr Ahmed have traded in partnership since at least 2005. We are aware that the Home Office guidance permits this Committee to use its powers to deter others, and this is a case where we should do so. This application is a flagrant abuse of the law, and like the Police, we take this matter very seriously.

Accordingly this application is refused.

There is a right of appeal against this decision which must be exercised within a period of 21 days. Mr Tapadar will receive a letter from the Legal Department explaining this.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held in the COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 10am on 19 FEBRUARY 2018**

Present: Councillor R Chambers (Chairman)
Councillors J Davey, A Gerard and E Hicks

Officers in
Attendance: A Bochel (Democratic Services Officer), M Chamberlain
(Enforcement Officer), J Jones (Licensing Officer) and C
Nicholson (Solicitor)

Also Present: The drivers in relation to items 3, 4, 6 and 7, M Cockburn (24x7)

LIC37 **EXCLUSION OF THE PUBLIC AND PRESS**

*RESOLVED that under section 100I of the Local Government Act 1972
the public be excluded for the following item of business on the grounds
that it involved the likely disclosure of exempt information as defined in
paragraphs 1 and 2 part 1 of Schedule 12A of the Act.*

LIC38 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS
LICENCE**

The driver in relation to Item 3 had informed the Enforcement Officer that he would be late, and so the Committee moved on to Item 4.

The procedure for determining a private hire/hackney carriage licence was read to the driver.

The Committee considered the Enforcement Officer's report.

Martin Cockburn of 24x7 had advised that the driver had been taking on private unbooked jobs. As a result, he was not was not offered any more work with 24x7 Limited.

The driver said he had not realised that it was wrong to transport friends and family in return for reward without first informing his employer. Losing his job had been very costly for him. He had never been fired from a job before and had used a lot of his savings. He had taken out a loan in order to buy a car to do work for another operator. He said he was ashamed and embarrassed, and he wished to apologise to Martin Cockburn and to the Committee.

In response to a member question, the Enforcement Officer said the driver's car would not have been insured for journeys he had not informed his employer about.

In response to a member question, Martin Cockburn said no complaints had been made by customers about the driver.

At 10:25, the Committee withdrew to make its decision.

At 11:15, the Committee returned.

The decision was read to the driver.

Decision

The driver holds a joint private hire and hackney carriage drivers licence, and has been licensed since November 2015.

In August 2017, the driver's employer became aware of the fact that the driver had been carrying out private work for family and friends, that had not been booked through an operator. The driver admitted he had done so, and advised he did not realise that family and friends amounted to private job.

He has technically committed an offence of undertaking a private hire booking without having an operator's licence. As a result of this, the journeys he undertook would also have not been insured.

24x7 ended his employment. The driver has suffered significant financial hardship in the intervening months, and has tried to create a new job for himself by obtaining his own vehicle, and working for another operator.

Members have heard from the driver of his naivety and foolishness in carrying out the jobs, and not realising that these journeys needed to be booked through an operator. Members note that he had always driven his friends and family around before his was a licensed driver.

It is accepted case law that a journey for non monetary reward still amounts to a hire for reward, and therefore the requirement to book through an operator still applied.

Members consider that the driver was particularly foolish not to realise that accepting £100 for a pre booked journey would amount to a breach of the legislation.

Members have taken note of the driver's contrition in respect of these errors in judgment, and do accept that the driver was naïve and ill informed as to the requirements of him.

Members also note that the driver's former employers 24x7 had not received any other complaints regarding him, and the Enforcement Officer had no other cause for concern.

Members take the matter of undertaking private jobs not through an operator as a serious matter, and also driving without insurance is a particular public safety concern, as it is an integral part of being a responsible road user, and for protection of the public. However, Members do consider that this foolish episode apart, the driver remains a fit and proper person to hold a licence.

However, members consider that this failure to follow the legislative requirements does warrant a sanction as a mark of disapproval of the driver's conduct and as a deterrent to others, and that in the circumstances a suspension of the licence would be appropriate. In considering the length of the suspension Members can take into account the drivers past history, the

seriousness of the breach and any other aggravating or mitigating factor, and the financial effect of any suspension upon the driver. Other than this particular incident, there is no history of any problems, and the driver has admitted his mistakes. However, the issue was a serious one, resulting in a breach of the law and driving without insurance, and members consider that a significant suspension will be appropriate in this case, as a mark of disapproval of his actions, and as a deterrent to other drivers who might consider doing work for family and friends. Members consider that a suspension of 2 months is appropriate, having considered the likely financial effect that will have on the driver. A longer suspension would cause a disproportionate financial effect, but any less would not recognise the seriousness with which the Council views these misdemeanours. The driver is advised of his right to appeal against the Council's decision, and can do so by application to the Magistrates Court within 21 days of receipt of the written decision, which will follow this meeting.

LIC39

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The Committee returned to Item 3.

The procedure for determining a private hire/hackney carriage licence was read to the driver.

The Committee considered the Enforcement Officer's report.

A Drivercheck of DVLA records on the driver as part had revealed a motoring conviction for an MS90 offence (failure to give information as to identity of driver). The offence was on 01 April 2016 and he was convicted on 25 April 2017 for which he received six penalty points. Including points from a previous speeding offence, the driver therefore had a total of nine penalty points on his licence.

The driver apologised for not reporting his conviction to Uttlesford District Council. He said he would like to think he was a fit person to work as a taxi driver. His work taking children to school was just a small job and he would never put their safety at risk.

Members noted the police had had to make five requests to the driver and his wife to identify who the driver of the car was when it had been speeding. The driver said at the time it had been a chaotic period in his life because he had been undergoing cancer treatment. The Solicitor advised that members could not take three of the aforementioned requests for identification into account, because these had all been made to the driver's wife.

At 11:45, the Committee retired to make its decision.

At 12:15, the Committee returned.

The decision was read to the driver.

Decision

The driver holds a licence with the Council for a joint private hire/hackney carriage driver and has done so since October 2016. As part of annual due diligence checks by the Council, it was revealed that the driver had been prosecuted for an offence of failing to provide information as to a driver in respect of a speeding offence, details of which are set out in the officer's report. By virtue of the 6 point endorsement, the driver no longer meets the council's licensing standards.

Where an applicant does not meet licensing standards it is for the applicant to make their case that the council should depart from its policy. Essentially the applicant must demonstrate that notwithstanding the fact that he fails to meet the council's licensing policy he is a fit and proper person.

Members note that the circumstances of the offence, and the numerous opportunities the driver had to complete the simple paperwork as requested by the Police. Members note that a police officer attended the driver address to chase up his wife's failure to complete the forms, which only served to highlight the importance of completing the paperwork, and that he was obviously aware of the speeding offence, and that he was expecting to receive additional paperwork thereafter.

Members note that the driver has had a period of ill health, and that during the time that the information notices were sent, the driver had a period of hospitalisation. However, Members also note that the driver was duly convicted at the Magistrates Court of failing to provide the information as requested, despite providing this evidence in explanation of why the forms were not completed. It is not for this Committee to try and look behind that conviction.

As it stands the driver no longer meets Council licensing standards, and although the driver has given some information as to how and why he failed to complete the appropriate paperwork, Members do not consider that to be enough explanation or mitigation to enable Members to depart from Council policy. Failure to respond to formal police notices is a serious matter, and Members do not consider that the driver has acknowledged that fact or provided strong enough mitigation in respect of his failure.

In addition, the driver did not consider it serious enough to report his intended prosecution or his conviction and points on his licence to the Licensing Authority, which is also a breach of the conditions of his driver's licence.

In the circumstances, members are not satisfied that the driver is a fit and proper person and that it is therefore not appropriate to make a departure from its policy. The driver licence is hereby revoked under S61 Local Government (Miscellaneous Provisions) Act 1976.

The driver is advised of his right of appeal against the Council's decision, and can do so by application to the Magistrates Court within 21 days of receipt of the written decision, which will follow this meeting.

LIC40

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The driver in relation to Item 5 had not arrived and so the Committee moved on to Item 6.

The procedure for determining a private hire/hackney carriage licence was read to the driver.

The Committee considered the Enforcement Officer's report.

On 04 January 2018, the Council's licensing department carried out a DVLA Drivercheck search on the driver as part of their annual due diligence checks. This revealed that he received six penalty points for a CU80 offence (using a mobile phone while driving) on 05 September 2017.

The driver said he had been unaware that he had to inform the Council when he received points on his licence. He was currently licenced with another district council which did not require him to report points unless he accumulated nine in total.

In response to a question from members, the driver said he did not have a hands-free device in his taxi. The Enforcement Officer said it was the operator's decision whether to install a hands-free system in the car.

In response to a question from members, the driver said he had not been using his phone at the time of the incident, but that police officers had said it was still an offence to be handling it while driving. He had offered for officers to check his phone to demonstrate he had not been using it.

In response to a question from members, the driver said he also worked as a Duty Manager at Pizza Hut.

At 12:35, the Committee retired to make its decision.

At 13:05, the Committee returned.

The decision was read to the driver.

Decision

The driver has had a joint private hire/hackney carriage driver's licence, which has expired and is up for renewal. Following the Council's annual driver check of the DVLA it was revealed that the driver had received a fixed penalty notice and 6 points on his licence, which he did not notify to the Council.

As a result, the driver no longer meets licensing standards as he received 6 points for one offence. By failing to notify the Council he had also breached licensing conditions.

The driver has explained the circumstances surrounding the commission of the offence, and how he did not actually use the phone, only picked it up from the foot well. However, it was serious enough for the Police to issue a fixed penalty notice.

Members have a responsibility to ensure the safety of passengers, and consider this is their paramount concern. It is recognised that using a mobile phone whilst in charge of a moving vehicle is a serious public safety issue, which is why the penalty points for the offence was increased to 6 from 3 points in March 2017. Members note that the driver wasn't actually talking on the phone, and have accepted his word that he does not use his mobile phone whilst driving. However, bending down to pick up a phone from the foot well, whilst in moving traffic, even slow moving traffic is equally dangerous. The Council's licensing standards are quite clear that 6 points for one offence is considered not acceptable, and the onus is on the driver to satisfy the Council that despite failing to meet licensing standards, he is a fit and proper person. Members do not consider that the driver has provided enough explanation or mitigation to enable Members to depart from Council policy. Receiving a 6 point endorsement is a serious matter, and Members do not consider that the driver has acknowledged that fact or provided any additional information respect of this which would enable the Council to consider him fit and proper. In addition, the driver did not consider it serious enough to report his conviction and points on his licence to the Licensing Authority, which is also a breach of the conditions of his driver's licence. This is despite having only received and signed a declaration to the effect that he would abide by the conditions 6 months earlier.

Therefore the Council does not consider the driver a fit and proper person, and refuses to renew his driver's licence under S61 Local Government (Miscellaneous Provisions) Act 1976.

The driver is advised that he does have the right to appeal against this decision by application to the Magistrates Court within 21 days of receipt of the written decision notice. All the details will be contained in that letter.

LIC41

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The Committee moved on to Item 7.

The procedure for determining a private hire/hackney carriage licence was read to the applicant.

The Committee considered the Licensing Officer's report.

The applicant had declared a conviction for an offence of benefit fraud in 2003 for which she received a conditional discharge and an offence of benefit fraud in 2010 for which she received a suspended sentence of 20 weeks.

She attended the Council offices for an interview with the Licensing Officer to discuss the conviction in 2010. She explained that she had met a man and moved from Essex to Stevenage to be with him. Having moved in together, he then revealed he had lost his job and refused to help to pay the bills. At the time the applicant was working, but when she got acute tendonitis in her shoulder she had to give up her jobs. The applicant began to claim benefits when he moved out. He then moved back in again but she continued to claim. In the end he left when she was investigated for benefit fraud.

The applicant said she had made a mistake by committing benefit fraud. She had only done so because she had been putting her children first and she needed the money to keep the house. She had been an idiot and learnt the hard way. Since the offence, she had worked as a carer and in bars, and in the process had been entrusted with money and safe keys.

In response to a member question, the applicant said was currently claiming benefits while she was unemployed.

At 13:20, the Committee retired to make its decision.

At 13:35, the Committee returned.

The decision was read to the applicant.

Decision

The applicant has applied to the council for a joint private hire/hackney carriage driver's licence. On her application form she disclosed two convictions details of which are set out in the officer's report. The convictions were for benefit fraud offences, which amount to offences of dishonesty. In respect of one of these offences she received a suspended custodial sentence. By virtue of the custodial sentences for offences of dishonesty the applicant does not meet the council's licensing standards.

Where an applicant does not meet licensing standards it is for the applicant to make their case that the council should depart from its policy. Essentially the applicant must demonstrate that notwithstanding the fact that he fails to meet the council's licensing policy he is a fit and proper person.

Members note that the offences were all at the lower end of the scale. The committee also note that the last offence was 10 years ago and that the applicant has had no convictions of any nature since.

The applicant has explained the personal and financial difficulties she was having at the time of the last offence, and how since she has undertaken responsible employment, including caring for the elderly as a result of which she has had significant trust placed in her in respect of the money and personal effects of her patients.

Members consider that despite her conviction, the applicant is not a risk to passengers or public safety generally. She has a clear drivers licence and has acknowledged and learnt from her mistakes. Members consider the applicant is a fit and proper person and that it is therefore appropriate to make a departure from its policy. The applicant will be granted a driver's licence.

LIC42

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The Committee returned to Item 5.

The driver in relation to Item 5 had not arrived and had not surrendered his licence.

Members considered the report of the Enforcement Officer.

On 16 November 2017, the Council's licensing department carried out their annual due diligence checks on the DVLA records of the driver. This revealed that the driver had been convicted for an IN10 offence (using a vehicle uninsured against third party risks) for which he received six penalty points. The driver had also failed to notify the Council within seven days of this conviction and is in breach of condition 18c of his driver's licence.

At 1:40, the Committee retired to make its decision.

At 1:55, the Committee returned.

The decision was read to those present.

Decision:

The driver holds a current joint private hire/ hackney carriage drivers licence. Annual due diligence checks have revealed that the driver has received a fixed penalty notice for which he has received 6 points, which have not been notified to the Council.

The driver no longer meets licensing standards as he has received 6 points for one offence. He has also failed to notify the Council of the offence, which is a breach of his driver's licence conditions.

The onus is on the driver to satisfy the Council that despite failing to meet licensing standards, he remains a fit and proper person. The driver, when contacted by the Council's Enforcement Officer, has provided no details in respect of the offence, and has indicated he wishes to surrender his licence. However, despite numerous reminders, he has failed to do so.

The driver no longer meets licensing standards, and the Council has received no other information from the driver that would enable it to depart from its policy. In the circumstances, Members are therefore not satisfied that the driver is a fit and proper person, and therefore revoke his licence.

The driver is advised that he has a right to appeal against this decision at the Magistrates Court, and that any such appeal must be lodged within 21 days. The revocation will come into effect following the end of the appeal period.

The meeting ended at 2:00.

Agenda Item 3

Committee:	Licensing and Environmental Health	Date:	21 March 2018
Title:	Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private hire Operators update report		
Report Author:	Amanda Turner, Licensing Team Leader, Tel: 01799 510613		Item for information

Summary

- 1 This report is for information only.
- 2 Following the meeting of the Licensing and Environmental Health Committee on 24 January 2018 the authority is currently not in a position to consider revising the fees and charges relating to hackney carriage and private hire vehicles, drivers and private hire operator licences at this stage.
- 3 Following the consultation further investigation work may need to be undertaken relating to the responses received. This includes the question of exactly what element of enforcement costs, if any, may be recovered. The proposed figures may need to be revised and those potential alternative figures have not yet been formulated.
- 4 9 responses were received during the statutory consultation period. 5 of these are via the trade association ULODA, 2 from individual Hackney carriage proprietors and 2 (same letter duplicated) from licensed drivers of a private hire operator.
- 5 Once the figures have been formulated a further extraordinary meeting will need to be called for members to review and approve the charges. Details of the objections will also be provided at this stage.

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Committee: Licensing and Environmental Health
Title: Environmental Health (Commercial) Update
Report Author: Tony Cobden Environmental Health Manager Commercial, Tel: 01799 510583
Date: 21 March 2018
Item for information

Summary

1. This report outlines to members the work of the Environmental Health (Commercial) Service as undertaken between October and December 2017.

Recommendations

2. That members note the contents of this report.

Financial Implications

3. None arising from this report.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None
Community Safety	No direct impact on community
Equalities	No impact on equalities
Health and Safety	No impact on employee health and safety
Human Rights/Legal Implications	All intervention work is carried out in accordance with existing legislative framework and the Councils' enforcement policy.
Sustainability	Enforcement work undertaken in keeping with the principles of sustainability
Ward specific impacts	No ward specific impact
Workforce/Workplace	Environmental Health Team

Situation

6. The main focus Environmental Health (Commercial) Service is to improve consumer safety, working conditions and provide support to other areas of work aimed at creating a healthy population. Whilst primarily a statutory service we

don't just enforce regulations, we educate, advise and mediate, in order to ensure that people are able to live and work in safe, healthy environments.

The Commercial team are responsible for a wide range of functions including food hygiene and safety, imported food control, occupational health and safety, infectious disease control and port health and the registrations of both premises and persons engaging in cosmetic practices such as skin piercing and tattooing. A breakdown of services is provided below.

7. Food Hygiene and Safety

Includes the inspection of all premises preparing, selling or serving food to consumers including shops, restaurants, cafes, schools, residential care homes and home caterers. Inspection frequency is determined by risk and covers three main areas food hygiene practices, structure and cleanliness and effective documented management systems.

We also are required to formally approve most premises that manufacture products that contain meat, fish or dairy products and investigate food complaints and /or notifications of poor food hygiene practice. We support the National Food Hygiene Rating Scheme which provides consumers with information on the hygiene rating of the premises and deliver food hygiene courses for individuals who are involved in the handling of food. We support the TuckIn initiative which is aimed at promoting healthy eating choices being available at food premises.

8. Imported Food Control

Stansted Airport receives hundreds of consignments of imported foods every year which require import controls to ensure risks to humans and animals are minimised. Working out of the Border Inspection Post and the cargo sheds officers inspect consignments containing animal products as well as fruit, vegetables, spices and herbs arriving from countries outside the EU. We also sample those products identified as being at risk.

9. Occupational Health and Safety

Our aim is to ensure employees, contractors and members of the public are protected across all premises for which we have enforcement responsibility. We adhere to the National Local Authority Enforcement Code which sets out the risk based approach to targeting health and safety inventions. We also follow up on any reports identifying significant local H&S failings and look to offer an advisory service to our lower risk premises.

10. Infectious Disease Control

Throughout the year we receive reports of illness and infections potentially or actually contracted from eating or drinking at premises in the district, foreign travel or viral spread. These require investigation, monitoring and potentially sampling to determine the likely source, take remedial action and to trace contacts to control the onward spread of infection. Our investigations will

include cases of E.coli, salmonella, campylobacter and norovirus all capable of causing serious illness and even death. Our port health functions operate in conjunction with Public Health England and include providing advice in the event of a sick passenger on board an aircraft, monitoring controls for malaria on board aircraft and ensuring the safety of food and water supplies for passengers and aircraft.

11. Registration

Premises and persons engaged in a number of cosmetic activities including tattooing, application of semi-permanent make up, electrolysis, skin piecing and acupuncture are required to register with the Council. As part of this process we impose a number of conditions aimed at controlling the risk of infection and to ensure only competent practitioners are providing the services.

12. Service Activity

Performance is measured through formal performance indicators (PI) and service plan targets. A summary of the service activity for Q3 October to December 2017 is provided below:

Report of Service activity for Environmental Health (Commercial 3 rd Quarter (01 Oct 2017-31 Dec 2017))	
Activity Type	No.s
Food Hygiene and Safety	
Total number of PI reportable routine food premises inspected.	60
Total number PI reportable of routine premises due.	62
PI achieved expressed as a percentage.	97%
Additional food interventions including alternative strategy and new businesses.	37
Total number of food interventions undertaken	97
Food Hygiene Rating Scheme (FHRS)	
Premises awarded a rating of 5 - Very Good	61
Premises awarded a rating of 4 - Good	17
Premises awarded a rating of 3 - Generally Satisfactory	04
Premises awarded a rating of 2 - Improvement necessary	05
Premises awarded a rating of 1 - Major Improvement necessary	09
Premises awarded a rating of 0 - Urgent Improvement necessary	1
TuckIn premises	
Total premises pledged to the initiative to date	17
Average across Essex Local Authorities	18
Imported Food Control	
Products of animal origin (POAO)	237
Food not of animal origin (FNAO)	386
Sampled consignments of Peas	14
Occupational Health and Safety	

Face to face contact interventions	17
Other interventions	7
Visits to investigate incidents (RIDDOR)	11
Visits to investigate complaints	1
Revisits following an earlier intervention	11
Immediate Prohibition Notices served	3
Infectious Disease Control	
Campylobacter	27
Cryptosporidium	3
Giardia	2
Salmonella	7
Registration of premises	
General enquiries	5
Registrations of premises	5
Registration of person : semi-permanent makeup	3
Registration of person : ear piercing	2
Registration of person : tattooist	1

12. Committee will be provided with a summary of the service activity on a regular basis going forward.

13. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Report for information only			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Committee: Licensing and Environmental Health
Title: Environmental Health (Protection) Update
Report Author: Marcus Watts, Environmental Health Manager (Protection), Tel: 01799 510595
Date: 21 March 2018
Item for information

Summary

1. This report outlines to members the work of the Environmental Health (Protection) Service as undertaken between October and December 2017.

Recommendations

2. That members note the contents of this report.

Financial Implications

3. None arising from this report.

Background Papers

4. None

Impact

- 5.

Communication/Consultation	None
Community Safety	No direct impact on community
Equalities	No impact on equalities
Health and Safety	No impact on employee health and safety
Human Rights/Legal Implications	All intervention work is carried out in accordance with existing legislative framework and the Council's enforcement policy
Sustainability	Enforcement work undertaken in keeping with the principles of sustainability
Ward-specific impacts	No ward specific impact
Workforce/Workplace	Environmental Health Team

Situation

6. The Environmental Health (Protection) Service is a statutory regulatory service dealing with a wide range of complex public health issues. The principle aim of the service is to work towards disease prevention and create healthy supportive environments.

7. The functions delivered under the umbrella of Environment Health (Protection) are numerous and can be divided into 4 separate functions, namely Environmental Protection, Private Sector Housing, Enforcement and Animal Warden Services. A breakdown of delivery services is provided below.

8. Environmental Protection

- Investigation of statutory nuisance complaints (Noise, Smoke, Odour)
- Air quality monitoring & delivery of policy & Action Plans
- Enforcement of environmental protection legislation
- Issuing of, and inspection of premises with Environmental Permits
- Private water supply sampling and risk assessments
- Contaminated land assessment
- Investigation of defective drainage complaints
- Public Health Funerals
- Statutory consultee on planning and licensing applications

9. The Private Sector Housing Service

- Housing advice and enforcement for the private housing sector
- Investigation of reported sub-standard rented housing
- Inspection of rented accommodation
- Provision of grants and loans to upgrade substandard property
- Inspection and licensing of Houses in Multiple Occupation (HMOs)
- Inspection and licensing of caravan sites
- Provision of disabled facilities grants
- Empty homes enforcement

10. Enforcement Services

- Abandoned vehicles
- Littering
- Fly-posting
- Fly-tipping
- Graffiti
- Taxi licensing
- Licensed premises

11. Animal Welfare Services

- Animal welfare licensing
- Stray dogs
- Animal related nuisances
- Dog Control Orders
- Fouling
- Animal related anti-social behaviour

12. Many of the services are recognised as having a positive impact on public health. Examples of this include air quality monitoring and initiatives to improve air quality, the provision of grants to enable disabled people to remain out of care and live independently and through to the work with planning to reduce the impact of traffic noise on sleep.

13. Performance is measured through the service plan targets that link to the Council's Private Sector Housing Strategy and Air Quality Action Plan. A summary of the volume of service requests for Q3 is provided below.

Report of Service Requests (SR) 3 rd Quarter (01 Oct 2017-31 Dec 2017)	
Services Requests Type	No. of SR's received
Planning application consultations	153
Private sector housing SRs	9
Environmental protection SRs	402
Animal related SRs (noise/ ASB)	44
Stray dogs	14
Animal welfare licensed premises	39
Pest infestation complaints	11
Enforcement of un-licensed drivers	21
Litter & fly tipping complaints	34
Un-taxed & abandoned vehicles	73
Other waste offences	2
Number of Fixed Penalty Notices issued	2

14. Committee will be provided with a summary of the service activity on a regular basis going forward.

15. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Report for information only			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Agenda Item 6

Committee: Licensing and Environmental Health

Date:

Title: Cross Border Operations

21 March 2018

Author: Marcus Watts, Environmental Health Manager (Protection), Tel: 01799 510595

Item for information

Summary

1. This report is to inform members of the cross border operations work this service is undertaking with Essex Police and Transport for London.

Recommendations

2. That members note the contents of this report.

Financial Implications

3. None arising from this report.

Background Papers

- 4 None

Impact

- 5

Communication/Consultation	None
Community Safety	No direct impact on community
Equalities	No impact on equalities
Health and Safety	No impact on employee health and safety
Human Rights/Legal Implications	All intervention work is carried out in accordance with existing legislative framework and the Council's enforcement policy
Sustainability	None
Ward-specific impacts	No ward specific impact
Workforce/Workplace	Environmental Health

Situation

- 6 Operation Cross Border is a cross border 'on street' compliance operation involving UDC, Essex Police and Transport for London (TFL) which commenced in June 2017. The original operation involved on foot and mobile patrols, which took place between June and September at Stansted, Heathrow and Gatwick airports, Southend, Brighton and Portsmouth. These took place on seven occasions at Stansted Airport.
- 7 These were pre-planned confidential operations led by TFL to ensure compliance with The Private Hire Vehicle (London) Act 1998 and to detect and report any illegal activities being undertaken by Licensed Private Hire Drivers and Vehicles operating outside the London area.
- 8 The operation was also intended to gather intelligence on operators, to assess whether these operators are predominantly using London Licensed Drivers to work outside the London Licensed area.
- 9 Public safety is at the heart of this operation. The core objectives of the operation were as follows:
 - To check for compliance within the licensing of Private Hire and hackney carriage Drivers and Vehicles
 - To enhance public safety and re-assurance
 - To detect and report drivers and vehicles who are non-compliant
 - To increase the overall intelligence picture within the London Private Hire and hackney carriage trade outside London
 - To ensure compliance with the smoking ban and associated requirements
 - To engage and work proactively with partner organisations to meet common goals
 - To demonstrate to the Private Hire and hackney carriage trade that UDC, TFL and Essex Police take non-compliance seriously.
- 10 The format of the day involved two UDC Enforcement Officers, who met with partner agencies in the morning and conducted checks at the McDonalds restaurant at Stansted Airport services at 07:30. Officers then moved onto Thremhall Avenue (the approach road to the terminal building) to target approaching taxis. The Police led in stopping vehicles and undertaking routine checks on compliance whilst licensing officers inspected vehicles and collated information on the taxi and its operator. The operations would end at approximately 14:00.
- 11 Since September, stop and compliance checks have continued, with Essex Police acting as lead agency. There have been operations in January, February and March. The success of these operational meetings and value of working with partner agencies is demonstrated within the table of offences given below.

12

Offence	Number of fines	
	29 th January	14 th February
Failure to wear a seat belt	61	88
Failure to hold a MOT	11	12
Driving without insurance	3	1
No insurance vehicle seizure	0	1
Use of mobile phone whilst driving	0	1
Defective tyres	1	0
Defective vehicles	3	0
Roadside Fines for Foreign Nationals	32	23
Untaxed vehicles seized	0	2
Fixed penalty notices issued by UDC	0	1
No of PHV inspected	77	50
Advisories issued by TFL	12	8
Unfit notices by TFL	5	8

13 Whilst multi-agency resources permit, it is the intention of the service to continue with this work.

14 Committee will be provided with updates on the success of future operations within the quarterly enforcement report.

Risk Analysis

15. There are no risks attached to this report.

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