



Uttlesford District Council

Chief Executive: John Mitchell

Licensing and Environmental Health

Date: Wednesday, 09 September 2015
Time: 19:30
Venue: Committee Room
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors Robert Chambers (Chairman), Aisha Anjum, Graham Barker, John Davey, Thom Goddard, Rory Gleeson, Jim Gordon, Eric Hicks, Sharon Morris, Joanna Parry,

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 two working days prior notice.

AGENDA PART 1

Open to Public and Press

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MEETINGS AND THE PUBLIC

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**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 6pm on 4 MARCH 2015**

Present: Councillor D Perry (Chairman)
Councillors J Davey, J Loughlin and J Salmon.

Officers Present: M Chamberlain (Enforcement Officer), M Perry (Assistant
Chief Executive – Legal) and A Rees (Democratic and Electoral
Services Officer).

Also Present: Mr Browning

LIC63 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

No apologies for absence or declarations of interest were received.

LIC64 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS
LICENCE – MR BROWNING**

The Enforcement Officer said Mr Browning was first granted his private hire/hackney carriage drivers licence on 5 July 2010. It was due to expire on 30 June 2015. Currently he carried out school contract work on behalf of 24/7 Ltd.

When Mr Browning last renewed his licence, he produced a copy of his DVLA counterpart which showed his licence had been endorsed with three penalty points for an offence on 20 November 2012. This would not drop off his licence until 20 November 2016.

The Enforcement Officer explained that on 18 February 2015, the Council received an e-mail from Mr Browning saying he received a fixed penalty notice of six points on 12 February 2015 for failing to identify who was driving a licensed vehicle which belonged to 24/7. This related to an offence of speeding on 25 January 2014.

The Council contacted 24/7 to say they had been contacted by the Police about the incident. 24/7 confirmed they had identified the driver of the vehicle on 25 January 2014 as Mr Browning. An Enforcement Officer then spoke to Mr Browning and explained two letters were sent to him by the Police. He was summoned to the Magistrates Court as he had not returned the letters. However, Mr Browning claimed he never received them.

The case was heard at Basildon Magistrates, where Mr Browning received six points on his licence and was ordered to pay a fine and costs totalling £403. This was a reduced amount due to Mr Browning's mitigation.

The Enforcement Officer said Mr Browning now had nine points endorsed on his licence and fell below the Council's licensing standards as he had been endorsed with six points on his licence for a single offence.

In response to questions by Members, Mr Browning said he pleaded guilty following legal advice, although he did not believe he was driving the vehicle at the time of the incident. He explained it was routine for drivers to be contacted by the operator and asked to drop a vehicle off for another driver to use.

Mr Browning produced papers related to his court case, which were given to the Assistant Chief Executive – Legal to examine.

The Assistant Chief Executive – Legal explained that it appeared the case had initially been dealt with in Mr Browning's absence and had subsequently been reconsidered due to Mr Browning's mitigation.

He reminded Members the fixed penalty notice was for failing to identify who the driver of the vehicle was, not for an offence of speeding. Furthermore, if Mr Browning had been issued with a fixed penalty notice for speeding, it was unlikely his licence would have been endorsed with more than five points meaning he would have still met the Council's licensing standards.

Mr Browning said he would not have been driving the vehicle as the vehicle was caught speeding late at night and vehicles used to carry out school contracts could not be used as private vehicles.

Mr Browning and the Enforcement Officer left the room at 6.35pm so the Committee could consider its decision. They returned at 6.40pm.

DECISION

Councillor Perry said the Committee considered Mr Browning to be a fit and proper person to hold a private hire/hackney carriage driver's licence.

LIC65

EXCLUSION OF THE PUBLIC

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.

LIC66

DETERMINATION OF A PRIVATE HIRE DRIVERS LICENCE

The Enforcement Officer said the driver's private hire licence was first granted on 12 January 2010 and was due to expire on 31 December 2015. On 28 January 2015, the Council received a letter from the Police saying the driver had been arrested on 16 January 2015 on suspicion of stalking a person causing serious alarm/distress and destroying or damaging property.

The driver was charged for both offences and appeared before North Essex Magistrates Court on 2 February 2015. On 30 January 2015, the Council wrote

to the driver informing him that his licence had been suspended with immediate effect in the interests of public safety.

The Enforcement Officer said on 4 February 2015 the Council received a letter from the driver explaining the reasons for his arrest. He stated in his letter that he had recently parted from his fiancé on bad terms. He had been cleared of the charges relating to harassment at Chelmsford Magistrates on 2 February 2015, although he did plead guilty to the offence of wilfully damaging her vehicle, which he claimed was out of character. The case was due to be heard on 27 June 2015.

The Enforcement Officer said the Council lifted the driver's suspension following his letter on 4 February. As he had a pending prosecution he fell below the Council's licensing standards and therefore Members had to decide whether he remained a fit and proper person to hold a private hire licence.

The Assistant Chief Executive – Legal informed Members it was unlikely the driver had been cleared of the charges relating to harassment on 2 February 2015. It appeared the driver had pleaded not-guilty and his case was due to be heard on 27 June 2015. Furthermore, if the driver had pleaded guilty to the offence of wilfully damaging the vehicle he would have been sentenced immediately after he made his plea.

Members were advised by the Assistant Chief Executive – Legal the burden on proof was on the driver to prove he was a fit and proper person to hold a private hire drivers licence.

DECISION

The Committee decided to defer their decision until the next extraordinary meeting of the Committee in order to allow the driver to attend.

The meeting ended at 7.05pm.

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm on 4
MARCH 2015**

Present: Councillor D Perry (Chairman)
Councillors H Asker, J Davey, J Loughlin, D Morson, V Ranger, J
Salmon and A Walters.

Officers in attendance: M Perry (Assistant Chief Executive – Legal) and A Rees
(Democratic and Electoral Services Officer).

PUBLIC SPEAKING

ULODA submitted a statement which was read by Members at the beginning of
the meeting. A copy of the statement is appended to the minutes.

LIC67 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Freeman.

LIC68 MINUTES OF PREVIOUS MEETINGS

The Chairman signed the minutes of the meetings held on 21 January 2015 at
10am and 7.30pm as a correct record.

LIC69 MATTERS ARISING

**(i) Minute LIC56 – Application to vary a premises licence – The Plough,
High Street, Debden**

The Assistant Chief Executive – Legal said no appeal had been lodged against
the decision.

(ii) Minute LIC60 – Matters Arising

The Assistant Chief Executive – Legal informed Members the operator/driver
referred to in paragraph nine had now produced evidence the driver was
insured to drive the vehicle. In the circumstances the prosecutions had been
discontinued and the council was not opposing the appeals.

LIC70 UPDATE ON DRAFT LEGISLATION

Members received a report on the progress of the Deregulation Bill, local fee
settings and Government proposals regarding functions and responsibilities
within an executive structure.

The Assistant Chief Executive – Legal said the Deregulation Bill was now progressing through the parliamentary system. The Government had decided to add three amendments to the Bill. These would allow unlicensed drivers to drive licensed vehicles which were not being used by fare-paying passengers, cross-border hiring and driver licences to be issued for three years with operator licences issued for five years bar for exceptional circumstances.

Due to opposition to these amendments the proposal to allow unlicensed drivers to drive licensed vehicles had been dropped. The Bill deemed cross-border sub-contracting permissible as long as the sub-contract was made with an operator licensed by the district business was carried on and drivers licensed by the same authority were used to fulfil the contract.

The Assistant Chief Executive – Legal said the Bill was worded in such a way that a licence could be granted for less than three years for drivers, and five for operators when the Council thought it was appropriate.

The Assistant Chief Executive – Legal explained the requirement for renewal of personal licences was to be abolished. These licences were granted for ten years and were first issued in 2005. Due to secondary legislation, fees for renewal could no longer be charged, nor could DBS checks be carried out on renewal. Personal licences would be converted to perpetual licences once the Bill became law.

The Bill also made provision to allow the number of temporary event notices that could be served by a premises in a calendar year to increase from twelve to fifteen. This was effective from 1 January 2016. The Council would have the power to dis-apply the Licensing Act in respect of late night refreshment. It would no longer be a requirement to report lost or stolen licences to the Police.

The Assistant Chief Executive – Legal informed Members the Bill was due to have its third reading in the House of Lords on 4 March 2015. As Parliament was due to be dissolved on 27 March it was possible the Government would drop the parts of the Bill relating to hackney carriage and private hire vehicles in order to ensure the Bill became law before the General Election.

Initially under the Licensing Act, fees were set nationally, although the Act was then amended to allow the Secretary of State to lay down regulations which empower licensing authorities to locally set fees. On 13 February 2014 the Government consulted on its proposals for local fee setting for an eight week period. The Government's proposal stated that broadly each authority should set its own fees, set on a cost recovery basis, up to a capped level.

The Assistant Chief Executive – Legal said the Government had now published its response to the consultation. There had been 681 responses to the consultation and over two thirds were from fee payers. Most of the rest were from licensing authorities. Fee payers were largely opposed to locally set fees and as a result the Government had decided it would not be looking to introduce locally set fees in this parliament.

The Assistant Chief Executive – Legal informed Members the Home Office would now work with The Local Government Association to explore the costs of delivering licensing functions.

Elements of the trade had also requested that all annual fees should be paid on the same date. Both licensing authorities and fee payers were generally against the idea and therefore the Government had dropped this proposal. It was still likely though, that licence holders would be given the option to pick the date they paid the annual fee.

The Assistant Chief Executive – Legal said the Government had launched a consultation on draft regulations that dealt with councils operating executive arrangements. The draft regulations dealt with the issue of scrap metal dealer's licences..

The Scrap Metal Dealers Act 2014 did not mention where the responsibility lay so by default it was an executive function. The draft legislation would make it a local choice function. If the Council decided it should be a council function it was presumed it would be delegated to the Committee.

In response to Councillor Perry, the Assistant Chief Executive – Legal said the Government wanted drivers to be given licences for three years and five for operators, bar for exceptional circumstances. However, the wording suggested the period of the licence could be reduced if the Council thought it was appropriate in the circumstances. It was not necessary to have updates on the draft legislation as a standard item. It could be included on an ad-hoc basis whenever there was a change that needed to be reported to the Committee.

The report was noted.

LIC71

ENFORCEMENT

Members received a report on enforcement action taken since the last meeting of the Committee.

The Assistant Chief Executive – Legal said he had seen three drivers, all for failing to notify the Council of a fixed penalty notice. One was only suspended for two days as there were mitigating factors. The other two had no mitigating or aggravating factors and were suspended for five days.

No cautions had been administered since the last report. At the last meeting Members were informed that in most instances a prosecution would be sought, instead of a caution being issued, as cautions were not acting as a deterrent.

The Assistant Chief Executive – Legal said most cautions were for failing to wear a driver's badge. Most of these offences were reported by the County Council from their school contract inspectors. The County Council no longer used these inspectors so the number of reported offences was likely to diminish.

The Council had prosecuted one driver for making a false statement in order to obtain a licence. He was fined £110 plus a victim surcharge of £20 and ordered to pay costs of £414. This followed the Committee's refusal to grant the driver a licence. No appeal had been received.

The report was noted.

LIC72

ANY OTHER BUSINESS

Councillor Perry thanked Members, the Assistant Chief Executive – Legal, Licensing, Enforcement and Democratic Services for their attendance at the large number of Committee meetings had throughout the year.

The meeting ended at 8pm.

Public Statement

ULODA

Dear Chairman and Members

It is our pleasure as usual to let you have "a view from the trade" before your formal meeting this evening, which is understood to be your final scheduled ordinary meeting this Council year.

When you last met on 21 January, we said in our statement that we fully supported Michael Perry's recommendation that all licence fees should remain unchanged for 2015-2016. We were pleased that you resolved to approve his proposal, noting the ongoing contribution of the Licensing Reserve to offset costs as agreed in 2010. The Deregulation Bill - if it finds the statute book in its present form - will have the effect of introducing three and five year licences and we will all need to consider the burden on operators, proprietors and drivers, who of course currently pay for one year at a time. Any change in the frequency of licence payments will inevitably impact their budgets, as well as the Council's.

Michael will be updating his report on the Bill in the light of ongoing scheduled parliamentary debate.

The proposal to allow cross-border hiring is welcomed by the trade. If an operator chooses to sub-contract a booking for operational reasons, he will want to have assured the quality of service provided by the sub-contractor in the interests of the customer's satisfaction and his ongoing licensed business.

Whether the operator sub-contracts a booking within or outside the District makes no difference - it is best practice to ensure that the customer is delighted with the sub-contract arrangement, both before and after the booking is fulfilled. The operator is accountable for all his bookings to UDC.

Michael's report headed Enforcement follows your agreement to the change in approach allowed for in the Licensing Policy. We argued prior to its adoption - and again in our January statement - that offences such as drivers failing to wear their badges should be dealt with by means of a caution rather than a prosecution, and we were pleased to see in the Minutes that you were provided with further evidence from Michael's research to justify his proposed change. We note now with interest - but with no surprise - his expectation that the number of reported offences will "substantially diminish" as the majority of complaints were received from ECC school contract inspectors who are no longer in use. We have absolutely no wish to see any drivers prosecuted for minor offences - nor, we believe, will Magistrates wish to have their burden of such cases unnecessarily increased.

Going forward, we are happy with Michael's offer to engage with us on matters of mutual interest - such as to brief members of the trade on the Deregulation Bill if it is enacted - and we will continue to seek to establish a regular forum or surgery with Officers on important issues such as compliance.

Finally, may we thank you sincerely, Chairman and Members, for your care and attention this last year. We will look forward to engaging with the Committee which succeeds you in May, and to continuing the constructive dialogue we have established on all items on your and our agendas.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 10am on 20 APRIL 2015**

Present: Councillor D Perry (Chairman)
Councillors J Davey and L Wells.

Officers in attendance: M Perry (Assistant Chief Executive – Legal) and A Rees
(Democratic and Electoral Services Officer).

LIC73 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Loughlin.

LIC74 CONSIDERATION OF A FILM CLASSIFICATION

The Assistant Chief Executive – Legal outlined the classifications a film could receive. These were; U, PG, 12A, 15, 18 and R18. The film’s publisher had suggested the film should receive a 15 rating.

Members viewed the film “Tam iz Powrotem” and considered which film classification it should receive.

After careful consideration Members agreed the film should receive a classification of 15.

The meeting ended at 11.45am.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held at SAFFRON WALDEN TOWN HALL at 2pm on 20 APRIL
2015**

Present: Councillor D Perry (Chairman)
Councillors J Davey and D Morson.

Officers in attendance: M Chamberlain (Enforcement Officer), J Jones
(Licensing Officer), M Perry (Assistant Chief Executive – Legal)
and A Rees (Democratic and Electoral Services Officer).

Others in attendance: The driver in relation to Item 4.

LIC75 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Wells.

The Committee agreed to deal with Item 5, followed by Item 4, 3 and then Item 2.

LIC76 **EXCLUSION OF THE PUBLIC**

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.

LIC77 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE – ITEM 5**

Members received a report from the Licensing Officer. She said the applicant had applied for a licence on 13 March 2015. The application form asked applicants to list all convictions both spent and unspent.

The applicant disclosed five offences which were; two convictions of taking a conveyance without authority in December 1981 and January 1982, assault/ABH in March 1983, using threatening abusive words and criminal damage in March 1994 and one offence for driving with excess alcohol in 2002 for which he was disqualified from driving for 18 months.

The Licensing Officer said the applicant received a community order of 150 hours and was disqualified from driving for six months for the first offence of taking a conveyance without authority. For the second he was sentenced to one month's imprisonment and disqualified from driving for 15 months. For the conviction of assault occasioning actual bodily harm he received a conditional discharge and was ordered to pay compensation. He received a further conditional discharge and was ordered to pay costs for the offence in 1994.

The applicant did not currently meet the Council's licensing standards as although all his convictions were spent in accordance with the Rehabilitation of Offenders Act 1974, the Council's licensing policy said an applicant must have "no criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed".

The Licensing Officer said on 2 April 2015 she conducted a phone interview with the applicant to ask him about the circumstances surrounding his conviction in 1982. The applicant explained that he had got an apprenticeship with the Air Force which he did not complete. He had split up with his girlfriend and been unemployed for around 12 to 18 months. He decided to go to the coast with a friend so they stole a vehicle which the applicant crashed shortly into the journey.

The Licensing Officer explained the applicant had no convictions since 2002. If the Committee granted him a licence he would be employed by 24/7 Ltd driving children with special needs to and from school.

The Licensing Officer, in response to a question by Councillor Perry, said the offence of ABH was committed shortly after the applicant had split up with his girlfriend at the time.

Members expressed their reservations at determining the application for the licence given that the applicant was not present at the meeting. They discussed whether the case should be deferred to give the applicant another opportunity to attend.

DECISION

Members agreed to defer their decision. The Assistant Chief Executive – Legal said he would write to the applicant inviting him to attend the next extraordinary meeting of the Committee. The letter would give the applicant 14 days to respond and would state that the Committee would be minded to refuse the application if the applicant declined to attend, or did not provide a response within 14 days.

LIC78

DETERMINATION OF A PRIVATE HIRE DRIVER'S LICENCE – ITEM 4

The Enforcement Officer outlined his report. He explained the driver had first been granted a private hire driver's licence on 12 January 2010, with the current licence due to expire on 31 December 2015.

On 28 January 2015 the Council received a letter from Essex Police explaining the driver had been arrested on 16 January 2015 on suspicion of stalking a person causing serious alarm/distress and destroying or damaging property. On 17 January 2015 the driver was charged for both offences and was due to appear at North Essex Magistrates Court on 2 February 2015.

The Enforcement Officer explained that on 30 January 2015 the Council had written to the driver informing him that his licence had been suspended with immediate effect in the interest of public safety. The driver responded in a letter dated 3 February 2015 and explained the reasons for his arrest, saying his relationship with his fiancé had ended on bad terms. In his letter the driver stated all the charges relating to harassment had been dropped at Chelmsford Magistrates Court on 2 February 2015. He had however pleaded guilty to the offence of wilfully damaging her vehicle. The case was due to be heard on 24 June 2015. In light of the driver's letter, the Council lifted the driver's suspension.

The Enforcement Officer said the driver's case was due to be heard by the Committee on 4 March 2015 but was adjourned after the driver failed to attend as he had thought the meeting was on 5 March.

On 19 March 2015 the Council received a letter from the County Council explaining the driver was not allowed to work on any school contract services. On the same day 24/7 Limited also contacted the Council that the driver had been suspended on 18 March 2015 for failing to notify them of a pending prosecution. The driver was also awaiting a disciplinary hearing with the Company.

Members were informed by the Enforcement Officer that on 1 April 2015 he met with the driver at the Council Offices. The driver said he thought he may have been sacked by 24/7 Ltd, but still wanted to carry on as a licensed driver. He confirmed he was charged on 17 January 2015 but was not aware he needed to notify the Council of a pending prosecution and would have notified the Council if he had been aware.

The driver was interviewed by the Police on 16 January 2015 alongside his solicitor. The Police produced a photo of the driver swinging his arm at the side of his ex-partner's vehicle, but it did not appear any form of instrument was in his hand. The driver explained he was going to visit his ex-partner but had changed his mind. However, his solicitor had still advised him to plead guilty to the criminal damage offence.

On 2 February 2015 the driver attended Chelmsford Magistrates and pleaded guilty to the criminal damage offence and not guilty to the stalking/harassment charge. At the meeting on 1 April, the Enforcement Officer asked the driver why he had said the charge for harassment had been dropped when in fact the driver had pleaded not guilty. The driver said he got mixed up, but did not mean to deliberately mislead the Council. He also said he was not aware of any disciplinary hearing with 24/7 Ltd but claimed to have a text message from the Company asking whether he wanted to stay with them.

The Enforcement Officer said the driver fell below the Council's licensing standards as he had two pending prosecutions. It was up to Members to decide whether he remained a fit and proper person to hold a private hire driver's licence.

The Enforcement Officer answered questions by Members. He said the driver was still awaiting disciplinary action. The driver had said in their meeting he was aware his ex-fiancée's vehicle had been damaged, but insisted he had not damaged it.

Councillor Perry invited the driver to speak. The driver explained that he loved his job. He disagreed with the pending prosecution he had received for harassment. He had never harassed his former partner and had only wanted to know whether she was okay.

Members asked the driver about the charges relating to damaging the victim's vehicle as he had claimed he had not damaged her vehicle. Councillor Perry highlighted the letter which the driver had sent to the Council on 3 February, in which the driver admitted to damaging the vehicle.

In response the driver said he had caused some minor damage to the vehicle. Prior to his damaging of the vehicle, the vehicle had been significantly damaged by another party, which had caused his former partner to have the vehicle re-sprayed.

The driver then answered questions from Members about the charge for harassment. The driver said he did not understand the legal system and assumed that once he pleaded not guilty to the charge of harassment, the charge was then dropped.

The Assistant Chief Executive – Legal outlined the court procedure which the driver would have experienced. On 2 February the driver would have attended his first hearing where he would have given his plea for both charges. The driver pleaded guilty to the charge of damaging a vehicle and not guilty to the charge of harassment.

After giving his plea for both charges, a date for the second hearing would have been agreed with him, so he could be sentenced for the charge of damaging a vehicle and be trialled for the charge of harassment. This would have been explained to the driver so he should have been aware that the charge of harassment had not been dropped.

The driver, in response to a question by the Enforcement Officer, explained he was still awaiting his disciplinary hearing with 24/7 Ltd and as a result was still suspended by them.

The Assistant Chief Executive – Legal said the driver fell below the Council's licensing standards as he currently had two pending prosecutions. The burden of proof was on the driver to advance reasons why the Council should depart from its policy and demonstrate why he remained a fit and proper person to hold a private hire driver's licence.

The driver and the Enforcement Officer left the room at 2.50pm so the Committee could consider its decision. They returned at 3.10pm.

DECISION

The driver has been licensed as a private hire/hackney carriage driver since January 2010. He is employed by 24/7 as a school contracts driver.

In January 2015 the council received information to the effect that the driver had been charged with criminal damage on a number of occasions and an offence of harassment causing serious alarm or distress. He attended court on the 2 February when he pleaded guilty to the offence of criminal damage. He wrote to the council the day after the hearing confirming his guilty plea but maintaining that he had been cleared of the charges of harassment. This was not the case. In fact he pleaded not guilty to those charges and awaits trial for them. He will be sentenced for the offence of criminal damage on the same day.

As the driver has pleaded guilty to an offence he now has a conviction as a result of which he does not meet the council's licensing standards. As he is facing a further prosecution he does not meet the standards for that reason also. The council's policy is that where a driver ceases to meet licensing standards, the licence will usually be revoked. The committee is not bound by that policy but is for a driver who does not meet the standards to satisfy the committee that he remains a fit and proper person and that there are good grounds to depart from its policy.

The driver had advanced no such grounds. Indeed there are aggravating factors in that he has tried to mislead the committee twice. In the first instance he said that he had been cleared of the charges of harassment. That was not the case and it is not credible that the driver was not aware of the fact that the charges were still pending and he was awaiting trial. In the second instance he maintained today that he had not committed the offence of criminal damage and that he only pleaded guilty on legal advice. It was only when his attention was drawn to his letter to the council of 3 February in which he admitted the offence that he acknowledged that he had in fact caused damage to his former partner's car.

The committee are not satisfied that the driver is a fit and proper person and his licence is therefore revoked.

The Assistant Chief Executive – Legal informed the driver he had a right to appeal the decision within 21 days of receiving a copy of the decision. If he decided to appeal the decision, he would be able to continue driving as a private hire driver until the appeal was heard.

LIC79

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE – ITEM 3

Members agreed to deal with the case in the driver's absence.

They received a report to determine a private hire/hackney carriage driver's licence from the Enforcement Officer. He explained the driver held a licence due to expire on 31 January 2016. Council records list the driver as the sole licensed driver for Concept Chauffeurs Limited.

Licensing records showed the driver's home address as Goddard House, 86 High Street, Great Dunmow, Essex, CM6 1AP, the same as Concept Chauffeurs Limited. However, council tax records show this address is not a domestic premises and is only registered for business rates. Therefore, the driver cannot be living there.

The address was also supplied to the DVLA as his address. It was a legal requirement to notify the DVLA of a change in address and an offence to give a false statement to obtain a licence.

On 6 February 2015 an Enforcement Officer visited the operating address of the Company to inspect their record of private hire bookings. He spoke to an employee of another company who said that currently none of the other offices were in use. It was explained to the Enforcement Officer that the Company had moved out six months. The driver was not living at the address.

The Enforcement Officer said letters were sent to the driver on 12 February 2015 and then on 12 March 2015 asking him to explain why he had not informed the Council of these changes within seven days.

Under the Council's policy drivers were required to inform the Council of a change in residence within seven days. The driver had not done this and the Council did not know where the driver currently lived. Furthermore, the driver appeared to have given a false statement in order to obtain a licence by giving incorrect information regarding his address.

Following a question by Councillor Morson, the Enforcement Officer explained that the Council had still not received a response from the driver.

DECISION

The driver has been licensed by this council as a private hire/hackney carriage driver since February 2013. He is the sole director of an operator licensed by this council, Concept Chauffeurs Limited. That company has one vehicle associated with it namely a Mercedes Benz Viano Ambiente.

When applying for his driver's licence, the driver stated that his home address was Goddard House, 86 High Street, Great Dunmow, Essex CM6 1AP. That is the same address as the operating address of Concept Chauffeurs Limited. Council records show that Goddard House is not registered for council tax but is only registered for business rates. It should not therefore be used as a dwelling.

On the 6 February 2015, an enforcement officer visited Goddard House to inspect the records of private hire bookings. He met there with an employee of another company who confirmed that Goddard House contains a number of small offices to let. He showed the enforcement officer the office formerly occupied by Concept Chauffeurs Limited and told him that the company had moved out about six months previously. The enforcement officer confirmed the

room was empty with no belongings whatsoever and clearly there was no one living at that address.

On 12 February 2015 a letter was sent to the driver asking him to supply his new address and explain why he had not informed the council of the change of address within seven days as required by conditions attached to the licence. No reply was received and a further letter was sent on the 12 March asking the driver to give the information required within a further seven day period. Nothing has been heard from the driver in response to either letter.

In stating that his residential address was Goddard House, the driver made a false statement with a view to obtaining a licence. This is an offence under the Local Government (Miscellaneous Provisions) Act 1976. The committee understands it may be difficult to locate the driver for the purpose of serving proceedings if a prosecution were to be instigated. If the driver can be traced the committee would wish there to be a prosecution. In the meantime however, for making a false statement to obtain a licence and for failing to observe the conditions of licence by notifying a change of address, the driver has demonstrated to the committee that he is not a fit and proper person to hold a private hire/hackney carriage driver's licence and the licence is therefore revoked pursuant to s.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 for any other reasonable cause.

RESOLVED that the public are no longer excluded from the meeting.

LIC80

DETERMINATION OF A PRIVATE HIRE OPERATOR'S LICENCE – CONCEPT CHAUFFEURS LIMITED

The Enforcement Officer presented his report to the committee. He said Concept Chauffeurs Limited currently held a Private Hire Operator's Licence due to expire on 31 July 2015 and first granted on 4 February 2013. Currently the company had one director, one licensed private hire vehicle and one licensed driver.

The Company was first investigated by the Council in January 2015 after the private hire vehicle test expired in 6 January 2015 and whilst the Company had not arranged a new test. However, the vehicle did pass a test on 19 January 2015.

The Enforcement Officer explained that licensing records stated the holder of the licence and the Company's operating address was Goddard House, 86 High Street, Great Dunmow, Essex, CM6 1AP. However, Companies House records indicated the Company had left that address on 24 November 2014 and was now registered at 5 Ducketts Wharf, South Street, Bishop's Stortford, Hertfordshire, CM23 3AR.

Concept Chauffeurs had obtained a private hire vehicle licence at the address of Goddard House. The Company applied for the licence to be renewed on 12 December 2014 and registered the vehicle with the DVLA on 24 November

2014 at the same address. Additionally, the company's director had obtained a temporary insurance vehicle for the policy at Goddard House under his name instead of the companies.

On 6 February 2015 an Enforcement Officer visited the operating address of the Company to inspect their record of private hire bookings. He spoke to an employee of another company who said that currently none of the other offices were in use. It was explained to the Enforcement Officer that the Company had moved out six months ago and the Director only returned occasionally to pick up post.

The Enforcement Officer explained that two letters were sent to the Company's director, addressed to Goddard House. The first letter, sent on 12 February 2015, asked for the Company's new operating address to be supplied. It also asked for an explanation as to why the Council had not been informed of the changes within seven days. Furthermore, it gave the Company Director until 23 February 2015 to supply the Council with his record of private hire bookings from 1 January 2015 to present.

No response was received so another letter was sent on 12 March 2015 giving the Company seven further days to supply the information. So far nothing had been received.

The Enforcement Officer said the Company had breached the Council's policy for the private hire and hackney carriage trade as it had failed to notify the Council of any change in residential or operator address within seven days. Additionally, it also appeared that the Company had made false statements in order to obtain a private hire operator licence and a private hire vehicle licence. As the Company had failed to provide the Council with a record on private hire bookings on two occasions it had also breached the Local Government (Miscellaneous Provisions) Act 1976.

DECISION

Concept Chauffeurs Limited is licensed as a private hire operator by this council. The licence was first granted on 4 February 2013. The current licence is due to expire on 31 July 2015. The address given for the company when it applied for a licence was Goddard House, 86 High Street, Great Dunmow, Essex CM6 1AP.

On the 24 November 2014 the registered office of the company changed to 5 Ducketts Wharf, South Street, Bishop's Stortford, Hertfordshire CM23 3AR.

On the 6 February 2015 an enforcement officer visited the offices of Concept Chauffeurs Limited at Goddard House, 86 High Street, Great Dunmow to inspect the record of private hire bookings. The building holds a number of small offices. The office formerly occupied by Concept Chauffeurs Limited was completely empty.

On the 12 February 2015 a letter was sent to the company requesting details of its new address and an explanation as to why the council had not been told of

the change of address within seven days of the change occurring as required by conditions attached to the licence. The company was also asked to provide its records of private hire bookings from the 1 January 2015 to the date of the letter. No response was received to that letter. A further letter was sent to the Goddard House address on the 12 March 2015 requesting the same information. That letter also received no response. A final letter was sent on 12 April 2015 to the registered office address of the company and again no response has been received.

The company is in breach of its conditions in that it has failed to notify the council of a change of address and it has failed to make records of bookings available when requested to do so. The failure to keep records as required by conditions is an offence under s.56 of the Local Government (Miscellaneous Provisions) Act 1976. The company has also failed to cooperate with the council by not responding to its correspondence.

In the circumstances, the committee revokes the operator's licence under s.62 Local Government (Miscellaneous Provisions) Act 1976 under s.62(1)(a) for the offence of failing to produce its records when requested to do so under s.62(1)(c) for a material change in circumstances since the licence was granted, namely a change of registered office address and under s.62(1)(b) and (d) in respect of all the matters mentioned above.

Amongst the documentation provided to the committee was a temporary motor cover note in respect of a private hire vehicle licensed by the council under plate number PHV329 namely a Mercedes Benz Viano Ambiente. The licence for that vehicle does not expire until 31 December 2015. Members noted that the insurance cover exhibited by that cover note expired on the 15 January 2015. There is no evidence to show that the vehicle is currently insured.

Under the Local Government (Miscellaneous Provisions) Act 1976 councils must not license vehicles unless they are insured. In the absence of insurance the committee suspend the vehicle licence under s.60(1)(c) for any other reasonable cause as it is not satisfied the vehicle does currently have insurance cover. The suspension will last until the expiration of the licence on 31 December 2015. However, the committee grants the Assistant Chief Executive, Legal delegated power to remove the suspension in the event that he is satisfied that the vehicles does have adequate insurance cover.

The meeting ended at 3.35pm.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 2pm on 22 APRIL 2015**

Present: Councillor D Perry (Chairman)
Councillors J Davey, V Ranger and J Salmon.

Officers in attendance: M Perry (Assistant Chief Executive – Legal) and A Rees
(Democratic and Electoral Services Officer).

APOLOGIES FOR ABSENCE

No apologies for absence were received.

CONSIDERATION OF A FILM CLASSIFICATION

Councillor Perry outlined the classifications a film could receive. These were; U, PG, 12A, 15, 18 and R18. The film's publisher had suggested the film should receive a 15 rating.

Members viewed the film "Vinci" and considered which film classification it should receive.

After careful consideration Members agreed the film should receive a classification of 12A.

The meeting ended at 3.55pm.

EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 11am on 28 MAY 2015

Present: Councillor R Chambers (Chairman)
Councillors J Davey, T Goddard and E Hicks.

Officers in attendance: J O'Boyle (Environmental Health Officer), M Perry (Assistant Chief Executive – Legal), A Rees (Democratic and Electoral Services Officer) and A Turner (Licensing Team Leader).

Also Present: Mr Manville (applicant) and Mr Whitley (objector)

LIC1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

LIC2 **APPLICATION FOR A NEW PREMISES LICENCE – SAFFRON WALDEN RUGBY CLUB (SUMMER BALL), CHICKNEY ROAD, HENHAM, CM22 6BQ**

Members received a report from the Licensing Team Leader. She explained Saffron Walden Rugby Club (SWRC) had first been granted a club premises certificate on 11 November 2005 following an application to convert their existing club certificate.

SWRC had now applied for a time limited licence to hold a one off summer ball on 30 May until 2am on 31 May 2015 for up to 1500 people. The Licensing Team Leader said applicants were required to submit documents outlining the licensable activities sought and how they would meet the licensing objectives.

The licensable activities sought were as follows;

Live Music Saturday	(Indoors & outdoors) 6.30pm to Midnight
Recorded Music Saturday	(Indoors & outdoors) 6.30pm to 2am
Performance of Dance Saturday	(Indoors & outdoors) 6.30pm to 2am
Anything of a similar description to that falling within (e) (f) or (g) Saturday	(Indoors & outdoors) 6.30pm to 2am
Late night refreshment Saturday	(Indoors & outdoors) 6.30pm to 2am

The sale of alcohol by retail for consumption Saturday	(On the premises) 6.30pm to 2am
The opening hours of the premises Saturday	6.30pm to 2am

The Licensing Team Leader said the operating schedule also indicated the measures that would be adopted in order to promote the licensing objectives. An event management plan was also submitted alongside the application, which was sent to all statutory consultees. The consultation ended on 12 May 2015 at which point two representations had been made; one from the Council's Environmental Health department and another from an interested party. Both representations raised concerns based on failure to promote the licensing objectives relating to the prevention of public nuisance.

The Licensing Authority, as a statutory function, had to promote the four licensing objectives as defined in the Licensing Act 2003; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Licensing Team Leader said the options available to the Committee were to; grant the application; modify the application by inserting conditions; or reject the whole or part of the application. Due regard should be given to the Council's licensing policy, as well as the Secretary of State's guidance when determining the application. If the Committee did decide to impose conditions, the conditions would have to be appropriate and proportionate. Any conditions the Committee imposed should not replicate existing legislation.

Councillor Chambers invited Mr Whitley to speak. He said the Rugby Club had held events on the site in the past and whilst they did cause some disruption, the events were infrequent and never had more than 200 attendees. Furthermore, these events always ended by 1am at the latest and so there was never a need to complain. However, this event would be significantly larger, with up to 1500 people attending and a proposed end time of 2am. This meant the event would cause a disproportionate nuisance to neighbouring properties. Mr Whitley said the roads surrounding the site were narrow and included a blind right-angle bend into the site. This could cause safety issues.

The Chairman invited the Environmental Health Officer to speak. She said the application included provision to play amplified music until 2am, with live music finishing at midnight. The submitted application included an Event Management Plan, which indicated that music would be amplified in a north-westerly direction, away from residential properties. The Council's Principal Environmental Health Officer had suggested ten conditions to the applicant which they had accepted. Subsequently, the proposed conditions had been modified so there were now eight conditions. These had also been accepted by the applicant and were as follows;

1. The Premises Licence Holder shall comply with the noise control measures and procedures in the agreed Noise Management Plan during the playing of all amplified music.
2. The Music Noise Level from all sources of amplified music expressed as LAeq shall not exceed 65dB(A) over any 15 minute period between 6.30pm and 11.30pm at the following residential properties:
 - a. Lovecotes Lodge, Chickney Road, Henham, CM22 6BH
 - b. Christmas Cottage, Chickney Road, Henham, CM22 6BQ
 - c. The property located at GR563290
3. The Music Noise Level from all sources of amplified music expressed as an LAeq shall not exceed 45dB(A) over any 5 minute period between 11.30pm and 2am at the premises above.
4. The control levels set at the mixer positions at each marquee shall be adequate to ensure that the noise music levels given above are not exceeded.
5. Noise levels at the mixer positions shall be continuously monitored to allow the engineer to ensure that the limits given above are not exceeded.
6. The Premises Licence Holder or nominated person shall assess the impact of any noise at the above premises at the start of the regulated entertainment and not less than hourly throughout the regulated entertainment and take any action necessary to ensure compliance with the noise limits given above.
7. Unrestricted access to the front of house position and backstage areas should be allowed at all times to the responsible authority for Environmental Health (Environmental Protection) for the purpose of sound level measurements, communications with the nominated noise consultant/sound engineer, and monitoring licence conditions.
8. The Premises Licence Holder or nominated person shall ensure a telephone number is made available for local residents to contact in case of noise nuisance or antisocial behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept of calls received, including the time, date and information of the caller and action taken following the call. The records will be made available for inspection on request by any relevant responsible authority.

The Environmental Health Officer informed Members that the proposed noise levels did not include the property closest to the site as any noise limit in relation to this property were deemed unreasonable.

Mr Manville spoke about the application. He stated that Anglia Ruskin's student's union took its social responsibility seriously. Ensuring that any impact

upon residents was fair and reasonable was a primary consideration before submitting the application. The headline act was due to finish at 11.30pm at which point the level of noise was to be reduced. Furthermore, the speakers would be positioned facing away from residential properties in order to mitigate any noise impact upon residents. Whilst the application stated there would be up to 1,500 people the total number of tickets was around 600 by the time of the meeting and it was unlikely that more than 1,000 would be sold before the event.

In response to questions by Members, Mr Manville explained there would be twelve coaches for attendees to use. These would go between the campuses in Cambridge and Chelmsford. The number of private cars travelling to the site would be negligible. Coaches would start travelling to and from the site at midnight, which would allow for a staggered exit of guests, minimising nuisance. It was expected that all the attendees would have left the site by 3am. They were working with the travel company to ensure any disruption caused by the coaches was minimal.

Mr Whitley, in response to a question by Councillor Goddard, said he objected to the event in principle as he felt the size of it was disproportionate. He did however feel the event was likely to be given permission to go ahead and therefore wanted the licensed hours to be reduced.

Councillor Goddard questioned Mr Manville about the number of staff that would be at the event. Mr Manville outlined the number of staff and following a further question by Councillor Goddard said the number of door supervisors would be greater than the average for a similar sized event. This would ensure that only those with a valid ticket would be able to enter the site.

Councillor Hicks asked the Licensing Team Leader whether there were any other comparable events which were likely to take place in the following twelve months. In response the Licensing Team Leader said there were no comparable events. Councillor Hicks then asked Mr Manville whether any provisions had been made with the Police in case any issues arose. Mr Manville said he had met with the Police prior to submitting the application, who had indicated not necessary for police officers to be specifically assigned to the event.

Mr Manville responded to Councillor Chambers' points. He said that the Student's Union had initially wanted the event to end at 6am, but he had considered that to be wholly unreasonable leading to an end time of 2am subsequently being agreed as a compromise. At some of the previous events which he had organised, the closure of the bars had been staggered to facilitate an orderly exit from the event and he would consider doing this again.

LIC3

EXCLUSION OF THE PUBLIC

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.

The Committee left the room at 11.45am so they could consider their decision. They returned at 12.50pm.

DECISION

Members have today considered an application for a premises licence for Saffron Walden Rugby Club. The application is for a time limited licence for 1 day only for a student union ball for students of Anglia Ruskin University. It seeks a licence for the provision of live entertainment until midnight and for the provision of recorded music, the sale of alcohol and late night refreshment until 2 am. The maximum number of attendees is stated as being 1500 although today the applicant says that based on ticket sales to date he expects an attendance between 600 – 800. Provision is being made for guests to be brought to and taken from the site by bus or coach, 7 operating from the Cambridge campus and 5 from Chelmsford.

Representations have been received from the council's environmental health department and a member of the public relating to the promotion of the licensing objective of the prevention of public nuisance. Negotiations have taken place between the applicant and environmental health as a result of which a number of conditions have been agreed. These conditions will mitigate the effect of the nuisance. However the nuisance cannot be eliminated. With regard to the closest residential premises acceptable noise levels cannot be achieved and the Environmental Health Officer and the applicant agree that music from the site will still be audible elsewhere notwithstanding the conditions agreed.

In reaching its decision the committee has had regard to the Council's licensing policy and the guidance issued by the secretary of state and in particular those sections referred to in paragraphs 17 and 18 of the officer's report. Paragraph 5.1 of the Council's policy requires the committee to balance the interests of the local community against the cultural and social importance that the premises will provide. In carrying out that exercise the committee note that this is a "one off" event for the benefit of students of the university. Against that however is the fact that the event is to run until 2 am with music being played and alcohol being sold until that time. Although the applicant hopes to stagger departure times he acknowledges that there will be a pinch point at about 2 am when the event closes and the majority of people will leave. A number of coaches arriving at and leaving the premises from 2 o'clock onwards will of itself create a nuisance to local residents.

While the objector opposes the grant of this licence in principle he accepts that the committee is likely to grant it with conditions and suggests that the event should end at midnight. In striking the balance members consider that this goes too far but members do not consider that the nuisance which will be caused by both the event and the departure of guests from the site is reasonable until 2 am and beyond.

In the circumstances members will grant the licence in the terms of the application modified by the addition of the conditions agreed between the applicant and environmental health. In order to further mitigate the nuisance to local residents the application will be further amended to require the provision of recorded music to cease at 1 am and for the event to end then. Members do not consider it appropriate for the bar to be open until the event ends as this could encourage guests to stock up with drinks just before 1 am and delay their departure times. The applicant in response to a question agreed that it can be sensible for the sale of alcohol and the provision of entertainment to end at different times. Members take a view that closing the bar an hour before the end of the event will facilitate a staggered departure from the event. The licence for the sale of alcohol and the provision of late night refreshment will therefore cease to have effect at midnight.

The meeting ended at 1pm.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 2pm on 18 JUNE 2015**

Present: Councillor R Chambers (Chairman)
Councillors G Barker, J Davey and S Morris.

Officers in attendance: M Chamberlain (Enforcement Officer), J Jones
(Licensing Officer), M Perry (Assistant Chief Executive – Legal)
and A Rees (Democratic and Electoral Services Officer).

Others present: The applicants in relation to Items 3 and 4.

LIC4 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence and declarations of interest.

The Committee agreed to move to Item 4, followed by Item 3 and then Item 2.

LIC5 **EXCLUSION OF THE PUBLIC**

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.

LIC6 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S
LICENCE – ITEM 4**

The Licensing Officer presented her report. She explained the applicant had applied for a private hire/hackney carriage driver's licence on 5 March 2015. Applicants were asked to disclose all convictions, both spent and unspent, as well as any police cautions. The applicant disclosed two offences of assault, one in 2000 and one in 2002. He received a six month probation order for the first offence and a three month prison sentence for the second. Applicants were, as part of their application, required to undergo an enhanced DBS check. The applicant's DBS check revealed these two convictions.

The Licensing Officer said the applicant did not currently meet the Council's Licensing Standards, as although all his convictions were spent in accordance with the Rehabilitation of Offenders Act 1974, the Council's Standards said a driver must not have any criminal convictions for an offence of violence of which a custodial sentence was imposed.

On 8 May 2015, the applicant attended the Council Offices to discuss his application. The applicant said he and his wife lived with his mother-in-law until late 2000, who he felt was interfering in his marriage. On 9 December 2000 he had an argument with his mother-in-law and pushed her. He then left the house and upon

his return was told the police had been contacted about the incident. He attended the police station the next day and was charged with common assault.

The Licensing Officer said that on 4 August 2002 the applicant and his wife had an argument, so he went to the pub with a friend. Although he did not normally drink, he was upset and got drunk because of this. When he got home he continued the argument with his wife. His wife began to throw things at him, so he responded and then pushed his wife, who hit her head on a wardrobe. The applicant was arrested and told he could not see his wife until the trial. He was sentenced to three month's imprisonment and spent three weeks in an open prison before being released with a tag. He moved back in with his wife and had a second daughter in 2006, however they split up in 2008 and divorced in 2010. They have joint residence of both daughters and now have an amicable relationship. He had worked for the same company for 15 years who had kept his job open whilst he was in prison.

Councillor Chambers invited the applicant to speak. The applicant said he had made two mistakes which had led to his convictions for assault. He had no convictions since 2003 and therefore felt he should be granted a licence.

The applicant, the Enforcement Officer and the Licensing Officer left the room at 2.10pm so the Committee could consider its decision. They returned at 2.20pm.

DECISION

The applicant has applied to the Council for a joint private hire/hackney carriage driver's licence. One of the questions on the application form asks applicants to declare all convictions spent and unspent. In response to this the applicant gave details of an offence of assault in 2000 for which he was given a probation order and a similar conviction in 2002 for which he received a 3 month prison sentence. These convictions were confirmed by the enhanced DBS check carried out by the Council as part of the application process. The convictions are now spent by virtue of the provisions of the Rehabilitation of Offenders Act 1974 as amended.

Under the Local Government (Miscellaneous Provisions) Act 1976 councils have a duty to grant licences upon application to applicants who hold a current driving licence and who have done so for at least 12 months. However the Act goes on to say that a council shall not grant a licence unless it is satisfied that the applicant is a fit and proper person. The Council has a licensing policy which contains licensing standards. These are not binding on members but are a guide as to who may be considered fit and proper persons. Paragraph 2.3 of the policy states that "applicants who do not meet all the licensing standards will only be granted a licence if there are good grounds for departing from the Council policy. The burden of proof is upon the applicant to satisfy the Council that he or she is a fit and proper person". Paragraph 2.4 of the policy says that "There may be reasons why an applicant may be considered not to be a fit and proper person even though he or she meets licensing standards. Conversely there will be cases where someone does not meet licensing standards but nevertheless the Council is satisfied that he or she is a fit and proper person so that a licence can be issued. Each case is decided upon its merits."

The licensing standards for drivers provide that applicants should have no criminal convictions for an offence of violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed. Assault is an offence of violence and as the applicant was sentenced to a term of imprisonment for such an offence he does not meet the licensing standards. It is for him to satisfy the Committee that he is a fit and proper person and that there are therefore good grounds to depart from the Council's policy and grant a licence in his case.

The applicant was interviewed by the licensing officer who prepared the report for committee. He told her the circumstances of the offences which are recorded at paragraph 5 of her report. He agrees that that account is accurate today.

The Committee notes that the conviction for which the applicant was given a custodial sentence was for common assault and not the more serious offences of assault occasioning actual bodily harm or grievous bodily harm. The Committee also note that the relevant conviction is now over 12 years old and that the applicant has committed no offences of any nature since that conviction. Finally the Committee notes that the assaults were in the nature of domestic violence arising from family arguments. While this in no way lessens the severity of the offences in terms of risk the Committee considers that the convictions do not indicate that the applicant may use violence towards members of the public.

In the circumstances the Committee is satisfied that the applicant is a fit and proper person, that there are grounds to depart from the Council's policy and the Committee grants him a driver's licence.

LIC7

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE – ITEM 3

The Enforcement Officer presented his report. The applicant had applied for a licence on 4 March 2015. The application form asked applicants to list all convictions, both spent and unspent along with any police cautions. The applicant declared an offence for speeding in 2011, an offence of drink driving in 1992 and a conviction for a domestic in 2009. His licence was endorsed with three penalty points on his licence, disqualified from driving for 12 months and fine £50 along with a being given 180 hours of community service for the three offences respectively.

Applicants were required to undergo an enhanced DBS check. This revealed a conviction on 8 April 2010 for three offences; one for pursuing a course of conduct which amounted to harassment and two counts of battery. He was ordered to complete 180 hours of community service, pay £50 compensation and £300 costs.

The Enforcement Officer said the applicant had initially applied for a private hire driver's licence in 1995, which was refused due to the short time which had elapsed following his conviction for drink driving. The application form asked 'have you ever been refused or had revoked or suspended a hackney carriage or private hire drivers licence.' The applicant answered this by stating 'No'. Following the

initial refusal of his application, the applicant had subsequently applied successfully for a licence, however making a false statement was an offence under the Local Government (Miscellaneous Provisions) Act 1976.

The applicant attended an Interview Under Caution on 15 April 2015. At the interview, the applicant said he did not disclose that his licence had been refused as he thought he only had to disclose any refusals or revocations within the last five years. He had left his job as a chauffeur for Tesco due to redundancy. When questioned about the offences on his DBS check the applicant said his ex-wife and her partner had attacked him. He reacted in self-offence but used too much force.

The Enforcement Officer said the applicant was aware an enhanced DBS check was being carried out and should have realised the convictions would come to the Council's attention. The Assistant Chief Executive – Legal had not felt it was necessary to seek a prosecution in this instance, but did issue a formal caution for the offence of making a false statement in order to obtain a licence. The applicant does currently meet the Council's licensing standards, however the Assistant Chief Executive – Legal had declined to grant the licence under delegated powers in light of the false statement.

The applicant, in response to a question by Councillor Barker, explained he had been employed by Tesco as an executive chauffeur for 15 years before being made redundant. The Chairman then invited the applicant to speak further about his application. The applicant said he wanted the job to provide for his daughter. In addition to his work for Tesco, he had been a volunteer at Stansted Social Club for the last two years.

The Assistant Chief Executive – Legal explained that the personal circumstances of the applicant were not relevant in determining whether they were a fit and proper person to hold a licence.

The Assistant Chief Executive – Legal asked the applicant to explain why he had indicated on his application form that he had never been refused a private hire licence, when the Council's Licensing Committee had refused his application for a licence in 1995. The Assistant Chief Executive – Legal drew attention to the applicant's application form. He said the wording of the question was clear and the applicant ought to have disclosed the refusal. Additionally, the applicant had answered the question which asked him disclose "all convictions" correctly. It was not apparent how the applicant had determined that the question only applied to the previous five years.

The applicant said he had not disclosed the refusal as his subsequent application for a licence had been approved. Due to this, he hadn't considered the refusal to be relevant to his new application.

The applicant and the Enforcement Officer left the room at 2.35pm so the Committee could consider its decision. They returned at 3.05pm.

DECISION

The applicant has applied to the Council for a joint private hire/hackney carriage driver's licence. One of the questions on the application form asks applicants to

disclose all convictions both spent and unspent. In response to that question the applicant declared a drink drive offence in 1992, a conviction at Harlow court on 19 September 2009 for a domestic offence for which he was fined £50 and given 180 hours community service and a speeding offence in 2011.

As part of the application process the Council undertakes an enhanced DBS check. This revealed convictions for 3 offences namely an offence of harassment on 1 February 2009 and 2 for battery on 20 September 2009. The date of conviction for all offences was 8 April 2010 and the applicant was ordered to pay a total of £100 compensation, costs of £300 and to undertake unpaid work in the community for 180 hours. This is not entirely consistent with the information given by the applicant on the application form which appears to relate to the 2 battery charges only and not the conviction for harassment. However all of these offences are spent under the Rehabilitation of Offenders Act 1974 as amended.

A further question on the form asks whether the applicant has ever been refused a hackney carriage or private hire driver's licence. In response to that question the applicant answered "No". That answer was incorrect. In 1995 the applicant applied to this Council for a driver's licence. The now Licensing Team Leader was present at the committee meeting which determined the application and remembers that it was refused due to the serious nature of the drink drive conviction and the short period of time that had elapsed between that conviction and the application. Making a false statement to obtain a licence is an offence under the Local Government (Miscellaneous Provisions) Act 1976 punishable by a fine of up to £1000. However in this case the Assistant Chief Executive – Legal decided that a prosecution was not necessary in the public interest and the applicant was offered a formal caution as an alternative which he accepted. The caution is spent by virtue of the Rehabilitation of Offenders Act.

The applicant does meet the council's licensing standards as although cautions within the last 12 months would normally be outside standards this does not apply to cautions administered by the Council. However making a false statement to obtain a licence is an offence of dishonesty and the Assistant Chief Executive – Legal has declined to issue a licence under delegated powers deferring the decision for members.

Despite the apparent discrepancy between the application form and the enhanced DBS check members do not believe that the applicant was deliberately trying to mislead in this respect. The 3 offences were clearly dealt with at the same time. When interviewed under caution by the enforcement officer he explained that the offences arose in the context of a dispute with his ex-wife and her partner. On the balance of probabilities the Committee is satisfied that the applicant declared as much as he remembered about the convictions on the application form.

The explanation as to why he was not truthful about the previous refusal of his licence is less convincing. In interview under caution he said that he believed the question only related to the last 5 years. The Committee cannot understand how the applicant can have come to that conclusion. The question on the form is clear "Have you ever been refused a hackney carriage or private hire driver's

licence?" There is nothing in the form which could possibly suggest that this question was in any way time limited. Further the Committee notes that the applicant did not display similar confusion when responding to the question asking for details of "all convictions". However the applicant also says that he considered that he did not need to disclose the refusal as since his application was refused in 1995 he had been granted a licence by this Council and had held it for a number of years. The Committee can understand that position. The Committee further notes that had the refusal been disclosed it would not have been relevant to his application and the licence would have been granted.

In the circumstances the Committee is satisfied that the applicant is a fit and proper person and his licence will be granted.

LIC8

DETERMINATION OF A PRIVATE HIRE DRIVER'S LICENCE – ITEM 2

The Assistant Chief Executive – Legal said that nothing had been heard from the applicant and he had not asked for the hearing to be deferred. In the circumstances the Committee decided to determine the case in the applicant's absence.

The Assistant Chief Executive – Legal said that the applicant had applied for a private hire/hackney carriage driver's licence on 1 April 2015. On the application form he disclosed he had a conviction for trading standards matters where he was given a six month suspended sentence and was ordered to pay £15,000 in costs.

Applicants were required to undergo enhanced DBS checks as part of the application process. The applicant's check revealed that in November 2012 he was convicted of one offence under General Food Regulations 2004, three offences under the Food Hygiene (England) Regulations 2006, five offences of selling food the preparation of which was likely to mislead as to its nature, substance or quality under the Food Safety Act 1990 and one offence of possessing for sale food the presentation of which is likely to mislead as to nature, substance or quality under the Food Safety Act 1990. He received a six month suspended prison sentence and was disqualified from being a company director for four years. These offences were categorised as food fraud which is an offence of dishonesty. As the applicant had received a custodial sentence for an offence of dishonesty he did not meet licensing standards. In the circumstances it was for him to satisfy the Committee that he was a fit and proper person and that there were grounds to justify a departure from policy. The burden of proof was on the applicant.

DECISION

The applicant has applied to the Council for a joint private hire/ hackney carriage driver's licence. The application is before the Committee for consideration today. The applicant is not present. He has not made contact with the Council to explain his absence or to request a deferment. In the circumstances members resolved to proceed to consider the application in his absence.

On his application form the applicant disclosed that he had a conviction from Nottingham Court for trading standards matters for which he was given a 6 month suspended sentence and ordered to pay £15,000 costs. As part of the application process the Council undertakes an enhanced DBS check. This revealed that the applicant was convicted by Nottingham Crown Court on 14 November for 1 offence under the General Food Regulations 2004, 3 offences under the Food Hygiene Regulations 2006, 5 offences under the Food Safety Act 1990 of selling food the preparation of which was likely to mislead as to its nature, substance or quality and 1 offence of possessing for sale food the preparation of which was likely to mislead as to its nature, substance or quality. In respect of all of these offences the applicant pleaded guilty. He was sentenced to 6 months imprisonment on each count concurrent suspended for 2 years. He was also made the subject of a supervision requirement for 6 months and in respect of the first offence he was disqualified from being a company director for 4 years. The applicant appealed against sentence but the sentences were all upheld by the Court of Appeal.

The licensing standards for drivers provide that applicants should have no criminal convictions for an offence of dishonesty in respect of which a custodial sentence (including a suspended custodial sentence) was imposed. The offences of which the applicant was convicted are classified as food fraud. Fraud is clearly an offence of dishonesty and the applicant does not meet the Council's licensing standards. It is for him to satisfy the Committee that he is a fit and proper person and that there are therefore good grounds to depart from the Council's policy and grant a licence in his case.

The applicant has not attended today and has not advanced any case why the Committee should depart from its policy. In the circumstances the Committee cannot be satisfied that he is a fit and proper person and the application for a licence is refused.

The meeting ended at 3.15pm.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 10am on 9 JULY 2015**

Present: Councillor R Chambers (Chairman)
Councillor J Davey, E Hicks and S Morris.

Officers in attendance: M Perry (Assistant Chief Executive – Legal) and
A Rees (Democratic and Electoral Services Officer).

Also present: The applicant in relation to Item 2.

LIC9 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

No apologies for absence or declarations of interest were received.

LIC10 EXCLUSION OF THE PUBLIC

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.

LIC11 DETERMINATION OF A PRIVATE HIRE DRIVERS LICENCE

The Assistant Chief Executive – Legal presented his report to the Committee. He said the applicant had applied for a private hire/hackney carriage driver's licence on 1 April 2015. On the application form he disclosed a conviction for trading standards matters where he was given a six month suspended sentence and was ordered to pay £15,000 in costs.

Applicants are required to undergo enhanced DBS checks as part of the application process. The applicant's check revealed that in November 2012 he was convicted of one offence under General Food Regulations 2004, three offences under the Food Hygiene (England) Regulations 2006, five offences of selling food the preparation of which was likely to mislead as to its nature, substance or quality under the Food Safety Act 1990 and one offence of possessing for sale food the presentation of which is likely to mislead as to nature, substance or quality under the Food Safety Act 1990. He received a six month suspended prison sentence and was disqualified from being a company director for four years. These offences were categorised as food fraud which was an offence of dishonesty. As the applicant had received a custodial sentence for an offence of dishonesty he did not meet licensing standards.

The applicant was initially interviewed by a licensing officer, where he explained he was prosecuted instead of the company as the company could go into liquidation and avoid punishment. He was asked to provide copies of various documents concerning the prosecution. He complied in part with this request, although he did not supply several documents which would have been of use such as the indictment.

The Assistant Chief Executive – Legal interviewed the applicant on 19 May, where the applicant said he felt he had been unfairly treated by the court. The applicant then outlined the nature of his operation. The Company bought surplus products from food manufacturers, who supplied large supermarkets with “own brand” produce. Supermarkets did not always purchase the amount they had initially indicated, leaving a surplus of stock. Own brand products could not be sold on the open market, so the applicant bought the surplus products at a discounted rate, re-labelled them and sold them on.

In 2004, the applicant’s Company had a contract with Llangadog Creamery which produced dairy products. Llangadog Creamery put a designated health mark onto all of its products. The applicant said that in 2004 health marks were incorporated into label, but it was now a requirement that it was included on the tin. Llangadog Creamery ceased trading in 2004, at which point the health mark was transferred to another company which ceased trading in 2006. The health mark had not been reallocated since.

In 2010 the applicant had acquired cans of evaporated milk from Holland with the health mark NLZ0345EEC. The applicant explained he had decided to use the artwork he already had for products bought from Llangadog Creamery, but forgot to remove the health mark on the label. This was nothing more than an oversight and he had not been in trouble with trading standards previously.

The Assistant Chief Executive - Legal said within the prosecution evidence of statements there were statements from persons who had inspected the premises. They had found a number of products which could be used to change the expiry dates on the cans. The applicant said he had altered the expiry dates, albeit using different products to the ones described in the statements, with the permission of the manufacturer and said it was legal to do this. The applicant had not produced any evidence he had permission from the manufacturer to change the expiry dates.

There was further evidence of mislabelling products by the applicant. This included the sale of Borlotti beans, which were sold as baked beans. With regard to this, the applicant said he had purchased the beans from Premier Foods in good faith. A number of cans had been checked, and all the checked cans contained baked beans so he had no reason to suspect the others didn’t.

The applicant had had previous dealings with Trading Standards. In 2006 they investigated a complaint that the applicant's company had not placed health marks on tinned mackerel. The evidence showed the applicant had been informed that he must have approval in order to re-wrap any products of animal origin. The applicant said his company had occasionally relabelled products of animal origin and replicated the health mark. Trading Standards informed him this was an offence unless he was given approval. Trading Standards had taken no further action and seemed to be satisfied the advice given to the applicant was sufficient.

The Assistant Chief Executive – Legal, in the interview on 19 May, asked the applicant to give his account of the prosecution. The Assistant Chief Executive – Legal said he found parts of the applicant's account surprising. At the Magistrates' Court stage the applicant would have been informed the offence was one which could be tried by the magistrates or before a jury at the Crown Court. He would have been given an option to indicate at that stage how he wished to plead. The applicant cannot recall whether he gave any indication of plea or not at that stage but said that at that point in time his intention was to plead not guilty. With offences which can be tried by the magistrates or by the Crown Court, the magistrates have to decide whether to accept jurisdiction. If they consider that their powers of sentence would not be sufficient they may refer the case to the Crown Court in any event. The applicant cannot recall whether he was asked to make any representations as to the place of trial. He also cannot recall whether he requested a jury trial or not. He does remember the matter being sent to the Crown Court.

The applicant had said there were three Crown Court Hearings. The first was adjourned as the applicant had just changed solicitor. The second was a case management conference and the third was a trial where the applicant pleaded guilty.

The Assistant Chief Executive – Legal said this course of events was very unusual. Ordinarily the first hearing would have been for plea and directions. A case management conference would then only take place if a not guilty plea had been made to ensure that matters were ready for trial. The applicant had also said he felt he ought to have pleaded not guilty, but pleaded guilty on legal advice. The applicant then complained about the quality of his legal representation as his advocate only spoke for 25 seconds before the judge passed his sentence, whilst the prosecution spoke for 52 minutes.

The Assistant Chief Executive – Legal did not find this account credible as a plea in mitigation within 25 seconds was not possible. If the offence was serious an experienced advocate may defer his plea in mitigation until the pre-sentence reports had been prepared. Given the nature of the offence, it was extremely unlikely the judge would have

imposed the sentence without the benefit of pre-sentence reports. However, the applicant maintained this was what happened.

The sentence seemed severe, however it was noted the applicant had appealed the decision. The appeal was unsuccessful so the Court of Appeal must have been satisfied the sentence was appropriate.

The applicant had initially taken the position that only he had been prosecuted and not his company, but in his interview with the Assistant Chief Executive - Legal eventually admitted both himself and the company had been prosecuted. Furthermore, on his application form the applicant had stated that he had not been fined, but had been ordered to pay £15,000 in costs. At the interview the applicant stated the company was fined £15,000. The DBS check did not reveal any cost order and it was not clear whether the applicant had either innocently or deliberately classified the fine awarded to the company as costs.

The Assistant Chief Executive – Legal said he had taken advice from the Council’s Environmental Health Team. They had said all products of animal origin needed health marks unique to a company so the products were traceable. Only a person who does something to the product can place a health mark. The applicant’s company did not do this, so they could not place health marks for that purpose. This was consistent with the advice given by Trading Standards to the applicant in 2006.

The Chairman invited the applicant to speak about his application. The applicant began by outlining how his Company operated. He explained the Company had a contract with Llangadog Creamery, which ceased when Llangadog Creamery was bought by Nestle. Subsequently the Company entered into a contract to sell dairy products bought from a company in Holland. He made a decision to use the label which was previously used on products from Llangadog Creamery but forgot to remove the health mark. In the time between the two contracts it had become a requirement that health marks were placed on the tin, whereas previously they were placed on the label. This meant the product had two different health marks.

When Trading Standards initially investigated him, they had suggested this was deliberate, but the applicant re-iterated to them it was just an oversight. The applicant then said he thought only the Company was going to be prosecuted, but had later been told he was also going to be prosecuted.

The applicant said his recollection of the trial was vague, but he did explain that he felt his actions had not been serious and that he intended to plead not-guilty. This may have been why the case was then referred to the Crown Court. He changed to a local solicitor in order to save costs and the new solicitor advised him to plead guilty.

The applicant explained that he did not feel he was guilty but did eventually plead guilty due to his solicitor's advice.

The applicant spoke about the quality of his legal representation and his experience of the trial. The prosecutor had spoken for 52 minutes but his advocate only spoke for a maximum of two minutes. He had found it frustrating that a number of things had been said about him which he felt were untrue and he could not reply to.

He had experienced no previous problems with Trading Standards prior to his conviction in 2012. He felt the issue with Trading Standards had occurred when his businesses' warehouse and retail departments were split between two separate authorities.

The applicant reiterated the issue was an oversight on his part and then explained that he currently worked in the management team of a taxi company. However, in the future his company could require him to occasionally drive minibuses as cover.

The Assistant Chief Executive – Legal outlined the conventional court procedures and asked the applicant whether he remembered anything relating to pre-sentence reports during the trial, as the applicant had been adamant during their interview that there had been no pre-sentence reports. In response the applicant said he remembered hearing the word "pre-sentence" but he was unsure what that meant at the time of his trial. He could not remember whether he had met with a probation officer during the pre-sentencing period.

The applicant in response to a further question by the Assistant Chief Executive – Legal, said he thought he had pleaded not-guilty when first asked to give plea and directions. The Assistant Chief Executive – Legal said this was consistent with a case management conference subsequently taking place. The applicant must have then changed his plea at the trial.

The applicant was questioned about his investigation by Trading Standards following a complaint his Company had sold tinned mackerel which was not health marked. The applicant said he did not feel the case was relevant as there had been no prosecution as a consequence. There were many companies who had dealt with the product prior to his Company and only his had been picked on. He had not committed an offence as the Company had made no alterations to the tins and had only acted as a middleman.

The Assistant Chief Executive – Legal drew attention to paragraph 17 of his report, where the applicant had admitted to Trading Standards that in the past the applicant's Company had rewrapped products of animal origin.

Councillor Hicks told the applicant that the purpose of the meeting was to determine whether he was a fit and proper person to hold a licence, not to re-evaluate his trial. Councillor Hicks then asked the applicant whether there was further information he could provide the Committee which would show he was a fit and proper person to hold a driver's licence.

In response the applicant said he had been working with his current employer for around four to five months in a management role. He was now a registered carer for his mother and spent a considerable amount of time looking after her.

Councillor Chambers asked the applicant why he had not produced written confirmation from the manufacturer that the Company could change the expiry dates on cans. The applicant, in response, said his Company had so many letters of written confirmation it would have been difficult to find the letter of confirmation relating to this incident. In this case, as the products were originally from Holland, the applicant had not received permission from the manufacturer and had instead received permission from a specialist analyst. It was legal to do this and he had not been prosecuted on this matter.

Councillor Chambers questioned the applicant regarding his change of plea. The applicant said that although he firmly believed he should have pleaded not guilty, his solicitor had advised him that he had no defence. The applicant had felt obliged to take the advice of his solicitor into account and reluctantly changed his plea to guilty.

The Assistant Chief Executive – Legal said that although all the applicant's convictions were deemed spent in accordance with the Rehabilitation of Offenders Act 1974, the applicant did not meet the Council's Licensing Standards as he had a conviction for an offence of dishonesty for which a custodial sentence had been imposed. The Committee was not bound by the Council's Policy and could make exceptions where appropriate. The Policy set out four factors which the Committee should consider. These were; the nature of the offence, the severity of the offence, the length/severity of the offence and the passage of time since the conviction.

The applicant left the room at 11.20am so the Committee could consider its decision. He returned at 12.10pm.

DECISION

The applicant has applied to the Council for a joint private hire/hackney carriage driver's licence. On his application form he disclosed that he had a conviction from Nottingham Court for trading standards matters for which he was given a 6 month suspended sentence and ordered to pay £15,000 costs. As part of the application process the Council undertakes an enhanced DBS check. This revealed that the

applicant was convicted by Nottingham Crown Court on 14 November for 1 offence under the General Food Regulations 2004, 3 offences under the Food Hygiene Regulations 2006, 5 offences under the Food Safety Act 1990 of selling food the preparation of which was likely to mislead as to its nature, substance or quality and 1 offence of possessing for sale food the preparation of which was likely to mislead as to its nature, substance or quality. In respect of all of these offences the applicant pleaded guilty. He was sentenced to 6 months imprisonment on each count concurrent suspended for 2 years. He was also made the subject of a supervision requirement for 6 months and in respect of the first offence he was disqualified from being a company director for 4 years. The applicant appealed against sentence but the sentences were all upheld by the Court of Appeal.

Under the Local Government (Miscellaneous Provisions) Act 1976 councils have a duty to grant licences upon application to applicants who hold a current driving licence and who have done so for at least 12 months. However the Act goes on to say that a council shall not grant a licence unless it is satisfied that the applicant is a fit and proper person. The Council has a licensing policy which contains licensing standards. These are not binding on members but are a guide as to who may be considered fit and proper persons. Paragraph 2.3 of the policy states that “applicants who do not meet all the licensing standards will only be granted a licence if there are good grounds for departing from the Council policy. The burden of proof is upon the applicant to satisfy the Council that he or she is a fit and proper person”. Paragraph 2.4 of the policy says that “There may be reasons why an applicant may be considered not to be a fit and proper person even though he or she meets licensing standards. Conversely there will be cases where someone does not meet licensing standards but nevertheless the Council is satisfied that he or she is a fit and proper person so that a licence can be issued. Each case is decided upon its merits.”

The licensing standards for drivers provide that applicants should have no criminal convictions for an offence of dishonesty in respect of which a custodial sentence (including a suspended custodial sentence) was imposed. The offences of which the applicant was convicted are classified as food fraud. Fraud is clearly an offence of dishonesty and the applicant does not meet the Council’s licensing standards. It is for him to satisfy the Committee that he is a fit and proper person and that there are good grounds to depart from the Council’s policy and grant a licence in his case.

As part of the application process the applicant was interviewed by a licensing officer. He was asked to provide copies of certain papers used in the prosecution and complied with that request in part. He was then interviewed by the Assistant Chief Executive – Legal who prepared the report before the Committee today. When interviewed by the licensing officer the applicant said that he had been prosecuted and not his company as the prosecution was concerned that the company

would go into liquidation and avoid any fine. This was a position he initially took with the Assistant Chief Executive – Legal until it was pointed out to the applicant that the papers he had disclosed showed that both the applicant and his company had been prosecuted. At that point the applicant acknowledged that fact and said that the company had been fined £15000 for the offences.

The applicant gave the Assistant Chief Executive – Legal an account as to the nature of his business and the circumstances of the offences. That appears at paragraphs 10 – 17 of the officer's report. The applicant did not dispute that account today.

In deciding whether there are grounds to make an exception to policy whilst the Committee will have regard to all the circumstances of the case the Council's policy sets out 4 factors which require specific consideration. These are:-

1. The nature of the offence
2. The severity of the offence
3. The length or severity of the sentence
4. The passage of time since conviction

Taking each of these in turn the offence was one of dishonesty. This is of particular relevance in the field of licensing private hire or hackney carriage drivers. A conviction for an offence of dishonesty is one of four offences which would of itself justify a council revoking, suspending or refusing to renew a licence. The legislature therefore clearly placed greater emphasis on this type of offence than others in the context of driver licensing. The Committee consider this emphasis well placed. There is no doubt that the offence was a serious one. The purpose of the food labelling legislation is to ensure traceability of certain food products to help protect public health. This was a large scale fraud which would have involved the re-labelling of over 427,000 tins of evaporated milk. The severity of the offence is underlined by the next factor, the severity of the sentence. A custodial sentence of 6 months suspended for 2 years was imposed on the applicant. He was made the subject of a supervision order and disqualified from being a company director for 4 years. The applicant appealed these sentences to the Court of Appeal where they were upheld. In addition to the sentence given to the applicant his company was fined £15000. By any standards the sentences were severe.

The final factor the policy requires the Committee to have regard to is the passage of time since conviction. It is right to say that the applicant's convictions are spent under the Rehabilitation of Offenders Act 1974 as amended. However in the field of licensing spent convictions may be taken into account. Prior to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 coming into effect in March 2014 year the Council as a general rule disregarded offences which were deemed spent under the 1974 Act. Members considered

that the amendments made by the 2012 Act went too far and therefore after consultation with the hackney carriage and private hire trade amended the Council's policy to the one we have today. Under that policy persons with convictions for an offence of dishonesty in respect of which a custodial sentence, including a suspended custodial sentence, was imposed do not meet licensing standards. That does not mean that such persons will never be given a licence but it does mean that all applicants who fall within that category would need to satisfy the Committee that there are grounds to depart from policy and that they cannot be granted a licence under delegated powers.

The Committee take account of the fact that the convictions are now spent but note that the convictions were as recent as 2012, not yet 3 years ago.

Turning now to the general circumstances of the case there are a number of aggravating factors. These are as follows:-

1. In his dealings with the licensing officer and on his application form the applicant made light of the convictions portraying them as minor trading standards issues notwithstanding the seriousness of the sentence.
2. In his dealings with the licensing officer and later the Assistant Chief Executive – Legal the applicant tried to pretend that he was in effect the “fall guy” for his company and that he had been prosecuted instead of the company in case the company should have gone into liquidation without paying any fine. He maintained this position until the Assistant Chief Executive – Legal pointed out that the court papers that the applicant had produced clearly showed that both he and his company had been prosecuted.
3. The applicant failed to co-operate with the Council by providing all papers relating to the prosecution which he had been requested to do. Some documents including important documents such as the indictment were missing.
4. The circumstances of the prosecution were such that in addition to passing sentence upon the applicant the court felt it necessary to disqualify him from being a director of a company for 4 years, a disqualification which is still current.
5. The applicant's account of his trial is frankly not credible. Paragraph's 18 – 23 of the officer's report set out the applicant's responses to questions concerning the prosecution procedure. The Committee accept and endorse the concerns of the officer expressed in those paragraphs.
6. In his interview with the Assistant Chief Executive – Legal the applicant said that he had been in business for 28 years and had never had any trouble with trading standards. However the evidence which the applicant produced from his trial showed that in 2006 the applicant and his company were under investigation for selling food products which were not health marked. On that occasion advice was given and no further action was taken.

However the statement the applicant made that he had never had any trouble with trading standards was clearly false and the fact that he should have committed offences with regard to food labelling having been previously warned only serves to make the latter offences more serious.

7. The applicant also contradicted himself today. When interviewed by the Assistant Chief Executive – Legal he said that he had changed the best before date on the products resulting in the prosecution but with the manufacturer's consent. Today he told the Committee that he did not have such consent but was relying upon testing by an analyst.

The objectives of the licensing regime are to ensure so far as possible that those licensed to drive licensed vehicles are suitable persons to do so. That includes a requirement that they are honest. The applicant does not meet the council's licensing standards. By virtue of his convictions for an offence of food fraud and his dealings with officers in the course of his application the Committee are not satisfied as to his honesty nor that he is a fit and proper person to hold a licence. The applicant has not satisfied the Committee on the balance of probability that there are reasonable grounds to depart from its policy and his application is therefore refused.

The meeting ended at 12.30pm.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 2pm on 11 AUGUST 2015**

Present: Councillor R Chambers (Chairman)
Councillors J Davey and S Morris.

Officers in attendance: M Chamberlain (Enforcement Officer), J Jones
(Licensing Officer), M Perry (Assistant Chief Executive – Legal)
and A Rees (Democratic and Electoral Services Officer).

Others in attendance: The applicants in relation to Items 2, 3, 4 and 6.

LIC 12 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

The Committee decided to determine Item 6 first.

LIC13 EXCLUSION OF THE PUBLIC

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.

**LIC14 DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS
LICENCE – ITEM 6**

The Enforcement Officer presented his report. Part of the application form asked to disclose all convictions, both spent and unspent. The only offences he revealed were an offence for using a mobile phone whilst driving in 2008, and an offence of having excess alcohol in 1983 for which he was fined around £100 and disqualified from driving for a year.

An enhanced DBS check was carried out as part of the application. This revealed a conviction in 1992 for three offences; one for theft for which he was fined £110, ordered to pay compensation of £10 and costs of £33. There was also a conviction of using a false instrument for which he was fined £69 and an offence of forgery for which he was fined £46.

The Enforcement Officer said the Rehabilitation of Offenders Act 1974 permitted the Council to consider spent convictions if they were considered relevant. Additionally, making a false statement to obtain a licence was an offence under the Local Government (Miscellaneous Provisions) Act 1976.

With his application, the applicant submitted a basic Scotland Disclosure Check dated 27 February 2015. This revealed no convictions. In June 2015, the Council received a letter from the applicant explaining the convictions in 1992 had slipped his mind. They related to use his use of an expired train season ticket. He explained that at the time he had been under a lot of pressure as he had just lost his father.

The applicant then attended an Interview Under Caution in July where he was asked why did had not disclosed the conviction in 1992. In response the applicant said he had used the information from his basic DBS check. He recalled attending court in 1992, but his recollection of events was poor and therefore assumed he had paid his fine. He did not mean to mislead the Council and had not been in trouble with the police since 1992.

The Enforcement Officer said the applicant was aware an enhanced DBS check was being carried out, so he should have realised the convictions would have come to the Council's attention. The Assistant Chief Executive – Legal felt a prosecution was in the public interest due to the false statement made in order to obtain a licence. As the applicant now had a pending prosecution he did not meet the Council's licensing standards.

The applicant was invited to speak by the Chairman. He reiterated that he did not mean to mislead the Council. He could not find any documentation relating to the conviction in 1992 which is why he did not disclose it. As of September last year he had been working in a bar.

The Assistant Chief Executive – Legal said the Committee should only grant a licence if it was satisfied the applicant was a fit and proper person notwithstanding the fact he did not meet the Council's licensing standards due to his pending prosecution. The applicant's previous convictions were not relevant.

The applicant, the Enforcement Officer and the Licensing Officer left the room at 2.15pm so the Committee could consider its decision. They returned at 2.40pm.

DECISION

The applicant has applied to the council for a joint private hire/hackney carriage driver's licence. One of the questions on the application form asks applicants to list all convictions (including motoring offences) both spent and unspent and any Police cautions. The applicant answered this question by declaring that he had a CU80 offence (using a mobile phone whilst driving) on his driving licence for which he was fined £60 and given three penalty points in 2008. He also declared an offence of having excess alcohol in 1983 for which he attended Harlow Court and was fined approximately £100 and given a one year ban. He did not disclose any other offences on this application.

As part of the application process applicants are required to produce an enhanced DBS check. The applicant's DBS check revealed convictions on 10 September 1992 at Mid-South Essex Magistrates for three offences. These

offences were theft for which he was fined £115, ordered to pay compensation of £10 and costs of £33, using a false instrument for which he was fined £69, and forgery for which he was fined £46.

On 15 June 2015, the Council received a letter from the applicant dated 10 June 2015 explaining that the conviction in 1992 had slipped his mind which is why he did not disclose it on his application. He explained that it was related to a train season ticket that he had been using when it had expired for which he was very sorry about. He explained that at the time he was under a lot of pressure as he had just lost his father and looking after his mother.

The applicant was interviewed under caution at the council offices with regard to the offence of making a false statement to obtain a licence. When he was questioned why he did not disclose that he had a conviction in 1992 he stated that he had used the information from his basic disclosure check in February. The applicant did recall that he did attend the Court in 1992, but his recollection was very poor and felt that he must have paid his fine. He stated that he never meant to lie to the Council or mislead it in any way. He said that since 1992 he has never been in trouble with the police and until last year held high powered jobs in the City including a money broker and a senior salesman. In light of his response the Assistant Chief Executive – Legal has determined that it is in the public interest that the applicant should be prosecuted for this offence. As the applicant has a pending prosecution he does not meet the council's licensing standards.

When an application does not meet the council's licensing standards it is for him to show that there are good reasons why the council should depart from its policy. In essence the applicant must demonstrate why he may be considered to be a fit and proper person notwithstanding the fact that he does not meet licensing standards.

In considering such applications the council's licensing policy requires the committee to have regard to four matters namely the nature of the offence, the severity of the offence, the length or severity of the sentence and the passage of time since conviction. With regard to the nature of the offence the applicant faces prosecution for making a false statement which is clearly an offence of dishonesty. The Local Government (Miscellaneous Provisions) Act 1976 gives council's power to suspend, revoke or not renew a licence on the grounds that since the grant of the licence a driver has been convicted of an offence of dishonesty or an offence of a sexual or violent nature. It follows that Parliament placed great emphasis on offences of dishonesty for drivers. With regard to the severity of the offence the applicant had a clear basic DBS check. The committee did not accept his explanation that he forgot about the convictions in 1992 particularly as he remembered a conviction some 9 years earlier. The committee believe that he did not disclose those convictions to the council because he thought the council would not find out. This was a deliberate act of dishonesty which the committee regards as being a very serious matter. With regard to the length or severity of the sentence this is not yet known as the prosecution is only pending but the committee take note of the fact that the maximum sentence for this offence is level 3 on the standard scale. Similarly the passage of time since conviction is not relevant to the applicant's circumstances

although if he is convicted the conviction would be recent and the applicant would therefore not meet the council's licensing standards for five years.

The applicant has advanced no reasons why the council should depart from its policy and in the circumstances and in light of the pending prosecution the committee cannot be satisfied that he is a fit and proper person. The application for a licence will therefore be refused.

The Assistant Chief Executive – Legal informed the applicant of his right to appeal the decision within 21 days of receiving a notice of the decision.

LIC15

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE – ITEM 2

The Licensing Officer presented her report to determine a private hire/ hackney carriage driver's licence. The applicant, as part of the application process, had been asked to disclose all convictions both spent and unspent. The applicant disclosed a speeding offence in 2012, an offence of driving without insurance in 1978 for which he was disqualified from driving for two years. The applicant attached a sheet containing five further separate convictions dated between 1976 and 1980.

Applicants were also required to undergo an enhanced DBS check. This revealed the offences on the application and the convictions on the attached sheet which were; an offence of attempting/taking a motor vehicle without consent in October 1976 for which he received a fine of £50, taking a motor vehicle without consent in May 1978 for which he received a probation order of two years, attempting/taking a motor vehicle without consent in September 1978 for which he received a probation order of two years, going equipped for theft, breach of a probation order, failing to surrender to bail and theft in March 1979 for which he received six months detention and burglary and theft of a non-dwelling in 1980 for which he was fined £75.

The Licensing Officer said that although all the applicant's convictions were spent in accordance with the Rehabilitation of Offenders Act 1974, he did not meet the Council's licensing standards which stated applicants must have "no criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed".

In April the applicant was interviewed by the Licensing Officer, where the applicant explained the circumstances surrounding his convictions. Regarding his conviction for theft in 1979, the applicant said he used to drive around in his friend's van. They ran out of petrol and siphoned some out of a car. They were charged with going equipped for theft as they already had a hose and petrol can in the van. He had not received any convictions since 1980. After his last conviction he took a training course and became a photocopier engineer and had also been a postman for 10 years. He left his last job in March 2015, but had continued doing jobs for his previous employer on an ad-hoc basis.

The applicant was asked about his convictions and explained he was embarrassed by the convictions and was a different person to the one who received a custodial sentence in 1980.

The Assistant Chief Executive – Legal outlined the factors to be considered when departing from the Council's licensing policy. These were; the nature of the offence, the severity of the offence, the length or severity of the sentence and the passage of time since conviction.

The Licensing Officer and the applicant left the room at 2.55pm so the Committee could consider its decision. They returned at 3.10pm.

DECISION

The applicant has applied to the council for a joint private hire/hackney carriage driver's licence. On his application form he disclosed a number of convictions between 1976 and 1980. The convictions were all for offences of dishonesty. In respect of these sentences he received a range of punishments including fines, a probation order and ultimately a sentence of six months detention. His last conviction on the 14 of October 1980 was for burglary and theft from a building other than a dwelling house for which was fined £75. By virtue of the custodial sentence for an offence 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.

In considering such applications the committee must have regard to a number of factors. These are

1. the nature of the offence
2. the severity of the offence
3. the length or severity of the sentence
4. the passage of time since conviction

Applying these to the applicant's circumstances, all his convictions were for offences of dishonesty. This is a factor which tells against him. However the offences were all at the lower end of the scale. In general the nature of the sentence imposed was not severe, the custodial sentence apparently being imposed not because of the severity of the offence but because previous non-custodial sentences had failed to address the applicant's behaviour. The committee also note that the last offence was 35 years ago and that the applicant has had no convictions of any nature since. In the circumstances, members are satisfied that 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.

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE – ITEM 3

The Licensing Officer presented her report to the Committee. The applicant had been licensed by the Council from March 2008 to February 2010, although he never used his licence during this period. In 2014 he re-applied for a licence, but was advised by the Licensing Officer at the time he did not meet the Council's standards as he had nine points endorsed on his licence within the previous three years. He was advised to re-apply in 2015 when the three year period had elapsed.

Applicants were required to list all convictions, both spent and unspent as part of their application. The applicant disclosed an offence for failing to stop after an accident for which he was fined approximately £600, ordered to complete 120 hours of community service and endorsed with nine points on his licence. The applicant explained he thought he had hit a deer, but it later transpired he had hit a man who died as a result of the impact. The Assistant Chief Executive – Legal, given the serious nature of the incident, had declined to grant the licence under delegated powers.

The Licensing Officer said the applicant had undergone an enhanced DBS check which revealed the offence on the application. The applicant was then invited to the Council offices to discuss his application and conviction. The applicant explained he had been returning home from work at around 11pm. He felt something hit the side of his vehicle, but assumed it was a deer as he had used the road for over a year and had never seen any pedestrians. He was shaken up by the incident and when he returned home told his wife he had hit something whilst driving home. A motorist following the applicant made a note of the applicant's registration number and shortly after arriving home, the applicant was arrested and spent the night in a police station. He was told he had in fact hit a person who had died as a result. The Police told the applicant there was nothing he could have done to avoid the accident and the only mistake he made was failing to stop, for which he was prosecuted and subsequently convicted of.

The Licensing Officer said the applicant had no convictions since 2012 and if his licence was granted he would give up his work in a restaurant and work full time as a hackney carriage driver.

The applicant was asked about the circumstances immediately after the incident. He explained that when he returned home his children could tell he was distressed as he was visibly shaking.

The Assistant Chief Executive – Legal advised the Committee that the applicant would have been breathalysed and as there was no charge for a drink driving offence, alcohol would not have been a factor in the incident. The applicant was charged for failing to stop, and not for the offences of careless, or dangerous driving. Therefore, it appeared the punishment was for the severity of the outcome and not the severity of the applicant's actions.

The applicant and the Licensing Officer left the room at 3.20pm so the Committee could consider its decision. They returned at 3.35pm.

DECISION

The applicant has applied to this council for a joint private hire/hackney carriage driver's licence. The applicant does meet the council's licensing standards, but his case has been referred to the committee by the Assistant Chief Executive – Legal at his discretion.

On 17 June 2015 the applicant was convicted of an offence of failing to stop and report an accident. In respect of that offence he was endorsed with nine penalty points. He was ordered to pay £620 costs and also received a community punishment. The circumstances of the offence are fully explained in paragraph five of the licensing officer's report. The applicant was involved in an accident with a pedestrian resulting in the pedestrian's death.

The accident occurred at approximately 11pm. The applicant states that he felt something hit the car on the passenger side and he assumed this had been a deer. A motorist who had seen the accident occur took a note of the applicant's vehicle number and immediately called the police. The police arrived at the applicant's home at 11.25pm when he was arrested and taken to the police station. It is inconceivable that the applicant would not have been breathalysed after his arrest. Members note that he was not charged with any drink drive offence and find therefore that alcohol played no part in the accident. It is also notable that the applicant was not charged with careless or dangerous driving but merely failing to stop and report an accident.

The applicant does meet the council's licensing standards. Members do not find any reason to depart from their policy and a licence will therefore be granted.

LIC17

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE – ITEM 4

The Licensing Officer presented her report. The applicant had initially applied for a licence with the Council in August 2014, but this application was not progressed as the applicant disclosed a conviction for perverting the course of justice in 2010 for which he was sentenced to 12 months imprisonment. Under the Rehabilitation of Offenders Act 1974 this conviction was not be deemed spent until April 2015.

When the applicant contacted the Council in October 2014, the Licensing Officer explained the conviction would not be considered spent until April 2015. He would still not meet the Council's licensing standards after this date, as he had received a custodial sentence for an offence of dishonesty.

The applicant made a second application for a licence in June 2015. He again revealed a conviction for perverting the course of justice and that he had a driver's licence refused or revoked. He also revealed a TS10 offence in July

2012 for which he was fined £60 and his licence endorsed with three penalty points.

The Licensing Officer said applicants were required to undergo an enhanced DBS check as part of their application. The applicant submitted the DBS check obtained from the County Council when he applied for a driver's licence from Southend Borough Council. This revealed the conviction in 2010 related to five separate offences committed between 2005-2007. For each offence he received a 12 month custodial sentence. These ran concurrently.

The applicant attended the Council Offices in July to discuss his application with the Licensing Officer. The applicant revealed he had been licenced by Southend Borough Council from 2003 until his conviction in 2010. He had received five Notices of Prosecution between 2005 and 2007. For each one he gave a false name and address.

The Licensing Officer asked the applicant whether he had any points endorsed on his licence at the time of receiving his first Notice of Prosecution. The applicant said he did not. He was then asked why he did not accept the points, to which he replied he did not understand the points system and did not realise giving a false name and address was a serious matter.

In response to further questions at the interview from the Licensing Officer, the applicant re-iterated that the names he gave were not of friends and family and were entirely fictitious. The Licensing Officer told the applicant she knew of another man who was also from Southend who had applied for a licence with the Council and had similar offences to the applicant. At the time the applicant said he did not know the other man.

The Licensing Officer said the Police caught the applicant out when they approached Southend Council to ask who the vehicle was licensed to. The vehicle belonged to AC Taxis whose worksheets revealed the applicant had been driving the vehicle when the speeding offences had been committed.

Following the interview, the Council received information from Southend Council that the other man who had applied to the Council lived on the same street as the applicant and had been convicted of the same offences as the applicant on the same day. The Licensing Officer asked the applicant about this. The applicant responded stating he only knew the man was a fellow taxi driver and that the names and addresses given had been false.

The Licensing Officer said the applicant had no convictions since 2010 and served 3 months of his 12 month sentence before being released on licence. He had initially found it difficult to find a job, but eventually found work as a delivery driver and in October 2014 was granted a Private Hire Driver's Licence by Transport for London. He reapplied for a licence from Southend Council but was refused on the grounds he was not a fit and proper person.

The applicant, in response to questions, said Southend Borough Council did not give a reason for not granting him a licence beyond that he was not a fit and

proper person. The applicant then produced five personal references which the Assistant Chief Executive – Legal read to the Committee.

The Assistant Chief Executive – Legal outlined the factors to be considered when departing from the Council's licensing policy. These were; the nature of the offence, the severity of the offence, the length or severity of the sentence and the passage of time since conviction.

The applicant and the Licensing Officer left the room at 3.55pm so the Committee could consider its decision. They returned at 4.10pm.

DECISION

The applicant has applied to the council for a joint private hire/hackney carriage driver's licence. On 28 April 2010 he was convicted of five offences of perverting the course of public justice. In respect of all these offences he was given a 12 month custodial sentence each to run concurrently with the others. Perverting the course of justice is an offence of dishonesty. As the applicant received a custodial sentence for such an offence it follows that he does not meet the council's licensing standards.

When interviewed by the Licensing Officer, the applicant stated that he had received notices of intended prosecution for five speed offences between 2005 and 2007. Unless the driver has been stopped at the scene a notice of intended prosecution is invariably accompanied by a request to give the name and address of the driver at the time of the offences were committed. The applicant stated that in response to each of the notices he had given false names and addresses. On the same day that the applicant was convicted one another man who lives in the same road as the applicant was also convicted at the same Crown Court for four similar offences. The applicant denies knowing the other man or working in consort with him with regard to the offences.

Where an applicant requests that the council should depart from its policy and grant a licence it is for the applicant to demonstrate to the committee that there are good reasons for departing from the policy. In effect the applicant has to satisfy the committee that he is a fit and proper person to hold such a licence notwithstanding that he does not meet the council's licensing standards. In considering such applications there are four matters the council's licensing policy specifically require the council to have regard to. These are:

1. the nature of the offence
2. the severity of the offence
3. the length or severity of the sentence
4. the passage of time since conviction

The offences are all ones of dishonesty. The Local Government (Miscellaneous Provisions) Act 1976 gives as a ground to refuse to renew a licence or to suspend or revoke a licence the fact that since a licence was granted the driver has been convicted of an offence of dishonesty or an offence of a sexual or violent nature. Dishonesty therefore falls into a category of offence which Parliament had particular regard to in framing the legislation.

The offences were serious ones. Not only were the offences serious in themselves but there were five offences committed over a period of time showing a prolonged campaign of dishonest conduct designed to avoid fines and points on the licence notwithstanding the fact that for the first three offences the applicant's licence would not necessarily have been at risk. The sentence of twelve months imprisonment for a first offence is serious indeed and demonstrates the gravity with which the courts regard offences of perverting the course of justice.

Finally, although the convictions are just spent within the meaning of the Rehabilitation of the Offenders Act 1974 they are still relatively recent. The committee is entitled to have regard to spent convictions and this is reflected in the committee's policy.

The applicant has today produced 5 personal references in support of his application. Whilst they speak of his honesty they do not refer to his convictions. Other than these references the applicant has advanced no reason why the committee should grant a licence contrary to its policy.

Under the circumstances of the case the committee is not satisfied there are grounds to make a departure from policy. By virtue of the serious convictions for five offences of dishonesty over a period of time the committee is not satisfied that the applicant is a fit and proper person to hold a licence and the application will be refused.

The Assistant Chief Executive – Legal informed the applicant of his right to appeal the decision within 21 days of receiving a notice of the decision.

LIC18

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE – ITEM 5

The Assistant Chief Executive – Legal said that nothing had been heard from the applicant and he had not asked for the hearing to be deferred. In the circumstances the Committee decided to determine the case in the applicant's absence.

The application form asked applicants to list all convictions, both spent and unspent. The applicant answered this question by stating he had no cautions or convictions. Applicants were also required to undergo an enhanced DBS check. This revealed a conviction for handling stolen goods in 1984, a conviction in 1989 for allowing himself to be carried in a vehicle taken without authority and a further conviction for driving without insurance and driving whilst disqualified.

The applicant had attended an interview under caution where he was asked why he did not disclose the convictions. The applicant, in response, said he did not disclose the convictions as he did not think they would come to the Council's attention.

In light of the false statement made and the applicant's comments in the interview under caution, the Assistant Chief Executive – Legal had decided it was in the public interest to pursue a prosecution. As the applicant had a pending prosecution he did not meet the Council's licensing standards. It was up to the applicant to satisfy the Committee that he was a fit and proper person and that there were grounds to justify a departure from policy.

DECISION

The applicant has applied to the council for a joint private hire/hackney carriage drivers licence. One of the questions on the application form asks applicants to list all convictions (including motoring offences) both spent and unspent and any Police cautions. The applicant answered this question by saying that he had no cautions or convictions.

As part of the application process applicants are required to produce an enhanced DBS check. The applicant's DBS check revealed a conviction on 15 February 1984 for handling stolen goods and a further conviction on 10 November 1989 at Chelmsford Crown Court for allowing himself to be carried in a vehicle which had been taken without authority and a further conviction of handling stolen goods. Finally there is a further conviction revealed on 27 February 1992 for driving without insurance and driving whilst disqualified. Although the DBS check did not reveal what the first disqualification was for and the applicant cannot recall why he was disqualified.

The applicant was interviewed under caution at the council offices with regard to the offence of making a false statement to obtain a licence. He was asked why he did not disclose his convictions and said that he did not think that they would show up on the DBS. In light of his response the Assistant Chief Executive – Legal has determined that it is in the public interest that the applicant should be prosecuted for this offence. As the applicant has a pending prosecution he does not meet the council's licensing standards.

When an application does not meet the council's licensing standards it is for him to show that there are good reasons why the council should depart from its policy. In essence the applicant must demonstrate why he may be considered to be a fit and proper person notwithstanding the fact that he does not meet licensing standards. The applicant has not appeared before the committee today to try to persuade the committee that there are reasons to depart from policy in his case.

In the circumstances and in light of the pending prosecution the committee cannot be satisfied that he is a fit and proper person and the application for a licence will be refused.

LIC 19

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE – ITEM 7

The driver had decided not to renew his licence and as a result the item had been withdrawn.

LIC20

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE – ITEM 8

The applicant had emailed the Enforcement Officer stating that he was unable to attend the meeting as he had been unable to organise leave with his current employer. In light of the applicant's email, the Committee resolved to defer determination of the application. The applicant would be invited to attend a future meeting of the Committee and would be informed that the Committee were minded to refuse the application if he did not attend.

The meeting ended at 4.30pm.

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 12 AUGUST 2015 at 7.30pm**

Present: Councillor R Chambers – Chairman.
Councillors A Anjum, G Barker, J Davey, R Gleeson, J Gordon, E
Hicks and S Morris.

Officers in attendance: M Cox (Democratic Services Officer) and M Perry
(Assistant Chief Executive – Legal).

Also in attendance: Andy Mahoney (24x7 Ltd), Barry Drinkwater, Richard Ellis
(ULODA).

LIC21 PUBLIC SPEAKING

Statement were made by Andy Mahoney, Barry Drinkwater and Richard Ellis,
representatives of the licensed trade.

A summary of their statements is appended to these minutes.

LIC22 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Goddard and Parry.

**LIC23 FEES FOR DRIVERS HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLES AND PRIVATE HIRE OPERATORS**

The Assistant Chief Executive – Legal presented the report on the proposed new
fee structure for licences relating to hackney carriage and private hire trades.

This change stemmed from the Deregulation Act 2015, which removed the
discretion for local authorities to issue a licence for a shorter period than the
default option. From 1 October 2015 drivers' licenses should be issued for three
year duration and operators' licences for a 5 year period. The Act did however
provide for exceptional circumstances where occasionally it would be appropriate
to issue a driver's licence for less than 3 years.

It was explained that local authorities were entitled to recover their costs but
should not make a profit. The basis of calculating the cost of the licensing
service had until now been based on the cost of the Licensing Team plus
recharges from support services throughout the council. The current best
practice guidance was that the fee should be calculated in respect of each
individual licence depending upon the time and resources required to carry out
the different functions. Officers had drilled down to establish the various
component parts, the time spent on each item, and applied the hourly rate for
those members of staff.

For the last few years the drivers' license fees had been reduced. This was to redress the balance of a surplus that had been discovered in 2010. It had been anticipated that the reduced fee structure would bring the council back to a break even position within a period of three years. However, due to an increase in the number of licences that had been issued in that period the balance of the reserve at the end of the financial year 2014/15 still stood at £30,374. To eliminate this reserve it was suggested that existing drivers, who applied to renew their licences between 1 October 2015 and 30 September 2016 should receive a £20 rebate against the licence fee.

The report set out the detailed figures and explained the proposed fees for each category of licence. For the most part the costs would be less over the three/five year period than at the current annual rates. Also it appeared that Uttlesford would remain the cheapest licensing authority in Essex.

The Assistant Chief Executive – Legal had circulated a supplementary report prior to the meeting which gave details of four representations which had been received from member of the licensed trade and his comments on these representations.

He answered the questions raised by the public speakers. In relation to enforcement he said the cost of monitoring and taking action in relation to the licensed trade was recoverable. However, in relation to the unlicensed trade the position was still unclear and as such any figures relating to this had been taken out of the calculation. He confirmed that a driver who was leading up to retirement would be an appropriate circumstance to warrant issuing a license for a shorter period.

In answer to a member question, it was explained that as the fees were now based on the cost of providing the License, forward planning had been required to respond to the likely variation of workload throughout the period and the Licensing Team had been restructured accordingly.

Councillor Hicks said the report made very good sense and he was impressed with the reaction of the Trade. He congratulated officers on the report.

The Chairman said the new fee structure put the service on a real business footing. He hoped to continue the ongoing positive dialogue with the Trade.

RESOLVED

1. That save where the circumstances of an individual application warrant the grant of a licence for a lesser period licences for drivers of hackney carriages and private hire vehicles shall with effect from 1 October 2015 be of three year duration.
2. That save where the circumstances of an individual application warrant the grant of a licence for a lesser period licences for private hire operators shall with effect from the 1 October 2015 be of five year duration.

3. That members set a fee for drivers licences at a figure of £140 for the grant of a new three year licence and at £129 for the renewal of a three year licence.
4. That where the circumstances of an individual application warrant the grant of a driver's licence for a lesser period than three years that the licence fee be £80 for the grant of a one year licence or £110 for the grant of a two year licence or £69 for the renewal of a licence for one year or £99 for the renewal of a licence for two years.
5. That members set the fee for an operator's licence at £350 for the grant of a new five year licence and £346 for renewal for a period of 5 years.
6. That members set the fees for vehicle licences (both hackney carriages and private hire vehicles) at £50 for the grant of a new one year licence and £42 for the renewal of a licence for one year.
7. That the fees for operators and vehicle licences be advertised and in the event that no representations are received they shall be effective with effect from 1 October 2015.
8. That the fee for the transfer of a licence from one vehicle to another be set at £23.
9. Drivers renewing their drivers licences during the period commencing on 1 October 2015 ending on 30 September 2016 be given a rebate of £20 against the licence fee.

The meeting ended at 8.00pm.

Public statements

Barry Drinkwater said the Deregulation Act was had forced a major change to the Licencing fees. Deciding, how to implement this change had involved a lot of work, which had been done under tight time constraints. The trade had only received the documents on 22July with a meeting with officers on 28 July. This had been constructive but there had been little time for proper consultation and this had been acknowledged. However, the proposal had been accepted and sent out for consultation on 31 July. There had been no representations received before the agenda was issued but a few responses had generated through the trade route, which had been reported to the meeting. Most of the trade members had said they trusted their representatives to get it right on their behalf.

Richard Ellis highlighted the representations that had been received recently. He drew attention to two areas. First was the case of a 70 year old driver who was nearing retirement and therefore might not wish to take a licence for 3 years. The second concern was that the legislation did not allow for a rebate on the licence and he felt that the three year payment might discourage drivers from going in for the long haul.

Andy Mahoney said he was pleasantly surprised at the proposals. He wanted to be sure that everything was done correctly and within the law and said he had been in discussion with a specialist lawyer. One matter that was still unclear was the area of enforcement and whether this was recoverable. He had been advised that this was still open to interpretation. The said the method of charging was more substantive than before and he thanked officers for opening up the books. The new regime would personally cause him cash flow problems, with the requirement to pay up-front, but that was a Government decision. He thanked the officers for the report and said he had no objection to the proposals.

Barry Drinkwater said UDC appeared to be ahead of the rest of the country in terms of its charging regime and was setting a standard for others to follow.

Committee: Licensing and Environmental Health

Agenda Item

Date: 09 September 2015

4

Title: **Review of CCTV Code of Practice and Police Protocol**

Author: Joanne Jones

Item for decision

Summary

This report is to inform members of a consultation undertaken with regard to reviewing the CCTV Code of Practice and Police Protocol which were established in 2011.

Recommendations

1. That Members approve the proposed amendments to the Code and Protocol.

Financial Implications

2. None. There are no costs associated with the recommendations.

Background Papers

3. The following papers were referred to by the author in the preparation of this report and are attached.
 - Code of Practice for the Management of Camera Systems in Hackney Carriages and Private Hire Vehicles Licensed by UDC (2011 version with amendments highlighted)
 - Protocol Governing Police use of CCTV in QTP Taxis and Private Hire Vehicles (2011 version with amendments highlighted)

Impact

- 4.

Communication/Consultation	A consultation meeting was held on 23 June 2015 by Council Officers with representatives of the police, ULODA and proprietors of vehicles that have CCTV systems installed. The amended documents were circulated to the attendees for their comments on 22 July 2015.
Community Safety	None
Equalities	None
Health and Safety	None

Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

5. In 2011 the Council purchased 15 CCTV camera systems with funds provided by Essex County Council to install in Taxis and Private Hire vehicles whose proprietors had signed up to the Quality Taxi Partnership (QTP) that had been set up in 2009.
6. At the time the Police Uttlesford Crime Reduction Advisor & Architectural Liaison Officer, drew up a protocol governing the Police use of the data captured by the CCTV in licensed vehicles which became a signed agreement between the Council and Essex Police.
7. The Council's legal advisor also drew up a policy document which closely mirrored the protocol submitted by the Police. This document became the "Code of Practice for the Management of Camera Systems in Hackney Carriage and Private Hire Vehicles licensed by Uttlesford District Council". This document set out how the scheme should run, and the responsibilities of the Council, the drivers and the Police in operating the CCTV systems and using the data. For those drivers that have the CCTV installed, it also becomes part of their licence conditions.
8. The Code of Practice was agreed and accepted by UDC, Essex Police, Uttlesford Licensed Operators and Drivers Association (ULODA) and Uttlesford hackney carriage and private hire drivers who had CCTV installed.
9. The Code of Practice is subject to review and reviews should take place on a three yearly basis. The CCTV units were purchased and installed in December 2011 so the review is being undertaken now, albeit slightly overdue, as a result of staff changes.
10. On 23 June 2015 a consultation meeting took place, involving a representative of ULODA, vehicle proprietors who have CCTV systems installed in their vehicles, officer representatives of the Council and from the Police, the current Crime Prevention Tactical Advisor and their Senior-Architectural Liaison Officer, to look at both documents, to ensure they accurately reflect the operation of the scheme and are up to date.
11. It was agreed that all references to the QTP should be removed from both documents. The QTP had originally been set up for a period of 2 years, with the possibility of extending the agreement at the end of this period, however once the initial funding from ECC had been exhausted there were no further meetings and the partnership ceased operating.
12. The other amendments to the Code of Practice that were agreed were:
 - a. At point 3.1 - the word "audio-visual" should be included

- b. At point 3.9 - the notices displayed in the vehicle should also make it clear that the system installed is an audio and visual camera system).
 - c. At point 3.13 - the reference to the one year guarantee has been deleted as it is no longer relevant.
 - d. At point 4.8 the wording has been amended to add the word “authorised”.
13. Several small changes were made to the Police Protocol document (see background papers) at the suggestion of the Police representatives.
- a. All references to the QTP were removed;
 - b. wording was added to make it clear that signage will be displayed to alert passengers to the fact that a CCTV system is in operation.
 - c. On page 2 the wording of one of the Key Objectives was changed to “To assist the police and UDC in **gathering the best evidence** in investigating any crime.....”.
 - d. On page 3 the job title Crime Reduction Tactical advisor has been changed to Crime Prevention Tactical Advisor and the reference to QTP has been replaced by Community Safety Partnership.
 - e. On page 4 the paragraph about *The collection of Evidence – Requests by the Police* has been amended to add a phrase explaining that images may be sought relating to “incidents near to or on the route of any driver where the Police Senior Investigation Officer suspects evidence could have been recorded within the vehicle and that evidence could aid an investigation.
14. The amended documents were circulated to the attendees for comment. One did not respond, but the others were happy that the changes reflected what was agreed at the consultation meeting.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
Drivers misuse the CCTV system.	2. Drivers may be unaware of changes to legislation.	2. Negative impact on the reputation of the Council and/or drivers. Data may be inadmissible in evidence.	Code or Practice regularly reviewed and to form part of licence conditions.
Failure to review the Code of	2. There is a small chance	2. Legislation or practice changed	Review the Code of Practice on a regular

Practice.	that this may be overlooked in very busy periods.	which could result in breaches of Data Protection and/or data being inadmissible or lost.	basis.
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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.

CODE OF PRACTICE FOR THE MANAGEMENT OF CAMERA SYSTEMS IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES LICENCED BY UTTLESFORD DISTRICT COUNCIL

This Code of Practice has been agreed and accepted by Uttlesford District Council, Essex Police, Uttlesford Licensed Operators and Drivers Association and Uttlesford hackney carriage and private hire drivers.

1. Introduction

- 1.1 Following the inception of the Uttlesford Quality Taxi Partnership, whose aims include reducing crime and the fear of crime on the transport system, funding was received for the provision of in-car CCTV systems being installed into some licensed vehicles within the Uttlesford District.
- 1.2 This Code of Practice (hereinafter called the Code) sets out to ensure that the in-car camera systems in hackney carriages and private hire vehicles (hereinafter called Licensed vehicles) licensed by Uttlesford District Council (hereinafter called the Council) are used to prevent crime, identify the perpetrators of crime, enhance the health and safety of hire vehicle drivers and passengers and reduce the fear of crime. Adherence to this Code will ensure that the civil liberties of all parties are upheld.
- 1.3 This CCTV scheme is managed by Uttlesford District Council's Licensing Department. The body responsible for monitoring compliance with this Code will be the Council acting through officers of the Licensing and Enforcement Departments.
- 1.4 Any person agreeing to this Code, by completing a copy of the certificate appended to this Code of Practice, will be accepting it as part of the conditions attached to their Proprietors / Vehicle Licence. Any noncompliance will be considered to be a breach of those conditions.

2. The Purpose of In Car Camera Systems

- 2.1 The purpose of in-car camera systems shall be to provide a safer environment for the benefit of hire vehicle drivers and passengers by:
 - 2.1.1 Deterring and preventing the occurrence of crime;
 - 2.1.2 Reducing the fear of crime;

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2.1.3 Assisting the Police in investigating incidents of crime;

2.1.4 Assisting the Police in identifying missing persons.

2.2 This CCTV scheme will be operated fairly within applicable laws (which includes but is not limited to Data Protection Act 1998, Freedom of Information Act 2000, Criminal Procedures and Investigations Act 1996, Police and Criminal Evidence Act 1984 and the Human Rights Act 1998) and only for the purposes for which it was established, or subsequently agreed in accordance with this Code

3. Installation and Operation of In Car Camera Systems in Licensed Vehicles

3.1 The Council has procured in-car audio visual camera systems which it is making available to licensed vehicle proprietors to be installed in their cars.

3.2 ~~Proprietors who wish to have the in-car system installed must have become a member of the Quality Taxi Partnership and be willing to operate in accordance with the Partnership's charter.~~

3.3 Prior to installation of an approved system, any Licensed vehicle Proprietor wishing to have an in-car camera system installed must sign an agreement to comply with this Code.

3.4 The Council will approve companies to carry out the installation and to undertake any servicing and maintenance of the in-car system (hereinafter called "Approved Company").

3.5 An Approved Company will carry out the installation of the in-car system in accordance with the manufacturer's instructions and this Code. The Proprietor / Operator will be trained in its use.

3.6 The installation will consist of one rear-facing camera in the hire vehicle unless the seating arrangements therein allows rear-facing passengers, in which case an additional camera may be installed to capture images of passengers in those seats. Any Proprietor wishing to install additional cameras to those allowed in this paragraph must obtain written consent from the Council prior to doing so.

3.7 All cameras will be installed above the level of the dashboard within the hire vehicle.

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- 3.8 The Approved Company will provide a certificate to the Council giving details of the installation.
- 3.9 All Licensed vehicles with in-car camera systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers, declaring that an in-car audio and visual camera system is in operation within the vehicle. The signage should be in accordance with Council's requirements as notified to the Proprietor. The driver may also verbally bring to the attention of passengers that in-car camera equipment is installed.
- 3.10 Signs must not be displayed if equipment is not installed or is not operational
- 3.11 The in-car camera system will at all times be operated in accordance with the manufacturer's instructions, a copy of which will have been provided to the driver or operator on the installation of the system.
- 3.12 The Proprietor of a Licensed vehicle with an in-car camera system will advise the Council of any proposed changes to the installation which shall have to be approved by the Council and be carried out by an Approved Company.
- 3.13 The Proprietor of the Licensed vehicle with an in-car system will be responsible for any on-going costs ~~after the one year guarantee has expired. During the first year of installation,~~ any maintenance issues or problem should be referred to the Approved Company that installed the system.
- 3.14 The Proprietor will be responsible for ensuring that the in-car system is kept in a good and serviceable condition and is serviced in accordance with the manufacturer's instructions by an Approved Company. Written records of all maintenance and servicing shall be made and retained by the Proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the Council or a Police Officer.
- 3.15 The Proprietor of the Licensed vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding its use and the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

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3.16 The Council must be notified if any maintenance work is required to the in-car camera system at any time.

4. Use of Information Recorded on In-Car Camera Systems

- 4.1 It is important that any Operator, Proprietor or driver who suspects that a crime has been committed and that an in-car camera system may contain relevant information to the crime, should report that suspected crime to the Police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.
- 4.2 Only persons approved by the Council after consultation with Essex Police (hereinafter called "Approved Person") may download or otherwise extract information from an in-car camera system, subject to Data Protection Legislation.
- 4.3 In the event of a serious crime investigation, where the equipment stores the image digitally and is therefore the primary evidence, it may be necessary for the data storage unit to be removed from the vehicle. This decision will be made by the **Senior** investigating police officer. The Approved Person to remove the unit should, where possible, install a replacement to allow the system to continue to operate.
- 4.4 The removal of information from the in-car camera system or the removal of the data storage unit will only be carried out by an Approved Person. However, an Approved Person will not be required where removal is for maintenance purposes and is being carried out by an Approved Company
- 4.5 Upon removal, any photograph, data storage unit or other data will be kept by the Approved Person in a secure environment and will be passed only to the requesting police officer and no one else to ensure continuity of evidence.
- 4.6 The Approved Person will provide a certificate to the police officer confirming that they are an Approved Person to download data or remove the equipment, that they are properly trained for that function and that the equipment was working satisfactorily at that time. A statement containing the following information must also be provided: details of person requesting the image, details of vehicle in which equipment is installed (make and model, registration number and plate number), serial number of equipment, date and time the image was recorded and date and time the image was produced.

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- 4.7 If the downloaded images are not collected by the Police within 30 days from the date of request, the images and data will be confidentially destroyed
- 4.8 Only an authorised police officer or an authorised civilian working for the police ~~or at the direction of the police~~ may make copies of any image.
- 4.9 No other person will have direct access to the images stored in the in-car camera system. Any person, who believes that the image of a person responsible for a criminal act may be held in an in-car camera system, must report the matter to the police.

5. Monitoring of the Use of In-Car Camera Equipment

- 5.1 Authorised officers of the Council will be responsible for monitoring the use of in-car camera systems.
- 5.2 Any authorised officer of the Council may, at any reasonable time and on production of identification, if requested, examine any in-car camera installation.
- 5.3 Any failure to comply with this Code of Practice will be reported to the appropriate Committee as a breach of the Proprietors / Vehicle Licence Conditions.
- 5.4 Any complaints about the operating of the system should be addressed to the Licensing Department of the Council in the first instance.

6. Liability

The in-car camera system will at all times remain the property of the Council. However, the Proprietor will at all times be liable for its use in his/her vehicles. The Proprietor of the vehicle will be responsible for the maintenance of the system and for any damage caused as a result of their misuse or mistreatment of the system, their negligence or failure to follow this Code.

7. Return of the System

- 7.1 In the event of any Licensed vehicle in which a system is installed ceasing to be a registered Hackney Carriage/Private Hire vehicle for hire within the district of Uttlesford the Proprietor will get an Approved Company to remove the system from the vehicle and deliver the same to the Council in good working order.

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7.2 In the event that the Council becomes aware that the Proprietor has breached the code, the Council can request the immediate return of the system. The Proprietor must get an Approved Company to remove the system from the vehicle and deliver the same to the Council in good working order.

8. Review

The working of the Code of Practice shall be subject to review. Reviews will take place on a three yearly basis and also at other times when it becomes apparent that a particular policy requires urgent review.

We, the undersigned, have approved the Code of Practice and will take all reasonable measures to ensure compliance with it and enforce it where necessary.

Signed for Uttlesford District Council

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Name and position

Date:

Signed for Essex Police

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Name and position

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Date:

Signed for ULODA

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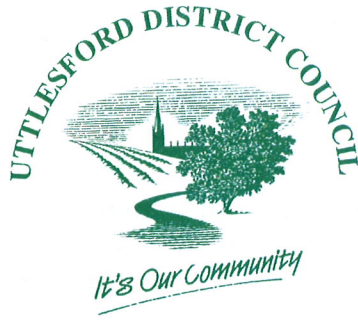
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Uttlesford District Council
London Road, Saffron Walden, CB11 4ER

Uttlesford Quality Taxi Partnership

Protocol Governing Police use of CCTV in **Q.T.P. Taxis and Private Hire Vehicles**

**This protocol is a signed agreement between
Uttlesford District Council
and
Essex Police**

Introduction

Authorised C.C.T.V. in Uttlesford taxis and private hire vehicles is restricted to ~~members of the Uttlesford Quality Taxi Partnership (QTP).the installation of units owned by and approved by the District Council.~~ However, where an individual owner/operator or company, by their own volition, installs CCTV within their vehicle/s, then ~~although not a member of the QTP, and~~ in order to promote best practice in Community safety, this protocol shall still apply.

CCTV in ~~QTP member~~'s vehicles is used to address the concerns of the public and operators alike, in so far as they relate to crime, the fear of crime and anti-social behaviour.

The system's primary role will be for recording passenger behaviour and may include audio recording.

The system will not be used without the knowledge of the passenger/s, who will be made aware through appropriate signage on the vehicle in such a position as is obvious to any passengers on entering or sitting in the vehicle. Passenger consent is not required.

Police access to the system is subject to this protocol document.

Key Objectives

These key objectives determine the extent to which the CCTV system can be used. They are as follows:

- To reduce the level of nuisance, public order and anti-social behaviour in vehicle
- To improve the security of cash carried on the vehicle and the personal safety of the driver.
- To reduce the fear of crime for both passenger/s and the driver.
- For the combined effects of these objectives to create a more attractive and safe environment in which to travel.
- To reduce thefts of and from taxis and private hire vehicles.
- To reduce occurrences of vandalism and other criminal damage to the vehicle.
- To assist the police, and Uttlesford District Council ~~and the QTP~~ in gathering the best evidence in investigating any crime, anti-social behaviour or breach of relevant licensing requirements
- To protect the drivers from spurious or malicious complaints about their conduct or appropriateness of their behaviour.

Legislation

The relevant legislation that governs the use of CCTV in Uttlesford includes (but is not necessarily limited to):

- Data Protection Act 1998,
- Freedom of Information Act 2000,
- Criminal Procedures & investigations Act,
- PACE 1984
- Human Rights Act.

Personnel using the systems or handling the information gained from its use must be aware of their legal obligations.

Liaison

The Crime ~~Reduction-Prevention~~ Tactical Advisor for the Uttlesford district will be responsible for the day-to-day liaison with the ~~QTP~~ Council through the Community Safety Partnership. The duty sergeant will adopt the role of "Liaison Officer" in the event that the ~~CRO-CPTA~~ is not available.

Compliance with this protocol

- The police, as a partner in, and beneficiary of, the scheme, should satisfy Uttlesford District Council ~~and QTP~~ that systems are in place to monitor police participation, including compliance with this protocol.
- Police use of the system will be strictly in compliance with the Key Objectives of the scheme and this protocol.

Police Use of the System.

1. Access to recorded images

It is inevitable that the police may need access to the CCTV images from time to time. However such access is strictly controlled and under no circumstances are Police officers or staff to attempt to gain access to said images without the presence of the Community Safety Officer, or nominated deputy.

Police access is limited to:

- The collection of evidence.
 - The need to interrogate the system to (i) ascertain if an offence has occurred; (ii) ascertain if any evidence has been recorded.
- 2. The Collection of Evidence – Requests by Operators or UDC.** Requests for access to the images/evidence, direct from the operator or driver, or from Uttlesford District Council, will be considered if:
- They are in support (or defence) of, a bone fide civil action connected to the operation of their business.
 - To prove/disprove any allegations of impropriety or contravention of the current licensing requirements.

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Proportionality within the terms of the Data Protection Act should be born in mind at all times.

3. The Collection of Evidence – Requests by the Police. These will normally be made following a complaint about criminal activity, from an operator ~~or~~, driver or passenger. However it is accepted that there may be times when images are sought following an incident that did not necessarily involve the operator/driver/passenger – This could include (but is not limited to) public order or terrorism, incidents near to or on the route of any driver where the Police Senior Investigating Officer suspects evidence could have been recorded within the vehicle and that evidence could aid an investigation-

- All requests for CCTV images must be made to the UDC Community Safety Officer, or in his/her absence, to the Licensing Officer.
- Any ~~p~~Police ~~e~~Officer or PCSO can request copies of evidential images.
- The request must be made on the appropriate form (See Appendix 1), which must be authorised by the Duty Sergeant or Inspector, or the district Crime Reduction-Prevention Tactical Officer.
- Initial requests may be made by telephone, but the form must still be completed and submitted, to ensure that an audit-trail is present.
- Requested images will be retained at the council offices for collection for a maximum of 30 days from the date of the request. If not collected within that period, then the images will be destroyed.
- The officer collecting need not be the same as the officer requesting, but they must be in possession of the authorised request form. No evidence will be handed over if the form is not present.
- The Officer collecting must sign for the data as directed by the Community Safety Officer

4 Interrogation of the system.

- In normal circumstances, it is the Community Safety Officer who will interrogate the system in search of evidential images. However, at his /her discretion, and only with his express permission, a suitably trained member of staff (Police or Local Authority) may be allowed to interrogate the system.
- To be given permission to interrogate the system, and/or to be allowed unsupervised access, the staff member/s must have received training in the operation of the equipment and be able to demonstrate an understanding of its use.
- All images are copyrighted to UDC. Save for the terms of this protocol, under no circumstances will any member of the police, council or taxi company staff attempt to copy, download, burn to disc, Email, upload or otherwise distribute any images obtained from the system.

END

NOTE: This protocol can be reviewed and amended at any time and for any reason, at the request of Essex Police or Uttlesford District Council. All amendments must be mutually agreed. ~~Formal referral to the Uttlesford QTP is not required.~~

We the undersigned, hereby agree to the conditions outlined in this protocol and will take all reasonable measures to ensure compliance.

Signed for Uttlesford District Council

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Name and position

Date:

Signed for Essex Police

.....

.....

Name and position

Date:

Committee: Licensing and Environmental Health

Agenda Item

Date: 9 September 2015

5

Title: CCTV in licensed vehicles

Author: Joanne Jones

Item for decision

Summary

This report has been submitted for members to consider how the Council should proceed with requests from individual proprietors who wish to install CCTV equipment in their vehicles.

Recommendations

1. The Committee determine the procedure to be adopted with regard to proprietors who wish to install their own CCTV equipment.

Financial Implications

2. None. There are no costs associated with the recommendations

Background Papers

3. None.

Impact

- 4.

Communication/Consultation	New operators have said that they wish to install CCTV equipment.
Community Safety	The installation of CCTV could help to secure the safety and comfort of the travelling public. However, if the use of equipment is not well administered it could undermine public confidence in the use of CCTV.
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	The Data Controller is responsible for complying with Data Protection legislation, including being registered with the

	Information Commissioner.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	If option B is chosen additional officer time will be required to work on conditions and administer the system.

Situation

5. In 2011 the Council purchased 15 CCTV camera systems with funds provided by Essex County Council to be installed in vehicles whose proprietors were members of the Quality Taxi Partnership. At the time a Code of Practice was drawn up and proprietors who wished to install an in-car camera system had to sign an agreement to comply with the Code.
6. No further funding is available for the Council to purchase additional systems, but some proprietors have come forward saying that they intend installing their own systems.
7. We do not currently have a policy or any conditions relating to CCTV cameras that have not been provided and installed by the Council. Members should consider whether or not to introduce any controls to manage the use of CCTV. Those proprietors who have CCTV installed do feel that there are benefits to having cameras in the vehicle such as reducing the fear of crime and increasing the safety of both drivers and passengers. Cameras could also be useful in helping the police to investigate crime providing that the images have been properly stored and downloaded.

8. Options

- a. **To allow proprietors to purchase and install their own systems with no conditions attached.** The proprietor would be the data controller and responsible for ensuring that data protection legislation is observed and that breaches of privacy do not occur. However, If no conditions are imposed by the Council it is possible that cameras may be installed which are not satisfactory for use in licensed vehicles and do not meet best practice guidance. Members of the trade who already have CCTV cameras installed have expressed concerns that poor quality equipment with poor images would undermine the value of cameras already installed in licensed vehicles. Consultation with other Essex Authorities shows that this approach can lead to complaints. Following one such complaint Chelmsford has now issued their drivers with guidance, Basildon allows the installation of CCTVs subject to conditions and Braintree is looking at bringing in a policy. One of the issues in respect of installing CCTV is the cost. Allowing proprietors to install their own systems without conditions would enable drivers to choose a system that meets their budget.
- b. **To allow proprietors to purchase and install their own systems with conditions** being imposed on their licences relating to the installation and use of

CCTV similar to those which we impose on systems already installed by the Council. The proprietor would be the data controller. This option would mean that the Council could be confident that cameras are installed which meet industry standards and that images are stored and downloaded in a way that does not infringe current legislation. Members of the public would also have more confidence in the integrity of the system.

This option would mean that the cost of purchasing a system would be higher as the cheaper and more basic CCTV systems may well not really be satisfactory for use in licensed vehicles.

- c. **To ban the installation of CCTVs in licensed vehicles unless they have been provided and installed by the Council.** This would effectively mean that no new cameras would be available as there is no further funding available. This option would mean that new operators/proprietors would be disadvantaged as they would not be able to enjoy the benefits of CCTV. To choose this option would mean that the current system would continue.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
If no conditions are in place drivers may install systems which are not satisfactory for use in licensed vehicles.	2. Currently interest is low, however a few enquiries have been made so it would be prudent to consider taking action.	Passengers' human rights could be infringed. Cameras may be incorrectly installed and present an impact danger to passengers. Images may not be correctly stored and downloaded and evidential integrity would not be ensured.	Issue conditions which are regularly reviewed to comply with legislation and current practice.

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

Agenda Item

Date: 9 September 2015

6

Title: AMENDMENTS TO THE LICENSING POLICY

**Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416**

Item for decision

Summary

1. This report is to request that members agree variations to the council's Licensing Policy consequent upon the committee's resolution on the 12 August 2015.

Recommendations

2. That members agree to the amendments to the Licensing Policy shown on the attached document and in addition agreed to amend appendix I of the policy by removing the reference to the Criminal Records Bureau and inserting instead "DBS".

Financial Implications

3. None.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. As part of its duty to ensure that drivers' licences are only granted to fit and proper persons, the council has operated a policy of requiring an enhanced DBS check and medical certificate on the first application for a licence and on every third renewal thereafter.
7. On 12 August 2015 in order to comply with the requirements of the Deregulation Act 2015, members resolved that drivers' licences would be granted for a period of three years with effect from 1 October 2015. If the council's policy is unamended then this would mean that criminal records and medical condition would be checked at nine year intervals rather than three yearly as at present.
8. The government guidance is that there should be an enhanced DBS check and medical examination on each renewal. That guidance was issued with reference to the Licensing Act 1976 prior to its amendment. However, the guidance also recommended that three-year licences for drivers was best practice, a recommendation not adopted by this and many other councils. It follows therefore that the government's view is that three year DBS checks and medicals are best practice.
9. It is recommended that rather than tie these checks with renewals of licences, they should be required at three year intervals. The reason for this is that when drivers come to renew their licences in the period 1 October 2015 to 30 September 2016, many of them will have had an enhanced DBS check and medical which will be only one or two years old. As these checks are paid for by the drivers it will be prejudicial to them and in the light of government guidance unnecessary to require them to submit to further checks less than three years from the date of the last checks merely because their licence falls due to be renewed. Clearly however, for all new drivers being licensed after 30 September 2015, the requirement for an enhanced DBS check and medical will fall in with the renewals of their licences in 2018/19.

Risk Analysis

10.

Risk	Likelihood	Impact	Mitigating actions
An unfit person is licensed to drive a hackney carriage or private hire vehicle.	2, there is always a risk that a driver will not notify the council of convictions after his or her most recent DBS check or of a change in his or her medical condition.	4, licensing an unfit driver could lead to loss of or damage to property, personal injury or even death.	Members ensure that the council's policy requires enhanced DBS checks and medical examinations at appropriate intervals.

- 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.

- 2.4. The fact that someone meets the licensing standards is not a guarantee that a licence will be granted. There may be reasons why an applicant may be considered not to be a fit and proper person even though he or she meets licensing standards. Conversely there will be cases where someone does not meet the licensing standards but nevertheless the Council is satisfied that he or she is a fit and proper person so that a licence can be issued. Each case is decided upon its merits. Where an applicant does not meet the Council's medical standards the application will be considered on a risk basis and a licence may be granted if the Council is satisfied that the applicant will be safe to drive.
- 2.5. Save for drivers who are prepared to accept conditions on their licence that (1) they may not carry passengers (2) they will drive hackney carriages/private hire vehicles only for the purposes of road testing or for the purpose of collecting the same from and returning it to an operator or proprietor before and after the vehicle has been submitted for the purposes of repair, servicing or testing (a "limited licence") all applicants for a driver's licence will be required to have an enhanced Disclosure and Barring Service ("DBS") check at the time of the first application for a licence and thereafter ~~on every 3rd renewal of the licence~~ at 3 year intervals. Applicants will also be required to undergo a medical at the time of the first application for a licence and generally ~~at every 3rd renewal of the licence~~ 3 years thereafter although the Council may request medical certificates more frequently if there are reasons to be concerned about a driver's medical fitness to drive.
- 2.6. The Assistant Chief Executive - Legal has delegated authority to grant licences where applicants meet the Council's licensing standards. However there will be occasions when he feels that the decision would be better taken by Members (e.g. the number or nature of spent convictions; police intelligence revealed by the enhanced DBS check; false statements made by an applicant on the application for the licence etc.). In such cases he may refer the application to the Licensing and Environmental Health Committee for determination.
- 2.7. The Assistant Chief Executive - Legal also has delegated authority to refuse licences where applicants do not meet the Council's licensing standards. The Assistant Chief Executive - Legal cannot grant a licence in such cases but if

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 9 September 2015

7

Title: DELEGATED POWERS

**Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416**

Item for decision

Summary

1. This report is to seek an extension of officer's delegated powers:-
 - a. To enable drivers with medical conditions to take advantage of three year driver licences.
 - b. To ensure that drivers produce medical certificates and Disclosure and Barring Service checks at 3 year intervals

Recommendations

2. That where an applicant for the grant of a new licence or for a renewal of an existing licence produces a medical certificate indicating that the driver is currently fit within the meaning of class 2 medical standards, but the certificate recommends that due to potential concerns regarding the driver's health that he or she should be monitored more frequently than once every three years, the Assistant Chief Executive – Legal shall have power to add an additional condition to that driver's licence requiring the driver to produce medical certificates at specified intervals during the period of the licence.
3. That where a driver fails to produce a medical certificate in accordance with a condition imposed on the licence or produces a certificate stating that he is not fit to drive that the Assistant Chief Executive – Legal shall have delegated power to suspend the driver's licence with further power to suspend the licence with immediate effect in the interest of public safety should the Assistant Chief Executive – Legal consider this necessary. The period of suspension shall be in the discretion of the Assistant Chief Executive – Legal, provided that he shall bring the driver before the Licensing & Environmental Health Committee as soon as is reasonably practicable for the committee to review his decision and to remove or continue the suspension or to revoke the licence.
4. In the event that before a driver whose licence has been suspended produces to the Assistant Chief Executive – Legal a medical certificate stating that he is fit to drive within class 2 standards before his or her case is considered by the committee, the Assistant Chief Executive – Legal shall have power to lift the suspension either immediately or at some specified future date.
5. That where a driver fails to produce a medical certificate or enhanced DBS check when due under the Council's policy then the Assistant Chief Executive – Legal shall have delegated power to suspend the driver's licence with further power to suspend the licence with immediate effect in the interest of public safety should the Assistant Chief Executive – Legal consider this necessary. The period of suspension shall be in

the discretion of the Assistant Chief Executive – Legal, provided that he shall bring the driver before the Licensing & Environmental Health Committee as soon as is reasonably practicable for the committee to review his decision and to remove or continue the suspension or to revoke the licence.

6. In the event that before a driver whose licence has been suspended produces to the Assistant Chief Executive – Legal a medical certificate and/or an enhanced DBS check showing that the driver meets the Council’s licensing Standards before his or her case is considered by the committee, the Assistant Chief Executive – Legal shall have power to lift the suspension either immediately or at some specified future date

Financial Implications

7. None.

Background Papers

8. None.

Impact

- 9.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

10. As members will be aware the Local Government (Miscellaneous Provisions) Act 1976 as amended requires drivers’ licences to be issued for a period of three years unless the circumstances of any particular case warrant otherwise.
11. One possible reason for the council to wish to grant a licence for a shorter period is where a driver has an underlying medical condition which may not render him or her unfit to drive at the present time but which does require more frequent monitoring than three-year intervals. In such circumstances, the grant of a licence for a lesser period of time would be justifiable.

12. On the 12 August 2015 the committee approved a fee structure for drivers' licences which took account of the possibility of licences being granted or renewed for one or two years in appropriate cases. However, the costs to a driver of renewing on such a basis over a three year period exceed the cost of a three year licence. For example if an applicant required annual medical checks then an applicant for a new licence would pay £218 over a three year period compared to a fee for a new three year licence of £140. A driver currently licensed by this council who renews during the period 1 October 2015 to 30 September 2016 would pay £187 over a period of three years compared to a driver who does not require more frequent medicals who would pay £109.
13. It is considered that the need for annual renewals can be overcome by an appropriate condition attached to the licence. This would require drivers to submit medical certificates during the course of the licence and the delegated powers proposed would enable swift action to be taken in the event that the driver failed to provide a medical certificate in accordance with the terms of his licence or provided a certificate which indicated that he or she was no longer fit to drive.
14. A separate report on the agenda deals with amendments to the Council's policy arising from the requirement to issue 3 year licences. If approved drivers will be required to produce enhanced DBS checks and medical certificates during the currency of their licences. It is essential to have in place a mechanism to take swift action in respect of drivers who fail to produce such certificates when required to do so.
15. The software system used by the Licensing team will be able to generate alerts to show that drivers are due for a medical and DBS check and to indicate when a medical certificate or DBS check has not been provided as required.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
An unfit person is permitted to drive private hire or hackney carriage vehicles.	1, the enforcement of the condition will have the same effect as if the licence was required to be renewed.	4, licensing of an unfit driver could lead to damage to property, personal injury to the driver or third parties or even death.	These are already built into the recommendation.

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

Agenda Item

Date: 9 September 2015

8

Title: ENFORCEMENT

**Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416**

Item for information

Summary

1. This report is to inform members of enforcement action taken since the last report to this committee.

Recommendations

2. That members note the contents of this report.

Financial Implications

3. None.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. Since this committee's last usual meeting on the 4 March 2015, I have dealt with 27 drivers under delegated powers.

7. Fifteen of these cases involved drivers failing to notify the council of fixed penalty notices in writing in 7 days as required by the conditions of the licence. Two drivers were given suspensions of 14 days as the suspensions would have had no financial impact merely causing an inconvenience. One driver received a suspension for 10 days for breach of this condition as he had failed to inform the council of two fixed penalty notices. Nine drivers received five day suspensions. This is the starting point set by the council's policy. In all of these cases there were no aggravating or mitigating factors which would justify departure from that starting point. One driver was suspended for three days as he volunteered the information before his licence was due for renewal. Two further drivers were suspended for two days. One of these had taken a speed awareness course in lieu of paying the fixed penalty and did not realise that the fixed penalty notice still had to be notified to the council. The other driver volunteered the information reasonably quickly after the points were endorsed on his licence and a longer suspension in his case would have caused unjustifiable hardship.
8. Two drivers had failed to notify the council of convictions as required by the conditions on the licence. One of these was suspended for five days, there being no aggravating or mitigating factors in his case, the other was suspended for ten days. The reason for the longer suspension in this case was that there were two separate prosecutions for three offences none of which were notified to the council. I would inform members that in the case of both of these drivers their convictions do not take them outside of the council's policy as to who may be considered to be a fit and proper person.
9. One driver was suspended for ten days for failing to notify the council of an accident. The driver in this case had been suspended previously for a breach of a condition on his licence. He was given a very clear warning that a further breach of condition would be likely to result in an appearance before the committee to determine whether the committee was satisfied that he remained a fit and proper person. The council's policy states that where a driver has committed three offences or breaches of conditions within a three year period, that he or she should appear before the committee so that committee may satisfy itself that the driver remains a fit and proper person.
10. One driver was suspended for five days for failing to display the vehicle's licence plate. Another driver was suspended for two days for failing to notify the council of a change of address. The mitigating factors in his case were that he had observed that condition previously; at the time he moved addresses he was under a great deal of stress due to a serious medical condition of a close relative and his level of income was such that a longer suspension would have caused disproportionate hardship.
11. I dealt with one driver for poor driving. He was witnessed driving at excess speed and failing to stop at a red traffic signal. I suspended him for three days. Having regard to the fixed penalty notice he would have suffered had he been detected by the police a longer suspension would have been disproportionate.
12. I suspended the licences of two drivers with immediate effect in the interest of public safety. One of these had been arrested for an alleged offence of drink driving. He was subsequently convicted of this offence and was disqualified from driving. The other driver was arrested on suspicion of an offence of indecency. He subsequently surrendered his licence to the council and no further action was therefore necessary.

13. The council operates a policy of accepting DBS checks on an application for a licence providing that they are not more than 18 months old and the driver makes a statutory declaration to the effect that the DBS check which will be undertaken by the council will not reveal any matters not disclosed by the DBS check which he produces. Where a driver makes a false statutory declaration I have power to revoke licences and the form of statutory declaration used carries a clear warning to the effect that a false declaration may lead to a prosecution and to the licence being revoked. A driver applied to the council for a licence under this policy which was granted. When the up to date DBS check was received it revealed that the driver had been cautioned for a public order offence within the previous 12 months. The driver had not declared that caution to the council and a caution within the previous 12 months means that he did not meet the council's licensing standards in any event. I therefore revoked his licence with immediate effect. The driver has been prosecuted for an offence of making a false statement to obtain a licence.
14. Three new applicants for licences did not meet the council's licensing standards. Two had received six points or more for a single motoring offence and the other had received a custodial sentence for an offence of dishonesty which was not deemed spent under the Rehabilitation of Offenders Act. In none of these cases were there any extenuating circumstances which I believe may have led the committee to make an exception to the council's policy and I therefore refused all three licences.
15. In addition to the use of delegated powers the Enforcement team have cautioned three drivers for minor offences. Two drivers have been prosecuted. One was for making a false statement. He was fined £37 and ordered to pay a victim surcharge and costs of £469.90. The other pleaded guilty to an offence of failing to notify the council of the involvement of her vehicle in an accident within 72 hours. She was fined £37 and ordered to pay a victim surcharge of £20 and costs of £200. Both parties were unemployed at the time of the hearing hence the very low level of the fines. Currently there are six pending prosecutions, two for failing to display No Smoking stickers in a vehicle, two for making false statements to obtain a licence, one for failing to notify the council of an accident within 72 hours and one for parking on a taxi rank.
16. The Enforcement team have also taken part in joint operations with the police to check licensed vehicles. Thirty-eight fixed penalty notices have been issued for environmental offences totalling £4,590 most of which have been paid. These penalties are ring-fenced for the purposes of the enforcement service.

Risk Analysis

17. There are no risks arising from this report.

