

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm on 20
APRIL 2016**

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

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

Also Present: Les Davidson (Treasurer – ULODA) and Barry Drinkwater (Joint Vice-Chairman – ULODA).

PUBLIC SPEAKING

The Chairman invited Mr Davidson and Mr Drinkwater to speak on behalf of ULODA.

Mr Drinkwater stated that the focus of ULODA's statement was enforcement. The Scrutiny Committee had appointed a task group to review the Council's enforcement practices. The Trade had given a statement to the Scrutiny Committee on 9 February.

Mr Davidson presented a summarised version of the statement given to the Scrutiny Committee.

Mr Drinkwater updated the Committee on the Enforcement Task Group's progress since 9 February. There had been no update at the Scrutiny Committee meeting on 15 March as the Task Group had not been able to meet during that period, but at the meeting the Assistant Director Corporate Services did reiterate that the Trade wanted to be involved in the review.

The Trade had looked at enforcement trends since the adoption of the Licensing Policy. The Assistant Chief Executive – Legal had produced ten reports to the Committee since the adoption of the Policy. The first six of these dealt almost exclusively with drivers and operators dealt with under delegated powers. The later reports included prosecutions and any cautions which had been administered. The Assistant Chief Executive – Legal had dealt with 111 drivers since April 2013, the vast majority of which were for failing to disclose a fixed penalty notice. The Trade welcomed the opportunity to examine the figures in more detail and explore the effectiveness of enforcement action in light of the objectives of the Policy.

Mr Drinkwater said that the Trade would be sharing this information with the task group. The Trade was happy that the Committee listened to the concerns of the Trade. Members may want to set up a licensing task group to review the effectiveness of the Policy, including the use of officers' time in education and enforcement.

In response to a question by Councillor Gordon, the Assistant Chief Executive – Legal said that there were some drivers who he had taken no action against following a breach of the licensing conditions. The starting point for a suspension after failing to notify the Council of a fixed penalty notice had been increased from three days to five days. Following this there had been no reoffenders. During the period which three day suspensions were the starting point, a number of operators rearranged the driver's shifts so that they were not penalised by the suspension. This meant that there was effectively no punishment.

The Chairman thanked Mr Drinkwater and Mr Davidson for their statement.

LIC90 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor G Barker.

Councillor Morris declared non-pecuniary interests in the item which the Assistant Chief Executive – Legal asked the Chairman to consider as urgent business as a member of Saffron Walden Town Council, and as a member of the Town Hall's redevelopment committee.

LIC91 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meetings held on 20 January, 28 January and 2 March 2016 were received and signed by the Chairman as a correct record.

LIC92 **MATTERS ARISING**

The Assistant Chief Executive – Legal said that no appeals had been lodged with respect of any of the private hire driver's licences which had been suspended or revoked by the Committee.

LIC93 **ENFORCEMENT**

The Assistant Chief Executive – Legal presented his report which provided an update on enforcement action taken since the last ordinary meeting of the Committee. The report was prepared on 17 March and did not cover matters which had arisen after that date.

He had dealt with 10 drivers under his delegated powers between 20 January and 17 March 2016. Three were suspended with immediate effect in the interest of public safety as they had medical conditions which made them unfit to drive. The suspensions would be lifted once the drivers produced certificates showing that they met Group 2 medical standards.

Five drivers had been suspended for failing to disclose fixed penalty notices. Two of the drivers were suspended for two days because they volunteered the

information on renewal and a longer suspension would have caused undue financial hardship. One driver was suspended for three days. He also volunteered the information on renewal but had failed to disclose two penalty notices. Two drivers were suspended for five days for failing to disclose a fixed penalty notice as there were no aggravating or mitigating factors.

The Assistant Chief Executive – Legal said one driver had been suspended for five days for failing to disclose a motoring conviction. There were no aggravating or mitigating factors.

Lastly, one driver was suspended for seven days for careless driving and poor behaviour. If he had been prosecuted, he would have been convicted. The aggravating factors were that he swore at a member of the public and refused to attend to meetings with the Assistant Chief Executive – Legal.

The Enforcement Team had prosecuted four drivers since the last committee meeting. Two of these were for making a false statement to obtain a licence, one was for failing to wear his private hire driver's badge and the fourth was for failing to display "No Smoking" stickers in his licenced vehicle.

One further driver had been cautioned for the offence of making a false statement to obtain a licence where a prosecution was not warranted.

The Assistant Chief Executive – Legal explained that he had been on leave since the preparation of the report. During this time officers had suspended three drivers. One had been suspended with immediate effect in the interest of public safety as he was facing a charge of domestic violence. One had been suspended for five days for failing to disclose a fixed penalty notice. The other driver had been suspended for seven days for failing to disclose a fixed penalty notice. The aggravating factor in this instance was that the driver refused to attend an interview.

The Assistant Chief Executive – Legal said that the applicant in minute LIC82 had been found guilty in the Magistrates' Court of making a false statement in order to obtain a licence. She had been ordered to pay fines and costs which totalled around £700. It was important that operators did not fill in application forms on behalf of applicants and ensured that the applicant filled out the form correctly. They could wait until they had received a copy of the enhanced DBS check if necessary.

Normally when a false statement was made, if the omitted convictions had been declared on the application form, the applicant would have met the Council's licensing standards and would have been granted a licence under delegated powers. The Committee often refused applications from applicants who were being prosecuted for the offence of making a false statement in order to obtain a licence so it was beneficial to operators to ensure that applicants completed their application forms correctly.

The Assistant Chief Executive – Legal said the majority of suspensions administered by him were for failing to disclose fixed penalty notices. If a driver

was caught speeding by a fixed speed camera, the notice would automatically be sent to the proprietor of the vehicle which in most instances was the operator. He had asked operators when they receive notification of a fixed penalty notice, to ensure the driver was aware of the need to notify the Council that they had received the notice within seven days.

Most operators informed drivers in writing that they had received a penalty notice and he had drafted a paragraph for operators to include in their letters. One operator was reluctant to do this, but it was in the interests of the operator to ensure that drivers notified the Council, because if the driver was suspended then the operator could not use the driver during the period of the suspension.

The report was noted.

LIC94

URGENT BUSINESS

The Assistant Chief Executive – Legal asked the Committee to consider the report regarding the location of the taxi rank in Saffron Walden as a matter of urgency. The matter was urgent because works to Saffron Walden Town Hall meant the current taxi rank in Saffron Walden could not remain in its current place. If no decision was made then Saffron Walden would not have a taxi rank throughout the time works were taking place on the Town Hall.

The Council had been notified that essential repair works would be carried out on Saffron Walden Town Hall for six months during the spring and summer of 2016. Whilst works were being carried out scaffolding would project onto the road requiring the closure of the current rank.

It was proposed that during the six month period that the rank was relocated to outside of the “Starbucks” which occupied 1-6 Market Street. The relocated rank would be the same size as the current one and Market Street would become a one-way street during the period. Essex Highways, Saffron Walden Town Council and ULODA had all been consulted and were happy with the proposals.

The Assistant Chief Executive – Legal said that an email had been circulated on 11 March to all Hackney Carriage Proprietors advising them of the closure and requesting suggestions for other locations. Three responses were received, two from Hackney Carriage Proprietors, and one from ULODA. This suggested that the Stand was moved to outside of 2 and 3 Market Street. However, Essex Highways were not in favour of that option because the rank would finish too close to Market Hill Road. There were also safety concerns as emergency and delivery vehicles would have difficulty turning out of Market Row.

It was recommended that a statutory consultation took place on relocating the taxi rank to outside 1-6 Market Street, with the Assistant Chief Executive – Legal being given delegated authority to designate the relocated rank provided there were no adverse responses to the consultation.

Members considered the report and agreed to its recommendations.

The Assistant Chief Executive - Legal asked that the Trade provided feedback about the interim arrangement to see whether it would be desirable on a permanent basis.

The Chairman thanked Mr Drinkwater, Mr Davidson, the Trade, the Assistant Chief Executive – Legal, officers and Members for their support throughout the year.

RESOLVED that:

1. Officers would publish a statutory consultation which would allow the Saffron Walden taxi rank to be relocated from outside 1A Market Street to 1-6 Market Street for a 6 month period whilst urgent repair work is being carried out to the Saffron Walden Town Hall.
2. That unless there are any adverse responses to the consultation the Assistant Chief Executive – Legal shall have delegated authority to designate the relocated rank as a hackney carriage stand under s.63 Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 7.55pm.