

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm
on 25 JANUARY 2017**

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

Officers in attendance: T Cobden (Principal Environmental Health Officer), J
Jones (Licensing Officer), S Pugh (Interim Head of Legal Services), P Snow
(Democratic and Electoral Services Manager) and A Turner (Licensing Team
Leader)

Also Present: Barry Drinkwater and Doug Perry (representing ULODA), Murray
Hardy (representing 24x7) and Robert Sinnott (representing Acme Transport
Services)

LIC47

PUBLIC SPEAKING

In inviting the public speakers to present their statements, the Chairman asked
that, in future, each speaker should register to speak separately with
democratic services.

Public statements were made to the meeting as follows:

1. Doug Perry as President of ULODA
2. Murray Hardy representing 24x7
3. Robert Sinnott representing Acme Transport Services
4. Barry Drinkwater as Chairman of ULODA

The statements are appended to these minutes.

The Chairman thanked all of the speakers for their statements and said that he
had listened carefully to what had been said. His intention was to retain the
good relations between the taxi trade and the Council and that relationship
would involve an agreed form of future consultation with the trade.

In relation to the budget, Councillor Chambers stated that he had not yet seen
any budget figures and this was due to the late information coming from central
government. He was able to confirm that the Licensing Committee's surplus
had been reduced almost to a neutral position with a balance of only £275 in
2016/17. However, he stressed that the preparation of the budget was a matter
entirely for elected members to decide.

He was concerned about the references made to unpleasant meetings in the
past and he expressed the wish that future relations with trade representatives
would remain entirely cordial.

Mr Sinnott made further remarks about the internal structuring of enforcement
within the Council. In response, the Chairman said that the safety of the public
was the paramount consideration in determining future policy.

After thanking the Chairman and members for the helpful comments made, Mr Perry then left the meeting.

LIC48 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meetings held on 11 and 20 April, 23 May, 6 and 30 June, 28 July, 18 August, 8 and 19 September and 24 October 2016 were received and signed by the Chairman as a correct record.

LIC49 **REVIEW OF GAMBLING ACT POLICY**

Members were informed that the Council's licensing policy in relation to the Gambling Act 2005 was due for review. The Committee was invited to approve the draft statement of principles attached to the report as the basis for consultation.

The statement of principles was substantially similar to the existing policy except for some updates highlighted in the draft document.

The report set out in detail the Council's functions in enabling operators' licences and personal licences issued by the Gambling Commission to be administered and outlined the extent of licenced gambling activity within the district.

The Gambling Commission had permitted a reduced six week consultation period as only minor changes were being proposed. The outcome of the consultation would be reported back to the Committee on 12 April and a revised policy then recommended for Council adoption on 16 May 2017.

RESOLVED to adopt the draft statement of principles for consultation

LIC50 **IMMIGRATION ACT 2016 – RIGHT TO WORK CHECKS**

The Licensing Officer reported that the Immigration Act prohibited licensing authorities from issuing driver or operator licences to anyone disqualified by reason of their immigration status. This required the Council to conduct immigration checks to supplement the existing tests for ensuring that applicants were fit and proper persons. The checks were applicable to all applications made on or after 1 December 2016. The effect of the legislation was to prevent operators' licences from applying beyond the limit of applicants to remain in the UK.

Guidance issued by the Home Office stated that original documents must be checked and the Council was required to make and keep a copy of the documents inspected. One of the licensed operators had requested the use of tablets and face to face internet communication to facilitate easier application of the new requirements. This option was being investigated and a two week trial would be undertaken from the beginning of February. The key consideration was to ensure that a suitable quality of capturing the information required would

be possible. Some additional cost would be involved in administering this scheme. This would be evaluated and reported to members.

Members asked a number of questions about the way the proposed trial would work in practice. A number of suggestions were made including the possibility of making laminated copies of documents. The Principal Environmental Health Officer said that the system operated would need to be able to detect any obvious forgeries.

The Chairman said the Council would pay for any technology needed to operate video conferencing used internally but the trade must be responsible for any cost in enabling operators to use internet facilities. This would impact on small operators.

The Principal Environmental Health Officer said that he was exploring the use of tablets and would try to take into account any difficulties faced by small operators. He welcomed the trial and hoped this would help to resolve any connectivity issues likely to arise. All operators would be expected to meet the cost of providing their own tablets.

The Committee welcomed the initiatives being investigated to enable the new legal duties to be met and noted the report.

LIC51

ENFORCEMENT

A report was submitted outlined the application of delegated powers by officers since the transfer to these powers to the Principal EHO as the lead officer to this Committee. The report clarified that the use of delegated officer authority had been limited to cases requiring suspension for a period of five days or less.

The principal purpose of the policy being operated by officers was to reinforce the need to protect public safety at all times. The length of the suspension in individual cases was proportionate to the severity of the breach.

In response to an enquiry from Councillor Morris, the Principal EHO agreed to reinstate the previous practice of notifying Committee members by email of agreed licence suspensions.

The Committee noted the report.

The meeting ended at 8.20pm.

PUBLIC STATEMENTS MADE AT THE LICENSING MEETING ON 25 JANUARY 2017

PUBLIC STATEMENT TO L&EH COMMITTEE - Wednesday, 25 January 2017

from Barry Drinkwater - Chairman, Uttlesford Licensed Operators & Drivers Association (ULODA)

Chairman and Members

Doug Perry said that we have been a "united front". We came together as a group of concerned operators in 2008 to protest about a proposed draconian increase in licence fees, as Robert mentioned. In fact some of you (Cllr Hicks!?) will recall we persuaded members at the time to reverse a decision they had made to approve the increase - after we had challenged in public the basis of officers' calculations. This challenge brought us closer together and ULODA led the charge. Somebody called us "the three wise men" (was it Murray as Licensing Officer? or was it Brian Bennett at E-Cabs?) - because WE were Andy, Robert and Barry. Richard Ellis, who also sends his apologies this evening, joined us later and we were recognised by the council (and operators, proprietors and drivers) as the trade's senior representatives - who have met officers every year from 2010 onwards to review the Licensing Accounts and the council's Budget proposals.

This partnership working has been good for all of us - good for the trade, good for officers and good for councillors who have always wanted to see us collaborating and engaging together. Within the trade we have been continuously meeting about key issues and supporting each other, singing from the same hymn sheet in speaking with officers with a single united voice. The evidence is "hard" - we have attended every meeting of this committee, not always all of us but often two or three of us, and we have always, all of us, been signatory to public statements made to you, members, and to Scrutiny Committee members last year when we had our say at two meetings about the work of the Enforcement Task Group and also met together (Andy, Robert, Richard and me) with Cllr Derek Jones about decisions made under delegated powers and other enforcement issues. Also of course we met with Dawn French and Tony Cobden soon after he was appointed your Lead Officer in August, and in December Doug and I made public statements - authorised by Andy, Robert and Richard - to Full Council.

Over these last nine years, Chairman and members, you and your predecessors have got to know us pretty well at both ordinary meetings like this and extraordinary meetings on big issues such as the draft Licensing Policy and on individuals' disciplinary matters. Your agenda this evening includes the report on Enforcement which has become a standard item. You will be interested to learn that we intend to update shortly an analysis we presented to members of decisions made under delegated powers and reported between July 2013 and January 2016. Our analysis showed that only 69 or 0.2% of licensed drivers were dealt with in this way, and 70% of cases were for their alleged failure to notify fixed penalty notices.

We see your agenda does NOT include the Licensing Budget, though the January meeting has in the past been the right time in the council's schedule - one year the Finance Director presented it to members personally for approval and made public, warm reference to his meeting with us and other officers the autumn before. Chairman, there is also no item on the agenda about the actions the Scrutiny Committee recommended should be taken to review and revise the Licensing Policy and the Enforcement Strategy - may we ask you to update this under AOB following the Cabinet meeting on 12 January, please?

Finally, Cllr Lemon as Chairman of the UTF was minuted last year to bring to you the ULODA project on WAVs, on which we look forward to engaging with the committee at another time.

Thank you very much, Chairman.

***Barry Drinkwater
Chairman, ULODA***

Public Statement to Licensing & Environmental Health Committee, Wed 25 Jan 2017
by Doug Perry, Honorary President, Uttlesford Licensed Operators & Drivers Association

Chairman and Councillors.

I would like to firstly point out that you as Councillors of a Quasi Regulatory Committee are solely responsible for your decisions ,and not the officers. That both Scrutiny and this Committee have laid down a timetable for working together in partnership with the trade.

I would also like to dispel a myth that ULODA only has the support of a proportion of the trade. This is incorrect as for many years both ULODA and the Independent traders have time and time again presented a United Front to UDC.

The trade as a whole makes a significant input into the Uttlesford Economy and has an Annual turnover in excess of fifty Million Pounds.

I was told only yesterday that there is a perceived wind of change running through the Council which has led to officers not only consulting with 24/7 but also putting into a trial the suggested method to deal with the right to work. This does form part of your agenda this evening. I would like to state that having been involved for many years with video conferencing within the Courts and Prison systems, it is the best way forward. This is used by businesses throughout the world and the progress being made has led to a much simpler system as proposed by 24/7. It may surprise some of you to know that ULODA , 24/7, and other Independent traders have met and discussed this system and fully support it. It will also please Councillors to know that the cost to the Council is minimal .

This is a clear message that working together in collaboration does work and long may it continue.

The Budget however with respect to Licensing does cause concern as it has to be approved by next month and the next scheduled meeting of this Committee is not until April. The trade's senior representatives continue to insist on meeting face to face with officers about the Licensing Accounts and the Budget - as in all previous years since I as Chairman of this committee led the task group of councillors, officers and the same senior members representing the trade tonight. Cllr Lemon met officers yesterday to press the point home, and we wait with fingers firmly crossed.

A number of District Councillors in the past and currently support the trade and wish to see Best Practice valued and implemented. The trade would like personally to thank Cllr Mark Lemon for his intervention and input, unfortunately due to a prior engagement he cannot be here to speak tonight.

Doug PERRY
Hon.President . ULODA

Chairman and Members

1. Please place on record Andy Mahoney's apologies for absence - he is out of the UK on business as Managing Director, 24x7

2. I have his authority to speak about item 4 on your agenda - Immigration Act 2016, Right to Work Checks.

Members are asked to "note the Report" in the Licensing Officer's recommendation, but that is all.

3. Matters have moved forward since the Report was first drafted.

4. There has been dialogue since late November between Andy and Tony Cobden as Lead Officer for Licensing. This has

resulted in a Council decision yesterday to give Andy's suggestion a two week trial commencing 2 February.

5. This suggestion followed written advice received directly from the Home Office on 9 December that the council as Licensing Authority

"is required to check original documents in a face to face setting and this can be done by video conferencing via face time....".

6. Your Lead Officer may well want to confirm the details of this trial in due course this evening.....

7. Thank you very much for this opportunity to address you.

Murray Hardy
Recruitment & Compliance Consultant
24x7

Statement by Robert Sinnott, Acme Transport Services

I was part of the original group that challenged the proposed 35% licence fee increases in 2008.

We, as a trade, had been complacent about ensuring the licence fees were a correct and true reflection of their cost of production as required by the LGMPA76.

I think it is fair to say all involved had become complacent: the committee, the officers and the "trade".

What resulted was a prolonged and at times unpleasant experience, at a huge cost in time and effort and no little money for all parties involved. What did eventually come to bear was a mutual respect and an absolute and unequivocal resolve that the situation must never reoccur. The conclusion, agreed by all, was to prevent the environment which allowed such a problem to breed, being able to redevelop.

The result was to have a permanent process of dialogue on matters affecting the licence prices for Uttlesford. This was agreed to be a meeting covering the forthcoming year's budget.

For the past 6 or 7 years, the trade's role has been to act as a check and balance on the proposed budget, testing its robustness. The aim is to prevent a repeat of the 2008 situation; a situation that, if you speak to the councillors and officers involved at the time will confirm, you do not want to a participant of.

My belief is that if the meeting covering the budget is let to slide then we, as a collective, are again guilty of complacency and are allowing the environment for problems to grow.

Maintaining this meeting and process, so hard fought for, is absolutely to everyone's financial benefit and sanity.