

**Committee: Licensing and Environmental Health**

**Agenda Item**

**Date: 12<sup>th</sup> April 2017**

**4**

**Title: ENFORCEMENT**

**Author: Marcus Watts, Principal Environmental Health Officer. Tel: 01799 510595**

Item for decision

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### **Summary**

1. This report is to inform members of the enforcement activities since the last committee meeting on 25<sup>th</sup> January.

### **Recommendations**

2. That members note the contents of this report.

### **Financial Implications**

3. None arising from this report.

### **Background Papers**

- 4 None

### **Impact**

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 ordinary 12 drivers have been dealt with under delegated powers. Of these, two have been suspended with immediate effect following concerns of public safety.
7. In accordance with the Licensing Policy, suspensions are issued in accordance with the Council's protocol for dealing with suspensions, revocation and non-renewal of drivers' licences. When considering exercising these powers, the Council first writes to the driver and invites he/she to the Council offices for an interview. This gives officers the opportunity to consider the drivers comments upon the allegations made against them. Following this meeting the driver is informed of any appropriate sanction.
8. Of the 12 suspensions since the last Committee meeting, 10 suspensions were issued for failing to notify the council of a fixed penalty notice within 7 days (Condition 18c of the Conditions of Licence).
9. Since the last committee meeting, there have been two occasions where urgent action has been considered necessary to suspend a driver with immediate effect. Suspensions for both cases were made in the interest of public safety.
10. Powers to take urgent action is outside the scope of the policy but is provided under part 3 of UDC's constitution. This decision rests with chief officers and deputy chief officers "in consultation" with the Chairman of the appropriate committee.
11. Suspensions using these powers were issued under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976 on 29<sup>th</sup> March and 19<sup>th</sup> January.
12. A summary of the suspensions issued by delegated powers in accordance with the procedures given in the Licensing Policy are provided within table below

<b>Date of interview</b>	<b>Breach of licence condition</b>	<b>No of days suspended</b>
09-Feb	18(c)	3 days
09-Feb	18(c)	3 days
15-Feb	18(c)	2 days
15-Feb	18(c)	4 days
16-Feb	18(c)	5 days
16-Feb	18(c)	4 days
16-Feb	18(c)	1 day
21-Mar	18(c)	3 days

13. Members should note, that in accordance with Para 8.10 of the Council's Licensing Policy, the starting point for a suspension for a first case of breach of condition should be 5 days.
14. Variations in the number of days of suspension relate to differences in the drivers aggravating or mitigating factors for non-compliance.
15. Separate to the above suspensions, there are currently 73 on-going 'live' cases currently under investigation by Enforcement. Since January, there have been 14 drivers who have surrendered their licences as a direct result of enforcement intervention. One of these drivers also was the proprietor of a private hire vehicle licence which he also surrendered.
16. The Council reached a negotiated settlement out of court with West End Cars following new evidence that was provided to support their claim that they were operating in the district.
17. An appeal contesting a conviction of a taxi driver was heard on 31<sup>st</sup> March to the Crown Court. The Court found in the Council's favour but reduced the sentence to an absolute discharge.
18. Partnership working with Essex Police is continuing. Two visits have been made with the Essex Police Licensing Officer to inspect licensed premises since January and further inspections are planned.
19. There are six on-going investigations concerning licensed premises

## **Risk Analysis**

15. There are no risks attached to this report.