

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, ESSEX CB11 4ER, on WEDNESDAY, 20 MARCH 2019 at 7.30 pm**

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

Officers in
Attendance: T Cobden (Licensing and Environmental Health Manager –
Commercial), B Ferguson (Democratic Services Officer), O
Rawlings (Licensing Consultant), E Smith (Solicitor), A Turner
(Licensing Team Leader) and M Watts (Licensing and
Environmental Health Manager – Protection).

Public
Speakers: B Drinkwater and D Perry (Uttlesford Licensed Operators and
Drivers Association), A Mahoney (24/7 Ltd).

LIC86 PUBLIC SPEAKING

Mr Drinkwater, Mr Mahoney and Mr Perry made statements to the Committee.
Summaries of their statements have been appended to the minutes.

LIC87 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Davey, Gerard and Hicks.

**LIC88 REVIEW OF UTTLESFORD DISTRICT COUNCIL'S TAXI LICENSING
POLICIES**

Following the public statements, the Chairman allowed the public speakers to
table an email from James Button, a solicitor specialising in hackney carriage
and private hire law, relating specifically to the issue of restricted drivers'
licences for school transport services.

*At 8.00pm the Chairman adjourned the meeting to allow members to read the
tabled document.*

At 8.05pm the meeting was re-adjourned.

The Chairman said there was a need for the Council's licensing department to
move away from only carrying out the statutory minimum checks when
processing licences and towards a more comprehensive system to ensure a
higher level of public safety.

In response to the public statements, the Licensing Consultant said the policy review had taken in to account the Department of Transport's draft guidelines, and also the Government's response to the work of the task and finish group. He said the fact that a review of central government policy was forthcoming was not a reason for UDC to delay the renewal of its own policy, which was based on industry best practice.

The Licensing Consultant summarised the report for the Committee's consideration, with specific regard paid to the proposals in the report that had been amended in light of comments received throughout the consultation.

New driver training and testing

Following consideration of responses received during the consultation period, it was agreed that no amendments would be made to the initial proposal sent out for consultation. This would be implemented within 6 months of the decision being made.

Update course for existing licensed drivers

Following consideration of responses received during the consultation period, it was agreed that no amendments would be made to the initial proposal sent out for consultation. This would be implemented within 12 months of the decision being made.

Suitability policy for the Hackney Carriage and Private Hire Trade

Following consideration of responses received during the consultation period, it was agreed that amendments would be made to the initial proposal sent out for consultation. The result was an abridged Suitability Policy document, which had been shortened with the intention to allow all stakeholders to understand how UDC assessed fitness and propriety to hold a licence. This would be implemented within 12 months of the decision being made.

Driving Proficiency

Following consideration of responses received during the consultation period, it was agreed that no amendments would be made to the initial proposal sent out for consultation. This would be implemented within 12 months of the decision being made.

Vehicle Emissions Policy

Following consideration of responses received during the consultation period, it was agreed that amendments would be made to the initial proposal sent out for consultation. These were:

- 1) Removal of the age criteria leaving only the emissions criteria; and
- 2) The implementation dates to be moved back by one year.

Licensing standards for Hackney Carriage and Private Hire vehicles

Having considered the consultation responses, the following changes were proposed to vehicle standards:

- 1) The addition of E7 vehicles to the types of vehicles that will be licensed;
- 2) The removal of the minimum engine power output figure;
- 3) The addition of further qualification for the reasons for not licensing left hand drive vehicles.

This would be implemented on 1st May 2019.

Conditions for vehicle licences

Following consideration of responses received during the consultation period, it was agreed that no amendments would be made to the initial proposal sent out for consultation. This would be implemented by 1st May 2019.

Conditions for drivers' licences

Having considered the consultation responses, the following changes were proposed to conditions for drivers' licences:

- 1) Removal of the reference to 'shorts' from the list of clothing deemed unacceptable;
- 2) Rewording of condition 21 to reflect that drivers should take the shortest route to a given destination unless otherwise agreed by the customer.

This would be implemented on 1st May 2019.

Conditions for operator licences

Having considered the consultation responses, the following changes were proposed to conditions for Operator licences:

- 1) Revised wording of condition 2.c to make it clear that this is not an exhaustive list of how bookings can be made;
- 2) Revised wording to condition 3 changing the period in which records must be produced from 12 hours to 24 hours;
- 3) Revised wording to condition 10. The word 'employees' replaced by the term 'all persons'.
- 4) Removal of conditions 11 & 12, requiring operators to provide information quarterly and the amendments of the original conditions 10 & 13 (the decision regarding the amendment of conditions 10 & 13 was taken following a meeting with the trade representatives on 01/03/2018 so had not been referenced in responses given before that date).

The implementation date would be 1st May 2019.

The Chairman thanked officers for their work in undertaking the policy review. He invited members to ask questions relating to the report.

In response to a member question relating to the type of vehicles that could be licensed, the Licensing Consultant said an 'E7' was a vehicle that had been specially modified to be used as a hackney carriage. He said a fuller description would be included in the final 'Licensing Standards' document.

Councillor Foley said he had concerns implementing a new policy when the Government could change national policy in a matter of months.

The Environmental Health Manager – Commercial said there was no conflict between the policy in the report and government proposals. He said if issues did arise in future, the trade would be consulted and any changes to the policy would be brought back to members for their approval.

The Licensing Consultant said local authorities had been waiting for new government guidelines since 2010 and there was no telling when these would be published. He said the high level of standards the Council were proposing to implement would be in line with best practice and anticipated government proposals.

The Environmental Health Manager – Commercial said the purpose of the review was to resolve any areas of vulnerability, and to delay implementing the proposed policy was to allow existing vulnerabilities to continue unchecked.

Councillor Barker said if restricted licences were to be issued in future, there should be a clear distinction between licences, by creating sub-categories.

The Licensing Consultant said if this was to be considered in future, the Council could differentiate by producing sub-categories for restricted licences.

The Environmental Health Manager - Protection said new restrictions relating to emissions would not come into effect until 2020 and objections to the policy had not been raised along these lines.

In response to a question by the Chairman, the Environmental Health Manager – Commercial said additional resources had been acquired to deal with the backlog of new licenses and renewals that required processing. He said if the policy was passed, the team would be restructured and two new posts would be created.

Councillor Morris expressed concern regarding the disparity between officer proposals and the views of the trade, particularly in relation to school transport and the reluctance of UDC to provide a 'restricted' school licence.

At the invitation of the Chairman the Solicitor read expert advice from leading counsel, Culvin QC, which addressed the use of limited licences. The advice stated that the Council were not compelled to offer a restricted school licence and if a challenge was brought against UDC, it would have a negligible chance

of success. As the Council's primary concern was the safety of children, it was deemed wholly appropriate that drivers on the school run were held to the same standards as other drivers across the district.

The Environmental Health manager – Commercial said the trade would continue to be consulted with and if problems did arise the policy would be revisited. He said the Licensing Department's primary concern was for public safety, not the speed at which licences were processed.

Councillor Foley asked whether the staffing issues in the Licensing Department could be resolved, to prevent further delays in the issuing of licences.

The Chairman said the issue of staffing would be addressed once the policy was in place.

RESOLVED to:

- I. Endorse the proposals to introduce training and testing for new applicants for all drivers licences.
- II. Endorse the proposals to introduce an update course for existing drivers licence holders at renewal.
- III. Endorse the proposal (as amended) for the introduction of a Suitability Policy for applicants in the Hackney Carriage and Private Hire Trade.
- IV. Endorse the proposal for the introduction of a driving proficiency test for all new applicants all drivers licences.
- V. Endorse the proposal (as amended) for the introduction of a new vehicle emissions policy which will apply to all licensed vehicles.
- VI. Endorse the proposal (as amended) for revised:
 - a) vehicle standards; and
 - b) vehicle licence conditions; and
 - c) driver licence conditions; and
 - d) Operator licence conditions.
- VII. That the above proposals and documents be endorsed and recommended for approval by Council.

The Chairman thanked members, the trade and officers for their contribution at Committee meetings in the past year.

The meeting ended at 8.45.

PUBLIC STATEMENTS

Summary of Statement by B Drinkwater:

Mr Drinkwater thanked officers for hosting a number of informal forums between Licensing and the trade during the eight week consultation period that had just passed. He noted that ten of the responses received to the consultation had come from ULODA members. He said his major concern with the policy proposals related to the mandatory training for all drivers, which would also be applied to those drivers on school contracts. Instead, the trade were in favour of issuing a restricted 'school' licence, whereby the same mandatory training would not be required. He said he was willing to meet with officers regarding the legality of these proposals. In addition, expert advice had been sought from James Button, and he asked the Chairman whether this legal advice could be tabled.

Summary of Statement by A Mahoney:

Mr Mahoney said he agreed with much of the content of the proposed policy, but not all of it. He had concerns regarding the safeguarding of vulnerable children and believed the new policy would put them at greater risk. What was required, he said, was a schools only licence with specific schools only training and he asked UDC to look into the viability of restricted licences. He added that the proposals, if passed, would also have a negative impact on employment in Uttlesford. Furthermore, Mr Mahoney said service levels needed improving at UDC and asked that Licensing team were resourced properly to ensure he did not have cars parked up, and drivers waiting, for new licences or renewals. To conclude, he said the survival of 24x7 was at risk if the policy went through which would have serious ramifications for the vulnerable children that travelled in his cars to school.

Summary of Statement by D Perry:

Mr Perry said the process worked best when officers and the trade worked in partnership; the amendments made to the policy throughout the consultation proved this. He said the key issues of training and safeguarding still required addressing and cited the letter of James Button, expressing support for schools only licences. He added that the law was outdated and open to interpretation and schools only licences should not be dismissed without consideration. With regards to training, he asked whether online training could be provided to cut down delays in the processing of licenses.