



# Uttlesford District Council

Chief Executive: Dawn French

## Licensing and Environmental Health Committee Information Pack

**Chair:** Councillor P Lavelle

**Members:** Councillors S Barker, C Day (Vice-Chair), M Foley, R Freeman, A Gerard, V Isham, P Lees, L Pepper and M Tayler

**Substitutes:** Councillors A Armstrong, A Coote, C Criscione, P Fairhurst, A Khan, B Light, J Loughlin and E Oliver

In light of the cancellation of the Licensing and Environmental Health Committee meeting scheduled for 28 April due to the coronavirus pandemic, this information pack has been put together for publication comprising reports that would have been taken to the meeting

- |          |   |         |
|----------|---|---------|
| <b>1</b> | <b>Licensing Progress and Information</b>                 | 2 - 8   |
|          | To receive the Licensing Progress and Information Report. |         |
| <b>2</b> | <b>Report on Operator - OLA</b>                           | 9 - 11  |
|          | To receive a report on OLA.                               |         |
| <b>3</b> | <b>Enforcement Update</b>                                 | 12 - 14 |
|          | To receive the Enforcement Update.                        |         |

**Meeting Information**

Democratic Services Telephone: 01799 510369/410/548

Email: [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk)

**General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

# Agenda Item 1

**Committee:** Licensing and Environmental Health Committee  
**Title:** Licensing Progress and information report 1/4/19 to 1/4/20  
**Report Author:** Russell Way, Licensing And compliance Manager  
RWay@uttlesford.gov.uk

**Date:**  
6/4/2020

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## Summary

- To provide members with a summary of the work undertaken by the Licensing Team over the past 12 months and also to inform members of the direction of travel going forward

## Recommendations

- To brief committee members of the activity last financial year and also inform in regard to the expected development opportunities of the team.

## Financial Implications

- Not at this stage

## Situation

### Current Licensing Team Demand 2019 - 2020

#### 1 Licence applications made under the Licensing Act 2003

Application Type	2018-19	2019-20
New Premises Licenses/Club Premises Certificates (CPCs)	9	15
Transfer of Premises Licences/Club Premises Certificates	22	11
Variations (full)	3	2

Minor Variations	3	4
New Personal Licenses and Change of address applications	84	68
Temporary Event Notices	450	364
Late Temporary Event Notices	120	83
Surrendered Premises Licences	4	6
Review applications	3	1
Change of Designated Premises Supervisor (DPS)	34	31

2 Premises licensed under the Gambling Act 2005 & Street and House To House Collections

<b>Application Type</b>	<b>2018-2019</b>	<b>2019-2020</b>
Adult Gaming Centres	2	2
Betting Shops	6	6
Family Entertainment Centre	6	4
Occasional Use Notice	2	0
Small Society Lotteries	119	127
Club Gaming Permits	7	6
Prize Gaming Permit	1	0
Notification of Gaming Machine Permits	40	39

### 3 Taxi and Private Hire Licensing

<b>Application Type</b>	<b>2019-2019</b>	<b>2019 -20</b>
Private Hire Vehicles	2467	2604
Joint (PHV And Hackney Carriage ) driver	2683	2619
Hackney Carriage Vehicles	87	72
Private Hire Drivers	141	118
Private Hire Operator	114	121

### Impact

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Communication/Consultation	Not carried out at this stage
Community Safety	Currently UDC is not being as robust to community safety as it should be. There are further gaps to close to improve Community Safety
Equalities	No impact on equalities
Health and Safety	No impact on employee health and safety
Human Rights/Legal Implications	All intervention work is carried out in accordance with existing legislative framework and the Councils' enforcement policy
Sustainability	Enforcement work undertaken in keeping with the principles of sustainability
Ward-specific impacts	No ward specific impact
Workforce/Workplace	No impact

### Going forward

Safeguarding – Closing the gaps in our relationship with;

- Operators
- Contractors such as County Councils

Initial discussions with Essex County Council and Herts County Council have revealed different communication strategies and acceptance of risk. Interestingly Herts appear more engaged in joined up working in regard to this area of contractual work. They have regular 'Taxi meetings with local authorities and police. Essex County Council do not currently have any processes. This is an area of risk. Frequently wide ranging complaints are made against the driver – these are initially dealt with by the County Council. However our Operators license state Uttlesford should be informed of any complaint against a driver. It is essential that a risk based approach is developed with partners to give confidence in the exchange of information between Operator/Contractor and Licensing authority to ensure investigations are carried out diligently and partners consulted before appropriate action is agreed and taken. It is after all of our responsibilities to ensure public safety. It is Uttlesford's responsibility to deal formally with the driver. I am concerned there are currently gaps in that relationships with our operators and the councils that they contractually work with.

DBS – Two issues need to be progressed in order to maximize safety of public

- 1 - As a Local authority we have started to update the DBS service with issues of safeguarding risk when they involve Uttlesford drivers. It is the Local authority's responsibility to do this and appears that it has not been done in the past.
- 2 - **Action - To go to consultation prior to Committee** to recommend that it is compulsive for drivers to sign up to the DBS mandate service. This will enable us to periodically complete bulk DBS checks on all our drivers and identify when an individual's DBS changes i.e. the individuals criminal record changes. This will assist Uttlesford manage risk and ensure where necessary action is taken quickly to ensure public safety. Currently we are relying on police forces from around the UK to update us under their obligations under the Crime and Disorder Act. There is a yearly cost of £13 for the driver as they sign up to the Government DBS system directly within 28 days of receiving their DBS. This is in effect a small saving as the cost of an enhanced DBS with Uttlesford which is currently set at £50.07 every 3 years.

NR3 – Is a national database set up and coordinated by the Local Government Association that is available to all local authorities of revoked and refused taxi and PHV drivers. NR3 is part of the NAFN (National Anti-fraud Network.) In essence a local authority should check NR3 at drivers application (renewal or new) to ensure that an individual has not been revoked/refused by another authority. Going forward all Uttlesford revocation and refusals will be uploaded onto the NR3 system. We will also upload past revocations and going forward those we revoke or refuse. The database has been live since 2018 and this action has been supported by our SMT

and proceeded. There is no cost added to drivers, but there is additional time taken to process an application. Over the coming months we will be following a number of step changes to embed NR3 to become business as usual in Uttlesford.

### Licensing IT system called IDOX

In early march it was possible to establish some initial management framework in order to understand underlying issues from moving from one IT system to another. This will be an ongoing management oversight with weekly and monthly meetings. We hope this will start to drive business forward. We were therefore able to complete a number of late premises licenses that had been waiting a while.

### Guidance Notes

These are currently being written for new and renewal applications using emails initially in order to move away from paper applications. A plan is being progressed to fully go on line in the future starting with Alcohol licensing then rolling onto the taxi trade.

### Garages

*Action - To go to consultation prior to Committee* – We have already redesigned the Uttlesford form that garages complete when they conduct an inspection. This was amended to take account of the emissions policy that started on the 1/4/20. We are currently regularly engaging with our authorised garages as part of the COVID – Virus. Our plan is that garages will be required to sign a legal contract to agree to set standards. Part of that will be greater use of technology with time stamp cameras to be used as compliance to demonstrate that vehicle was inspected at that time. Eventually the vision is for drivers to book vehicles into garages through our website so we know when and where they are being examined.

### Internet based

*Action - To go to consultation prior to Committee* to support our move to online applications. I have been scoping a new DBS and driver check system called TaxiPlus used by a number of local authorities in Essex. The two systems that are currently used are not seen as best practice and have been inherited from our HR system. With TaxiPlus there are opportunities to both be on-line based. Rather than the driver visiting Saffron Walden to check their documents they will need to attend the post office to validate their documents. Once these are validated the driver will receive a Document Certificate. This will be uploaded on-line and that will progress their DBS and their Driving License checks. This avoids Uttlesford staff spending time checking DBS documents and also pushes the focus to the driver as a professional to manage their own affairs responsibly. The reason this needs consultation is there is a slight overall price increase. Currently DBS is £50.07 and Drivercheck £3.50. New price will be £55.00 plus a cost of £12.75 at the post office. This process will assist with the vision that all documents will be submitted on line and the driver will attend for the final Right to work and be issued their badge at that time

## Policy Changes

It is the belief of the team that documents should be live and when change is needed to manage risk and best practice then it is our belief that this will be progressed through to committee.

The Team are intending to recommend to committee a number of change to the current policy after consultation. The major ones are

- Enforcement policy - a points based system that is used by many Local authorities such as used at Basildon and Colchester
- Exemptions needs to be added to be clearer within the policy
- Increase use of external and internal signs on vehicles differing between PHV and Taxi to increase safety of public.
- Emission policy needs to be added to the policy – The emission policy also needs clearer specific decision in regard to Wheelchair Access Vehicles (WAVs). There are currently 300 of these that Uttlesford License – approx. 10% of our fleet. We plan for further consultation with garages and operators to agree on a recommendation to bring to committee.
- Clearer understanding of adapted vehicles

## Enforcement

We have initially discussed working closer with the police (local and airport) It had been agreed that we could carry out enforcement at three locations at Stansted Airport. The idea being that our enforcement becomes unpredictable and we will be able to do this without using police asset. We had also discussed carrying out joint collaborative enforcement with Braintree council and were seeking to develop a plan for Licensing week in June. We have also progressed with the benefits of four of our officers becoming CSAC (Community Safety Accreditation Scheme) trained which gives licensing staff additional powers in regard to enforcement action.

## Uniform

I would like to discuss a Uniform such as worn by other local authorities. This will cover both Health and Safety aspect of our work but also ensure we maintain a highly visible presence in the community.

## Minor changes to Policy

There are a number of minor change to the policy that involve simple changes of words or several words that we believe would benefit all.

## Other areas of licensing business

Annual payments – we have move to an invoice based approach (managed by the finance team) for all our standard annual renewals of all other licensing matters such as gambling, table and chairs etc. This will assist us collect monies and enforce.



Pub watch – we have engaged the police in regards to getting momentum behind this and the new app that has been funded to the police.

**Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
Little or no risk or impact	n/a	None Information only	None required

- 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.

# Agenda Item 2

**Committee:** Licensing and Environmental Health Committee  
**Title:** Report on Operator - OLA  
**Report Author:** Russell Way, Licensing and Compliance Manager  
RWay@uttlesford.gov.uk

**Date:** Tuesday, 28 April 2020

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## Summary

To inform Committee of OLA, an APP based Operator now authorised to operate in UDC primarily at Stansted Airport.

## Recommendations

To note the granting to OLA of an Uttlesford Operators license.

## Financial Implications

N/A

## Impact

Communication/Consultation	OLA have fully engaged with the Licensing Dept and also presented to the Chair and Vice-chair of their operating procedure
Community Safety	OLA have a number of safeguard features that are available on their app. Not only for the passenger but also the driver
Equalities	As an app OLA does not appear to have any issues in regard to equality.
Health and Safety	No impact on employee health and safety.
Human Rights/Legal Implications	Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:  Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.  Article 6 – That in the determination of civil rights and obligations everyone is entitled

	<p>to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> <p>2. The Local Government (Miscellaneous Provisions) Act 1976, allows a Local Authority to determine the suitability of an applicant for the grant of taxi and private hire vehicle Licenses and to request such information as it considers reasonably necessary from the applicant in order to determine if a licence should be granted/revoked.</p>
Sustainability	No issues arising.
Ward-specific impacts	All.
Workforce/Workplace	No issues arising.

## Situation

### Ola Private Hire Operating Licence Application

Ola launched in the UK in 2018 across South Wales and the South West of England as the UK's first ride-hailing app for both private hire vehicles and metered taxis.

Ola are a fully app-based private hire operator, although it is important to note that they do also have hackney carriages on their platform. Their business model is similar to other app-based operators who have entered the market in recent years, whereby customers (termed 'riders') request a ride via their mobile phone, with the vehicle and driver dispatched automatically through the app (acting as operator) and GPS guiding them to the destination. Payment is taken automatically via the rider's preferred method (usually credit or debit card) at completion of the journey.

Specifically relating to Uttlesford, Ola has worked closely with us and they view Uttlesford as a natural area of expansion following their successful launch in London in February. They did plan to roll out the Ola app to the London suburbs within months, however current circumstances means that this is now likely to be delayed, however this does not change their view of Uttlesford as a key area for future growth.'

They have operator licenses in South Wales, South West, Merseyside, West Midlands and Reading.

Mr Karl Lutzow's gave a presentation on the 2 March 2020 to the Licensing Chair and Vice Chair, as well as our legal adviser, explaining how Ola operate and answering questions from the floor.

They have acquired a tenancy at a premises in Uttlesford as per the requirement of Uttlesford private hire operator's policy. They would observe the triple lock requirement of using Uttlesford drivers and Uttlesford vehicles booked through the Uttlesford operator licence, but vehicles licensed by other authorities would of course be able to do these jobs through the provisions of a sub-contracting system from an operator's licence Ola hold in other authorities.

Ola have been granted a private hire operator's licence from Uttlesford District Council having met the criteria.

**Risk Analysis**

Risk - 1	Likelihood	Impact	Mitigating actions
There is no more risk than there is to any other Operator that has been authorised by Uttlesford. Due diligence has been carried out	OLA have stated that only Uttlesford drivers will be used under this operator license. Reducing the likelihood as UDC manage the risk.	This reduces the impact due to the fact that UDC have authority over who drives. Therefore UDC can control standards of driving and reduce impact	Mitigation will involve regular enforcement activity to maintain standards. When information is received a proportionate investigation will be carried out.

- 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 and Environmental Health

**Date:**

**Title:** Enforcement Update

28 April 2020

**Report Author:** Joanne Jones, Licensing and Compliance Officer, 01799 510326

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## Summary

1. This report is to inform members of the enforcement activities between 1 July 2019 and 31 March 2020.

## 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

5. Between 1 July 2019 and 31 March 2020 124 cases were opened involving the licensed private hire and hackney carriage trade. Of these 60 concerned drivers, 45 concerned Private Hire Vehicles, 12 concerned hackney carriage vehicles and 7 concerned Private Hire Operators.
6. The number of licensed premises cases opened during this period was 8.
7. One case was opened concerning table and chair permits.
8. Five drivers had their licences revoked by committee during this period. One has lodged an appeal with the Magistrates Court. One private hire vehicle licence was revoked by committee as the driver's licence had lapsed. The appeal against this decision was dropped. One new driver's application was refused by committee.
9. Four drivers had their licences suspended under delegated powers during this period for a breach of their licence conditions and four drivers had their licences suspended using delegated powers due to changes in their medical condition.
10. Two drivers surrendered their licences having moved address and one surrendered his licence for health reasons.
11. Enforcement officers responded to 16 licence history requests from other licensing authorities and provided details of one licensed driver to the National Fraud Authority and details of another to the Department for Work and Pensions.
12. Two drivers were required to take a driving proficiency test within a given time after reports of dangerous driving were received. Failure to provide a pass certificate by the end of the given time to result in their driver's licence being suspended until such time as they have complied.
13. Six private hire vehicles were suspended by the Enforcement Officer and one hackney carriage vehicle. Details as follows:
  - 6 monthly test overdue and no MOT. Driver no longer had the vehicle and surrendered the plate.
  - Vehicle had no MOT and a SORN notice. Driver was no longer working for stated operator. Vehicle licence expired.
  - Vehicle sustained accident damage. Vehicle repaired and suspension lifted.
  - Vehicle stopped during multiagency check at airport, had multiple faults - vehicle repaired, checked by officer and suspension lifted.
  - Vehicle reported to have 9 passenger seats whilst only licensed to carry eight passengers. Brought into council for check. Several other faults

noted – 2 of the seats were not securely fixed, the wheelchair ramp was not working and the licence plate was not fixed to the rear of the vehicle. Faults corrected and suspension lifted.

- Vehicle was reported to be emitting large amounts of black smoke. Vehicle brought into council and sent to garage for emissions test which it failed. After 2 months the fault could not be rectified so the licence was considered revoked and the plate surrendered.
  - HCV – we received report that this vehicle had been damaged. Damage was repaired and suspension lifted.
14. Following reports from drivers that an operator had gone out of business the Enforcement Officer carried out a check with Companies House that showed the company had gone into liquidation. The Operator was contacted and surrendered the Operator licence and 5 Private Hire Vehicle licences.
15. Officers carried out routine compliance checks at 2 Private Hire Operator's offices. Records were checked and were satisfactory.
16. Enforcement Officers carried out multi-agency stop checks at Stansted Airport in July, August, September and October 2019. One private hire vehicle was required to have faults repaired and one private hire vehicle was suspended until repairs had been carried out. One hackney carriage was required to have defective bulbs replaced and the driver was sent a letter reminding him that he should have been using his meter. One hackney carriage driver was sent a warning letter for not displaying a table of fares and having the licence plate in the rear window.
17. One premises licence was surrendered during this period. The Licensing Team were advised that the premises had been sold, but no transfer application was received. The Enforcement Officer contacted the previous owner who advised that the premises was currently closed and surrendered the licence before the annual fee became due.
18. Officers carried out compliance visits to the 4 scrap metal sites currently licensed in the district. All satisfactory.
19. In March 2020 Officers visited all approved garages in the district to advise about the new emissions policy that came into effect on 1 April 2020 and to discuss the compliance test sheet.

### **Risk Analysis**

20. There were no risks attached to this report.