

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, CB11 4ER, on TUESDAY, 13 JULY 2021 at 7.00 pm**

Present: Councillor P Lavelle (Chair)
Councillors S Barker, C Day and G Smith

Officers in attendance: T Cobden (Environmental Health Manager - Commercial),
J Livermore (Senior Licensing and Compliance Officer),
C Shanley-Grozavu (Democratic Services Officer), E Smith
(Solicitor), M Watts (Environmental Health Manager - Protection)
and R Way (Licensing and Compliance Manager)

LIC4 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Caton, Freeman, Lees, Pepper and Tayler.

There were no declarations of interest.

LIC5 PUBLIC SPEAKERS

Mr Andy Mahoney, Mr Robert Sinnott and Mr Barry Drinkwater addressed the Committee.

Summaries of their statements have been appended to these minutes.

LIC6 UPDATE ON ENVIRONMENTAL HEALTH

The Environmental Health Manager (Protection) gave a verbal update to the Committee about the Environmental Health Team's activity. They said that they continue to run a 7-day service and officers from both the Protection and Commercial teams have been brought together to carry on the department's Covid-19 work.

Since their last update, the team had given out 15 pieces of advice, dealt with 7 complaints and made 214 compliance visits. Their upcoming work included advising businesses on Covid-19 risk assessments following the government's lifting of restrictions, organising distributions of lateral flow tests to residents, and managing quarantine hotels in the district.

LIC7 MINUTES OF PREVIOUS MEETINGS

The following minutes of previous meetings were approved as true and correct records:

- 5th May 2021
- 10th May 2021

The minutes of the meeting on 15th June were deferred to the next meeting as only one member from this meeting was in attendance.

LIC8 **UPDATED POLICY RELATING TO THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES**

The Licensing and Compliance Manager presented a report on the proposed amendment to the Hackney Carriage and Private Hire Trade Policy, following the committee's recent decision to revise the Plate Exemptions policy. The amendment would replace the content of Chapter 5 of the existing policy.

Councillor Barker proposed that the amendment be made to the Hackney Carriage and Private Hire Trade Policy. This was seconded by Councillor Day.

RESOLVED: to amend the Hackney Carriage and Private Hire Trade Policy.

LIC9 **ENFORCEMENT UPDATE**

The Senior Licensing and Enforcements Officer presented a report on the enforcement activities carried out by Licensing Officers during the period of 22 April 2021 to 30 June 2021.

In response to a question from Councillor Coote, officers confirmed that the removal of a garage from the Council's approved list for the testing of private hire and hackney carriage vehicles had not slowed down operations as the other garages do not have any issues with meeting demand.

Councillor Day said that they were pleased to see the team working proactively and taking a multi-agency approach.

The Committee noted the report.

Meeting ended 19.39.

APPENDIX: PUBLIC SPEAKERS

Mr Andy Mahoney

Mr Mahoney said that he wished to express a few concerns which he had with the trade at the moment.

He said that at Stansted Airport, they were starting to see more passengers with 100 outbound flights yesterday and 155 flights today which was good news. However, they only have 47 drivers and were finding it hard to recruit additional drivers for various reasons including many drivers finding alternative employment with Uber, Just Eat and Dominos where they can earn as much money without the regulations and were not at the same risk of catching Covid as they would be driving a taxi. As a result, Mr Mahoney felt that the private hire market was in danger of collapsing which had been echoed in the conversations which he has had with many other private hire operators from around the country and they need as much help as they could get to get the market back up and running.

Mr Mahoney also said that he recently attended a training course and wanted to give some feedback. He found that there wasn't enough content in it to last the 8 and a half hours and the timing was excessive. There was sections in the course that were wrong and inadequate, such as a lack of information on Uttlesford rules. He said that it was important to be teaching drivers on these courses what they should and shouldn't be doing to maintain their licence and when they should be reporting things like damages to their vehicles. He raised further concerns about a video which was shown on wheelchair loading as it didn't show the wheelchair being loaded and strapped down correctly as well as information on county lines which was not helpful for school drivers. He hoped that the trade would be able to work with officers and the committee to try and improve the course for everybody.

Mr Mahoney finished by saying that they were seeing a shift away from Uttlesford District Council by drivers and operators as the policies have become overburdening. One operator was now telling some of their drivers to apply for a License from Wolverhampton, to operate in Uttlesford, because they were struggling to get a Licence here.

Mr Robert Sinnott

Mr Sinnott requested clarification on the recent standards being imposed by statute. He explained the trade are informed that changes are happening under statute, but this wasn't the case. He said that it was statutory guidance provided by a statutory body whereby those subject to it are expected to follow. In R vs Islington Borough Council (1998), it was held that parliament has required local authorities to follow a path, chartered by the Secretary of State's guidance, with liberty to deviate from where the Local Authority judge to be good reason to do so but without the freedom to take a substantially different course.

Mr Sinnott said that under the new protocols introduced this year, as a school's operator, they are faced with the following:

- Uttlesford District Council have a 28-day service window to fulfil issues of licence and there are no penalties for the council if they fail to adhere to this.
- Currently schools return on 1st September, which will always be an immovable deadline. In order to receive their licences for the 31st August, to be transmitted to drivers, they need to get all of their information to Uttlesford District Council by

3rd August. This includes DBS checks, medical applications, completed driving and training certificates, English tests and right to work interviews in one email.

- They will be speaking with the Education Authorities about the time scales that they are working to as they only received confirmation of work last week.

Mr Sinnott felt that the time frames were getting so compressed that it was becoming impossible to fulfil; they had less than 20 days to fulfil and supply in readiness for 1st September. They felt that the 8-hour training included in this requirement was excessive, and whilst it was important to ensure the safety of passengers, it has to be suitable. If the requirements continue to go overboard, Uttlesford will be faced with a situation where passengers will be transported by companies that are licenced outside of the district which would not be for the betterment of residents or economy.

Mr Sinnott concluded by requesting that everyone work together, including the committee, to understand where problems currently lie and resolve these so that everyone can move forward.

Mr Barry Drinkwater

Mr Drinkwater said that ULODA and other concerned operators were asking when the silence will be broken, following their submissions to the operator policy consultation which closed 5 weeks previously. They hoped that they would all be accorded the courtesy of further dialogue, outside of the consultation, as this is too large of a project, and they all have a vested interest in ensuring that it is fit for purpose. Mr Drinkwater highlighted that the ULODA submission had followed an informal discussion with officers and the Chair of the committee, where one officer said that it may be helpful to reconsult; something which he felt would be good as long as it involved reasonable dialogue, and everyone was included.

He said that feedback is an integral part of such dialogue and, under the current administration, they have seen informal forums operating smoothly, with both members and officers working in an open minded and open way with the trade. He hoped that it will be re-established shortly and have received an invitation from the Licensing and Compliance Manager to meet after 26th July. He felt that this date would be too late given the pressures which the previous speakers referred to.

Mr Drinkwater concluded by referring to the Executive Summary circulated to members to repeat and reinforce the messages within.