

## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Licensing and Environmental Health Committee

**Date:** Tuesday, 16th November, 2021

**Time:** 7.00 pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

**Broadcast:**

**Chair:** Councillor P Lavelle

**Members:** Councillors S Barker, M Caton, C Day (Vice-Chair), A Dean, R Freeman, P Lees, L Pepper, G Smith and M Tayler

**Substitutes:** Councillors A Armstrong, A Coote, C Criscione, A Khan and M Lemon

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# **AGENDA**

## **PART 1**

### **Open to Public and Press**

- 1 Apologies for Absence and Declarations of Interest**  
To receive any apologies for absence and declarations of interest.
- 2 Minutes of Previous Meetings** 4 - 23  
To consider the minutes of previous meetings held on 15 June 2021, 13 July 2021, 12 August 2021 and 28 September 2021.
- 3 Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators** 24 - 33
- 4 Licensed Vehicle Compliance Testing Stations** 34 - 48
- 5 Enforcement Update** 49 - 51

## **MEETINGS AND THE PUBLIC**

In light of the recent High Court judgement regarding the extension of remote meeting regulations, Council, Cabinet and Committee meetings will now be returning to in-person and will be held on-site from Thursday 6th May 2021. However, due to social distancing measures and capacity considerations in line with the Council's risk assessment, public access and participation will continue to be encouraged virtually until further notice.

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# Agenda Item 2

**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:

- 5<sup>th</sup> May 2021
- 10<sup>th</sup> May 2021

The minutes of the meeting on 15<sup>th</sup> 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 1<sup>st</sup> September, which will always be an immovable deadline. In order to receive their licences for the 31<sup>st</sup> August, to be transmitted to drivers, they need to get all of their information to Uttlesford District Council by

3<sup>rd</sup> 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 1<sup>st</sup> 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 26<sup>th</sup> 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.

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at  
COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON  
WALDEN, CB11 4ER, on THURSDAY, 12 AUGUST 2021 at 2.00 pm**

Present: Councillor P Lavelle (Chair)  
Councillors C Day and P Lees

Officers in attendance: D Cole (Licensing and Compliance Officer), C Gibson (Democratic Services Officer), J Livermore (Senior Licensing and Compliance Officer), E Smith (Solicitor) and Sullivan (Licensing and Compliance Officer).

**LIC10 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

**LIC11 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED that under section 1001 of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

**LIC12 DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE**

The Licensing and Compliance Officer gave a summary of her report which requested that members considered an application for a Private Hire/ Hackney Carriage Driver Licence.

The applicant said that he considered that the report had explained the situation quite well. In response to questions from Members, he said that he was unaware that he had a criminal record. He provided explanations for the events surrounding the convictions from 2016.

*The applicant left the meeting at 14:25 hrs and the meeting was adjourned; the Panel retired to make its decision following the next Agenda item.*

**DECISION NOTICE**

The matter before the Panel today is the applicant's application for a joint hackney carriage/PHV driver's licence. If successful, he has an offer of employment from 24 x 7 Ltd on the Home to School Transport (HtST) side of the business. This is a hybrid hearing with the Panel and our Legal Advisor in the Council Chamber at London Road and the other parties attending remotely.



We have had the opportunity of reading the officer's report in this case, a copy of which has been served on the applicant, and we have also seen, as has he, the background documents annexed thereto including the application form and the DVLA documentation supporting the application. We have also taken into account national and the Council's policy and have heard from the Case Officer and from the applicant.

On the applicant's application form the answer given to question 6 '*Do you have any spent convictions?*' the applicant had answered 'NO'. The applicant had also answered 'NO' to the question of '*Do you have any unspent convictions?*'

However, the applicant's enhanced DBS check submitted to Uttlesford District Council Licensing Department showed that he had 5 convictions as set out below:

- 16.3.2016 1. Use of threatening/abusive behaviour likely to cause harassment/alarm or distress – Public Order Act 1986 – Compensation £150
- 16.3.2016 2. Resist or obstruct constable – Police Act 1996 – Conditional discharge 2 years
- 16.3.2016 3. Resist or obstruct constable – Police Act 1996 – Conditional discharge 2 years
- 16.3.2016 4. Destroy or damage property at a value unknown - Compensation £50
- 20.5.2016 5. Failing to surrender to custody at appointed time under the bail act – No separate penalty.

These matters, taken together, mean that the applicant does not meet the requirements of the Council's suitability policy in a number of respects.

Our starting point is clause 2.5 which states

*“Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.”*

Furthermore, UDC's driver conditions policy goes on to state:

Dishonesty

*2.3 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.*

*2.10 Where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.*

Offences involving violence

*2.14 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.*

These matters were therefore raised with the applicant on 11<sup>th</sup> June 2021 during a Right to Work meeting. He was asked regarding his criminal convictions and why they were not declared on his application form. The applicant stated he had 'forgotten' about his convictions, and thereafter explained the circumstances in which he had obtained his criminal record. The applicant stated that a 'friend who holds a 'green card which exempts him from arrest was about to be arrested by an Officer of the law'. When we asked him about this he explained that his friend has multiple health conditions meaning he cannot be detained in a police cell.

The applicant attempted to stop the police from arresting his friend and as a result was sprayed with pepper spray and thereafter charged with two counts of resisting arrest and obstructing an Officer as there were two Officers present. The applicant had also stated that he was charged with 'Destroy or damage property at a value unknown' due to him being pepper sprayed; the carpet that it had landed upon needed to be professionally cleaned.

We have listened carefully to what the applicant has told us. It does not amount to a coherent explanation. The index incident took place within the confines of a Court building in which there will inevitably be a large police and security presence and where people generally are on their best behaviour. He was unable to explain what appears on the face of it to be a substantial overreaction to a minor incident which could have been addressed by a discreet warning regarding his friend's health condition. He went on to explain his friend has since received civil damages for the incident from which he paid the applicant's fine, and the latter believed that that resolved the matter and that he did not have to attend Court hence the Bail Act offence.

However, the applicant could not explain why he omitted to declare the fact of these convictions. The application form is clear, it asks for everything, and the incident was only five years ago and must have been very distressing. The only explanation offered is that it "did not occur to him" to put it down. We find this lack of an explanation most unsatisfactory, and the reality was that this was a violent offence: if a pepper spray was used upon him, in a Courthouse environment, there must have been good reason.

The primary function of this Committee is the protection of the public and if we are in any doubt as to whether an applicant is a safe and suitable person to hold a licence then our duty is clear – we should refuse the application, and we do so. These offences were ones of violence and suggest anger management issues which we consider to be a serious concern if the applicant is driving children; they can be very provoking and transporting them is a fully regulated activity under S5 Safeguarding Vulnerable Groups Act 2006.

The applicant does have a right of appeal against this decision to the Magistrates Court, which must be exercised within 21 days and he will receive a letter from the Legal Department explaining this. I feel it right to warn him though, that the Magistrates do not have power to grant a licence.

*The meeting re-convened at 14.30 hrs.*

## LIC13 **REVIEW OF PRIVATE HIRE & HACKNEY CARRIAGE DRIVER LICENCE**

The Senior Licensing and Compliance Officer gave a summary of his report which requested that members determine a review of the applicant's Private Hire and Hackney Carriage Driver Licence.

In response to various questions from Members, the driver said that he had not attempted to bribe the vehicle technician but had said that the technician could keep the change when he paid a £35 invoice with a £50 note. The driver said that he had not used the vehicle since then but he had been using a vehicle supplied by Happicabs, the operator for whom he drives.

### **DECISION NOTICE**

The matter before the Panel today is an application for the review of the driver's joint hackney carriage/PHV driver's licence reference PH/HC0187. Since the driver is an owner/driver, we may also need to consider vehicle licence reference number PHV 4109, dependent on our decision today. This is a hybrid hearing with the Panel, our Legal Advisor and the driver in the Council Chamber at London Road and the other parties attending remotely.

We have had the opportunity of reading the officer's report in this case, a copy of which has been served on the driver, and we have also seen, as has he, the background documents annexed thereto including the list of vehicle defects and the written statements of the vehicle technician involved. We have had the opportunity of hearing from the driver and have been able to ask him questions. We have also seen some video footage of the car in question prior to today's hearing. In reaching our decision we have also taken into account national and the Council's policy and have heard from the Case Officer and the driver. We also understand that the Police have become involved in this matter since it involves, inter alia, allegations of dishonesty

The facts of the case are simply that on 16 July 2021, Private Hire Vehicle PHV4109 underwent a vehicle compliance test at Takeley Performance Tyres (TPT), which is one of the testing stations on the Council's approved list. The car was due for a 6 monthly inspection.

The Private Hire vehicle owned by the driver failed its test on 11 items. A list of these items along with the compliance test certificate and photo of the vehicle are included in the bundle before us. TPT contacted the Licensing Team at the time the test was being carried out to advise of the poor condition of the vehicle, and they provided photographic evidence of this. Pictures of the car are in our bundle and a short video of the wheel being tested has also been viewed by us. Furthermore, a member of staff at TPT advised officers that the driver had

attempted to bribe him into passing the vehicle with a £20 note, both before and after the test had been carried out. A S9 Witness Statement provided by the member of staff at TPT is among our papers and we accept the truth thereof..

Licensing Officers attempted to arrange an interview with the driver following the incident, however he failed to attend at the scheduled date and time and no contact has been made with the Licensing Team. It was made clear to the driver in the letter that his attendance was voluntary but that failure to attend would not prevent the investigation continuing towards a possible outcome. We have seen this letter.

Licensing Officers have multiple concerns, which we share, namely;

- The driver presented the vehicle for inspection in the condition shown in our papers. The inference we can, and do draw is that he did so knowing the vehicle was going to fail the examination.
- He then attempted to bribe the staff member with money even before the test had commenced, indicating the possible knowledge and acceptance of the vehicle's condition as alluded to above.
- The driver then repeated the attempt to bribe the member of staff a second time after the vehicle test result was confirmed as being a failure.

We have heard from the case officer and the driver has had the opportunity to address us today. Unfortunately we have not found him to be a convincing witness, his explanation being merely that he offered the member of staff at TPT a large denomination banknote to cover the inspection fee, and told him to keep the change. The figures do not add up and we prefer the written evidence of the member of staff at TPT.

The primary function of this Committee is the protection of the travelling public. The legislation makes this clear as does the case law and all authority in the area. We are not entitled to take into account issues such as hardship to the driver in the exercise of our statutory function. Our role is to determine whether or not he remains a fit and proper person to hold a HC/PHV licence and if we consider that he is not, then our duty is clear – we should revoke the licence.

In this case we do revoke the licence, and with immediate effect in the interests of public safety. The driver demonstrated by his actions that he was prepared to drive, and to carry members of the public for reward in a vehicle that he was aware was unsafe. Further, the driver has attempted, on two occasions, to dishonestly bribe a Department of Transport accredited vehicle tester, acting as such to certify an unsafe vehicle as being safe to carry members of the public for reward and on the first occasion he clearly knew that the vehicle he was presenting for testing was unsafe. Repeating the offer after the test had been failed merely compounds matters and we take the most serious possible view of this. At this point we pause to add that the operator for whom he drives, Happicabs, immediately directed that the vehicle be taken off the road and this remains the position.

These allegations amount to two counts of dishonesty, and further evince a cavalier attitude towards the safety of the travelling public. This is totally

unacceptable and makes it abundantly clear to us that he is not a fit and proper person to hold an Uttlesford licence. We therefore revoke the drivers' licence, with immediate effect, and understand officers have rightly referred the matter to the Police.

We now turn to consider whether any action should be taken against the Private Hire Vehicle licence PHV4109, of which the driver is the sole named proprietor, and since only a licenced driver may drive a licenced vehicle, we also revoke the vehicle licence, again with immediate effect, so it can be driven, assuming the defects in it have been rectified, for private purposes. We are, however, pleased to note that it has not been used to transport the public since the inspection but even so its condition suggests to us that it should not be on the road at all.

The driver does have a right of appeal against this decision to the Magistrates Court, which must be exercised within 21 days and he will receive a letter from the Legal Department explaining this. Since the licences have been revoked with immediate effect he may not drive for reward pending the determination of any such appeal.

*The meeting was adjourned at 14.45 hrs for the Panel to consider both items.*

**LICENSING PANEL HEARING held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 28 SEPTEMBER 2021 at 10.00 am**

Present: Councillors C Day (Chair), R Freeman and M Tayler

Officers in attendance: J Livermore (Senior Licensing and Compliance Officer), C Shanley-Grozavu (Democratic Services Officer) and E Smith (Solicitor)

**LIC14 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

**LIC15 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED that under section 1001 of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

**LIC16 REVIEW OF PRIVATE HIRE & HACKNEY CARRIAGE DRIVER LICENCE**

The Senior Licensing and Compliance Officer gave a summary of his report which requested that members determine a review of the applicant's Private Hire and Hackney Carriage Driver Licence.

The driver addressed the Panel, explaining that it was their first permanent route as a Home to School Transport (HTST) driver and that they had not been briefed by the operator regarding the child's condition beforehand. They admitted to playing the radio softly on one occasion, but they had not done this with any intention of hurting the child.

The driver said that much of the complaint against them was false, including the suggestion that they had pressured the complainant not to contact the Council. They emphasised that they were a nice person and would never have hurt the child on purpose.

In response to questions from the Panel, the driver clarified the following:

- The Passenger Assistant (PA) in the back seat had said that they could not hear the radio and was willing to back the driver up on this.
- Both the driver and PA had done everything they could to help the child and they believed they had a good relationship with the family.
- The complaint had only been submitted to the Council after the driver had made the decision to request a change of route.
- The complainant had not spoken to the driver in-person before about the child's condition.
- The driver had been driving the child since March; however, they were frequently absent from school, so they had not spent much time with them overall.

- On the day of the incident, the child had told the driver and PA not to speak so she had put the radio on her side of the car very softly and didn't think that it would impact the child. They accepted that they had overwritten a condition not to play music.

The Solicitor drew the Panel's attention to the email from a parent on the driver's current route which was written in support of them retaining their licence.

To conclude, the driver said that they did not believe that they were a risk to public and apologised again for the mistake which they had made. They stated that in future they would always check first before doing anything that they are unsure about.

*The meeting adjourned between 10:30 – 11:03 for the Panel to deliberate.*

### **DECISION NOTICE:**

The application before the Panel today is for the review of Ms Larking's joint hackney carriage/PHV driver's licence. She is employed by 24 x 7 Ltd on the Home to School Transport (HtST) side of the business and this hearing is being conducted upon a hybrid basis. The Panel, the Case Officer and the Legal Advisor are in the Council Chamber at London Road, Saffron Walden and other participants, including Ms Larking, are attending via Zoom.

We have had the opportunity of reading the officer's report in this case, a copy of which has been served on Ms Larking, and we have also seen, as has she, the background documents annexed thereto including the complaint letter. We have also taken into account national and the Council's policy and have heard from the Case Officer and from Ms Larking. We have also read a glowing testimonial from the parents of the children she is now transporting.

The facts are that on 10 June 2021, the Uttlesford District Council Licensing team were notified by 24x7 Hampshire of a complaint made by a member of the public concerning Ms Larking, one of their employed HtST drivers. The complaint is included within our bundle.

The complainant (who is the parent of the child passenger) had previously asked Ms Larking not to play music or speak loudly when the child was in the vehicle as she has a condition called hyperacusis, which is a type of noise sensitivity. The child had advised her parent that Ms Larking had been playing music during the journey which had caused her distress. The disclosed WhatsApp messages between Ms Larking and the parent appear to show awareness of the issue, and this was also acknowledged during interview with Licensing Officers. We have been provided with more information by the officers concerned, and it should be noted in mitigation that Ms Larking told Licensing Officers that she had previously asked her employer to change her route due to the request for minimum noise during the journey.

We were mindful of Condition 7 of the Uttlesford District Council Private Hire/Hackney Carriage Driver licence conditions which states that the driver will

not "Play any radio, tape recorder, CD/DVD player or similar device, during the course of hiring, without the hirer's permission".

We have listened carefully to what Ms Larking has told us. We note that it was her first route as an HtST driver and she tells us that she was not briefed by the operator regarding the child's condition. She further told us that it was one occasion only and that she would not have put the car radio on if she had known and understood the exact position as she would not have dreamed of harming the child. She told us the Passenger Assistant (PA) in the back seat had said she could not hear the radio, and confirmed that little if any information had been provided by either the operator or the child's family. She and the PA did everything they could to help the child and Ms Larking believed she had had a good relationship with the family.

However, a though WhatsApp message sent by her in the papers before us somewhat negates this she repeated that she did not appreciate that the journey had to be made in total silence and that this in fact only happened on one occasion.

The primary function of this Committee is the protection of the public and if we are in any doubt as to whether an applicant is a safe and suitable person to continue to hold a licence then our duty is clear – we should revoke the licence. However, we have heard from Ms Larking and we note she had some insight into the special needs of this particular child but had received no training: we also note she requested redeployment from this route, this has happened and we note the glowing testimonial from the parent of the children she now drives.

We do, however, note her genuine contrition. She tells us that she loves her work, would be devastated to lose her job and consider the operator, and possibly the education authority, must bear some responsibility for this incident. When her licence comes up for renewal we urge her to pay particular attention to the relevant parts of the mandatory training day she will be required to attend. Accordingly, we are prepared to allow Ms Larking to retain her licence and we would urge her to take advantage of whatever training may be available.

## LIC17 **REVIEW OF PRIVATE HIRE & HACKNEY CARRIAGE DRIVER LICENCE**

The Senior Licensing and Compliance Officer gave a summary of his report which requested that members determine a review of the applicant's Private Hire and Hackney Carriage Driver Licence.

The driver addressed the Panel and confirmed that they had visited Council Depot for a vehicle compliance test, however denied making any of the alleged comments during and after the inspection.

In response to questions for the Panel, the driver said that it was the first time that they had visited the depot and they had never met the technician before so was unaware of any reason why the technician would have made the allegations against him.



The driver explained that the technician had not informed him of any of the faults and advisories on his vehicle, saying that he would pass the information onto his manager instead, who would then pass it on to the Council. Following the visit, the driver said that he contacted the Licensing department at Uttlesford District Council to say that he did not know if he had passed or failed the inspection and when he received an email from Senior Licensing and Compliance Officer to inform him that the vehicle had failed, he took it straight for repair. He confirmed that he had used T and R Auto Repairs as his garage of choice since he was granted his license in 2012.

The Solicitor clarified that the witness statement was made under Section 9 of the Criminal Justice Act 1967, whereby it is a legal document and contains a statement of truth. Should the technician have given false evidence, it would be punishable as perjury.

*The meeting adjourned between 11:20 – 11:46 for the Panel to deliberate.*

### **DECISION NOTICE:**

The matter before the Panel today is an application for the review of Mr Khan's joint hackney carriage/PHV driver's licence reference PH/HC0565. Since Mr Khan is an owner/driver, we may also need to consider vehicle licence reference number HCV014 dependent on our decision today.

We have had the opportunity of reading the officer's report in this case, a copy of which has been served on Mr Khan, and we have also seen, as has he, the background documents annexed thereto including the list of vehicle defects and the written statements of Mr Cutter, the vehicle technician involved. In reaching our decision we have also taken into account national and the Council's policy and have heard from the Case Officer and from Mr Khan. We also understand that the Police are, or have been, involved in this matter since it involves, inter alia, allegations of dishonesty.

The facts of the case are straightforward. On 17 June 2021, Hackney Carriage Vehicle HCV014 underwent a vehicle compliance test at the Uttlesford District Council Depot in Saffron Walden, following a request made by Licensing Officers for a repeat test due to concerns over the numbers of advisories listed on the prior test which was taken at an independent testing station on 11 June 2021. The Hackney Carriage vehicle, owned by Mr Khan failed its test with outright 7 failures and 9 advisory matters. These are set out in a list forming part of the bundle and they make concerning reading – this vehicle is clearly not safe for the carriage of members of the public and as a professional driver of some years standing Mr Khan should appreciate this.

The test was carried out by one of the Council's Workshop Technicians, Darren Cutter. Mr Cutter was concerned enough to notify the Licensing Team of comments made by Mr Khan during and after the inspection, and as a result he was asked to complete a witness statement under S9 Criminal Justice Act; both this and further correspondence from him are in our bundle. Once he made it known to Mr Khan that his vehicle would not pass its test, Mr Khan told him "I can't lose my (licence) plate, is there anything you can do for me and I will look

after you”, and that he would “get his mechanic to sort the faults if [Mr Cutter] didn’t say anything [to the Licensing Team]”. Licensing Officers held a telephone conference call with Mr Khan on 29 July 2021 and in that interview Mr Khan denied making any of the comments referred to previously. The notes of that interview are before us and have been served upon Mr Khan, and we are satisfied they are a true record of that conversation.

We have heard today from the Licensing Officer and from Mr Khan and the latter has had the opportunity to ask questions. However, we did not find him to be a convincing witness and we have concerns regarding the reputation of Mr Khan’s garage of choice. We consider that there can be only one possible interpretation of the words “I will look after you”, while Mr Cutter’s statement is made under S9 Criminal Justice Act 1967 and would therefore serve as his evidence in chief in Court. It contains a statement of truth. Mr Cutter has no reason to lie and we prefer his evidence to that of Mr Khan.

The primary function of this Committee is the protection of the public and if we are in any doubt as to whether an applicant is a safe and suitable person to hold a licence then our duty is clear – we should revoke the licence. In this case we do so, and with immediate effect in the interests of public safety. Mr Khan has attempted to dishonestly induce a Council official acting in a statutory role as a vehicle tester to certify an unsafe vehicle as being safe to carry members of the public for reward and we take the most serious possible view of this.

These allegations are ones of dishonesty, and further evince a cavalier attitude towards the safety of the travelling public. This is totally unacceptable. We therefore revoke Mr Khan’s drivers licence, with immediate effect, and since only a licenced driver may drive a licenced vehicle, we also revoke the vehicle licence, again with immediate effect, so it can be driven, assuming the defects in it have been rectified, for private purposes. Mr Khan does have a right of appeal against this decision to the Magistrates Court, which must be exercised within 21 days and he will receive a letter from the Legal Department explaining this. Since the licences have been revoked with immediate effect he may not drive for reward pending the determination of any such appeal.

*The meeting ended at 11:57*

**LICENSING PANEL HEARING held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 15 JUNE 2021 at 2.00 pm**

Present: Councillor P Lavelle (Chair)  
Councillors R Freeman and P Lees

Officers in attendance: J Livermore (Senior Licensing and Compliance Officer),  
C Shanley-Grozavu (Democratic Services Officer) and E Smith (Solicitor)

**LIC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

**LIC2 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED that under section 1001 of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

**LIC3 REVIEW OF PRIVATE OPERATOR'S LICENCE**

The Senior Licensing and Compliance Officer gave a summary of their report which requested that members determine a review of the applicant's Private Hire Operator's Licence.

The Chair confirmed that the Panel had been in receipt of the 74-page document bundle, submitted by the operator, but indicated that they were both surprised and disappointed by the late receipt, given much of the information provided is not recent. The solicitor for the operator explained that, due to working from home conditions, they were unable to send it sooner.

The solicitor then addressed the Panel on the operator's behalf. He emphasised that the operator had been licensed by Uttlesford District Council for over 8 years, had never previously been under investigation or sanction and that today's Panel hearing was in respect of an isolated incident.

He then summarised the operator's account of the events which subsequently led up to the Licensing Panel hearing, explaining that a driver had experienced a slight cough and had decided to take a Covid-19 test as a precaution, but was advised by a member of office staff to continue with their school pick-ups as they did not display any specific symptoms of the disease.

When the driver later received a positive Covid-19 test result, the operator contacted families of the passengers and the school by email. The solicitor

explained that the operator had not reported anything to UDC Licensing Officers as they had not been informed of the complaint from the Head Teacher of the Middleton School to the contracting Education Authority, until a meeting with UDC.

The solicitor said that the operator was fully aware of its obligation to inform Uttlesford of any complaints and they presented several examples of where this had been done previously. Furthermore, since the meeting with Licensing Officers, the operator had introduced a range of mitigation measures to ensure that a similar incident does not occur again.

These included employing a senior contract manager to liaise on school contracts, performing spot checks for Covid compliancy and employing a full-time Compliance Officer to deal with complaints. The operator has also changed their processes for identifying possible complaints, and the member of staff who did not recognise the original complaint has now been moved to another department.

In response to members questions, the solicitor clarified the following:

- The contracting Local Authority had provided the operator with a process flow-chart for dealing with Covid-19. Staff had followed this flowchart, and as the driver did not have the 3 symptoms outlined in the document, they advised them that they could continue working.
- The member of staff who advised the driver to continue to work was still an employee of the operator but has been moved to a different department.
- The incoming Compliance Officer will report to a director of the company and will be responsible for dealing with complaints, as well as updating the company's complaints policies. An additional new member of staff will be training staff to understand the operator's policies.
- The operator acknowledged that they had handled the complaint incorrectly and have amended their process for identifying and reviewing potential complaints as a result.

In summary, the solicitor said that they hoped to have addressed the Panel's concerns about the incident. He submitted that a revocation or suspension of license was not an appropriate or proportionate response.

*The operator left the meeting at 15:00 and the Panel retired to make its decision.*

## DECISION NOTICE – A2B CONTRACT CARS LTD

The matter before the Panel today is a review of the PHV Operator's licence granted to A2B Contract Cars Ltd (A2B) by the Council. This is a hybrid hearing, and the Panel, our Legal Advisor, the operator and their solicitor are present. The Case Officer is attending via Zoom..

We consider this matter to be extremely serious since the coming into effect of the new HC/PHV Standards in July 2020 the transportation of children to and from school has become a fully regulated activity under the Safeguarding of Vulnerable Persons Act and the detailed requirements of the "Every Child

Matters” and “Working Together” guidance papers are now applicable. Uttlesford licences a considerable number of school contract operators and we therefore consider it to be of the utmost importance that we adhere to best practice in all respects.

Furthermore, this case involves a knowing and deliberate breach of a number of provisions of delegated legislation made under the authority of the Coronavirus Act 2020 and the public health legislation, which might have – we understand that fortunately it did not impact directly upon the health and economic welfare of a number of very vulnerable children and their families. We have also received information that the breach did cause disruption and concern at the school attended by the passengers affected.

We have had the opportunity of reading a detailed officer’s report in this case, a copy of which has been served on A2B, and we have also seen, as have they, the background documents annexed thereto. These include emails passing between Hertfordshire County Council as the LEA, and the Licensing Department, and a lengthy letter from the Headteacher of Middleton School, Ware, the contents of which speak for themselves. We have also received, late yesterday afternoon, a bundle of documents from A2B, including employment, safeguarding and Covid safety policies, risk assessments, notifications and customer correspondence, and we have read these carefully

We have also taken into account the Council’s policy, the DfT Standards and the DfE documents previously mentioned, and have heard from the Case Officer, Mr Livermore. Messrs Hudson and Flowers attended from A2B and answered the questions we put to them, but they were represented by their solicitor, Mr Thomas, who spoke most eloquently upon their behalf.

Briefly the facts of the case are that on 25th November 2020 a licensed driver in the employ of A2B, for whom they are therefore vicariously responsible, collected five young people and transported them to Middleton School, Ware. He experienced a slight cough during the journey and decided to take a Covid 19 test as a precaution. Knowing that he was due to collect the same students at the end of the day he therefore contacted his employer and sought guidance. We add, at this point, that well known Government guidance required him to self-isolate immediately and given the vulnerability of the young people he was transporting he should have done this.

Instead, the person to whom he spoke interpreted the guidance somewhat differently and as he was not at that point experiencing certain specific symptoms instructed him to proceed with the home journey since he declared himself to be feeling fit and well, and anticipated a negative result. Unfortunately the result was positive and the driver and the young people involved – and their families and other contacts – were required to quarantine for 10 subsequent days. The Headteachers’ letter sets out, eloquently, the consequences of this for her students.

The Headteacher contacted Hertfordshire County Council (HCC) regarding the matter and as a result A2B’s contract for that particular route was terminated with immediate effect. HCC also contacted UDC as licensing authority on 7th December, but it was not until 14th December, a full week later, that A2B

notified the Council following an inspection visit that morning. Those present were reminded of the notification provisions forming part of the conditions of their licence and it was only then that they admitted what had happened.

We have read all the documents most carefully and we have listened to everything Mr Thomas has said upon behalf of his client. We have also heard, briefly, from Messrs Hudson and Flowers regarding the measures they have put in place to secure increased compliance with the Council's requirements.

The primary function of this Committee is the protection of the public and if we are in any doubt as to whether an applicant is a safe and suitable person to continue to hold a licence then our duty is clear – we should revoke the licence. In this case the children concerned, and their families are among the most vulnerable members of society. This review is about two things – a deliberate and serious breach of the Government and LEA Covid 19 protocols due to an over legalistic interpretation thereof, and though A2B did not lose all their Hertfordshire contracts as it was a first offence, we repeat, once more that they took a deliberate risk.

The second issue is compliance with Condition 7 of the Council's Private Hire Operators Conditions of Licence, which states:

*“The operator shall notify the UDC Licensing Team of any complaints made against the operator or any driver used by the **operator within two working days of receipt of the complaint**. This includes complaints received from third parties and relates to any journey whether a hiring by the public or from contract work. Any response to a complaint should be forwarded to Licensing when made” (Emphasis added)*

This is a case where officers found out. The operator did not self-report and when their attention was drawn to their own complaints policy, which defines a complaint as “any expression of dissatisfaction” A2B had to accept that the immediate termination of their contract in respect of Middleton School could not be construed as anything but that. We understand they have now made changes in how they record matters of concern and are now employing both a Contracts Officer and a Compliance Officer, and the two functions will therefore not be conflated in the future. This failure to report to the Licensing Authority is considered a very serious breach of the operator licence. In addition, the failure to respect their own policy raises concern about the management control within the company.

We have been taken at length through the documents before us and note Messrs Hudson and Flowers contrition. We have thought long and hard about our decision and have debated it most anxiously. The reporting requirement is within two working days and it took a pointed inquiry in the course of a routine inspection before A2B admitted what had happened. We repeat, UDC had to find out and enquire of A2B; we were not told. This incident could have had serious public health consequences and we had to discover it from the LEA.

In arriving at our decision, we have taken into account the number of people who will be affected by it. Vulnerable children and their families. School communities.

Hertfordshire County Council. Last, but not least we consider the innocent employees of this company. We regard the driver involved to have been punished enough by quarantine and have listened to what Messrs Hudson and Flowers have had to say regarding the future.

Very many people depend upon what we decide today, and we also know that A2B has every possible incentive to keep the promises made to us today. Even the suspension of an operators' licence during the school holidays could very easily have a domino effect as the education authorities with whom A2B have contracts learn what has happened. It is in their interests to improve and we believe that they know this and will make good on their promises. It is for this reason that we do not propose to revoke the operators' licence for A2B Contract Cars Ltd. However, the breach was so serious and so severe that it cannot go unsanctioned and so the directors will receive a formal letter of reprimand from the Chair of this Committee. This will be separate and distinct from the decision notice, which will be sent to Mr Thomas as agreed with our Legal Adviser, and will be sent directly to A2B.

On balance we believe that the appearance before us today and the knowledge that an LEA is aware they have been found wanting is punishment enough. We trust that the steps taken to ensure there will not be a repeat incident are firmly embedded in the culture of the company. The matter is therefore closed but we do not expect to see A2B before us ever again.

# Agenda Item 3

|                       |   |                           |                          |
|-----------------------|---|---------------------------|--------------------------|
| <b>Committee:</b>     | Licensing and Environmental Health Committee  | <b>Date:</b>              | Tuesday 16 November 2021 |
| <b>Title:</b>         | Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators |                           |                          |
| <b>Report Author:</b> | Steve Mahoney, Senior Licensing and Compliance Officer                                  | <b>Item for decision:</b> | Yes                      |

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## Summary

The purpose of this report is for Members of the Licensing and Environmental Health Committee to review and approve the licence fees for the purpose of consultation and advertising requirements in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 1 April 2022 – 31 March 2023

If approved the proposed fees in respect of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences will be duly advertised for the required period, the cost of this will be met from the existing budgetary provision and a further report will be brought before this committee with a recommendation to implement the final proposed fees and charges, subject to any amendments following consultation.

## Recommendations

To review and approve the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 1 April 2022 – 31 March 2023. If approved, the proposed fees will be subject to a full consultation process with the licensed trade and other relevant parties. Section 70 of the Act sets out statutory advertising requirements in relation to vehicle and operator licences, which require that an advert must be published within a local newspaper and at least 28 days provided for comments to be made. It is proposed that this consultation period will begin in January 2022, after the seasonal holiday period has ended.

Following the statutory consultation process, a further report will be presented to this committee at the next meeting, setting out the results of the consultation and any amendments made to the proposed fees as a result.

If approved, the final proposed fees will take effect from the 01 April 2022.

## Financial Implications

There are cost implications to the Council in undertaking this legal duty and this is recognised in the legislation which provides for the recovery of the costs of administering the scheme and ensuring compliance, the relevant legal provisions are set out in the local Government (Miscellaneous Provisions) Act 1976 (“ The Act “) and specifically Section 53 of the Act specifies that the costs related to issue and administration of licences can be recovered in driver’s licence fees. In respect of vehicle and operator licences, section 70 specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.



Until recently, the costs of enforcement could not be included in the calculation of fees for driver licences. The judgment in the Court of Appeal case of *R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019)*, however, determined that “administration” can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of vehicles and operators.

Licence fees cannot, however, be used for enforcement activities against unlicensed operators and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds. This work forms a very small part of the overall work of the taxi licensing service with the vast majority of activity directed at the licensed trade.

### **Background Papers**

The following papers were referred to by the author in the preparation of this report and are available for inspection.

Appendix:

A – Forecast expenditure and income for Taxi licensing for 2022/ to 2023

B – Proposed new licensing fees from 1 April 2022

C – Detailed expenditure and income for Taxi licensing 2022 - 2023

D - Fees and charges from Essex and neighbouring Authorities for information

## Impact

|                                 |   |
|---------------------------------|---|
| Communication/Consultation      | Operators and Hackney Carriage proprietors and Trade Association will be emailed and advised of proposed fee structure and it will be advertised in 2 local newspapers circulating the District of Uttlesford and also on our Uttlesford website. |
| Community Safety                | None  |
| Equalities                      | N/A   |
| Health and Safety               | N/A   |
| Human Rights/Legal Implications | As set out in the body of this report   |
| Sustainability                  | N/A   |
| Ward-specific impacts           | N/A   |
| Workforce/Workplace             | N/A   |

## Situation

1. It is a statutory requirement for this Committee to review and approve the licence fees.
2. The Council are legally entitled to charge such a fee for licences and they consider reasonable with a view to recover the costs of the issue and administration of the licence.
3. Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the cost of a licence must be related to the cost of the licensing scheme itself. It is therefore appropriate for a local authority to recover their administrative and other associated costs.
4. The fees for Hackney Carriage, Private Hire and Operator Licences are reviewed by the Council on an annual basis to determine whether the income received from the previous year has been in line with the cost of delivering the service. The basis of the costing review for licences fees consists of an analysis of the time taken and/or cost for each element of the licensing process. This review has been undertaken and it has been identified that the total timings and costs associated with the licensing process is in line with the current fees charges. The proposed fee increase is therefore quite minimal reflecting inflationary increases. However, drivers will now be expected to pay for their own license checks so the driver fees proposed from 1<sup>st</sup> April 2022 are actually lower than the current fees.
5. The increase in licence fees is required in order to fully recover the underlying costs associated with the issue and recoverable administration costs of each licence type is shown in Appendix B. Appendix A shows the forecast deficit/surplus for 2021/22 to 2022/23 on the assumption that the fees are increased as proposed in Appendix B. The forecast deficits and surpluses in these years relate to the fact that there is a timing mismatch between when the income for driver and operator licences are received and when the costs are incurred for these licences. It is because of this 'timing mismatch' that the licensing reserve was established in order to hold some of the income received from driver and operator fees until the costs relating to this income have been incurred and the two can be offset against each other.
6. A table showing fees and charges from Essex and neighbouring Authorities is attached for information as Appendix D. This shows Uttlesford as still having the lowest vehicle licence fees and among the lowest driver and operator fees.
7. Members are asked to approve the fee structure proposed in Appendix B to allow the consultation with the trade to begin.

## Risk Analysis

| Risk  | Likelihood  | Impact  | Mitigating actions   |
|---|---|---|--|
| Fees are set as a level in excess of that required to cover the cost of the Licensing Authority | 1 – in preparing the proposed fees officers have kept costs to an absolute minimum. | 2 – a surplus would be generated which could be countered by a reduction in future years required | Fees are kept under constant review and adjusted as necessary. |

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.

**Appendix A : Forecast expenditure and income for Taxi licensing (Note a) and movement on the licensing reserve.**

|                                  | Actual<br>2020/21<br>£ | Forecast<br>2021/22<br>£ | Forecast<br>2022/23<br>£ |
|----------------------------------|------------------------|--------------------------|--------------------------|
| Expenditure (b)                  | 485,210                | 611,500                  | 579,300                  |
| Income ( c)                      | 439,992                | 613,800                  | 585,600                  |
| Deficit/Surplus (-ve is deficit) | -45,218                | 2,300                    | 6,300                    |
| Reserve balance b/f              | 79,725                 | 34,507                   | 36,807                   |
| Reserve balance c/f              | 34,507                 | 36,807                   | 43,107                   |

Notes

- (a) The expenditure relates to the costs incurred in year processing and issue of applications and also includes checks to ensure standards are adhered to.
- (b) i) Assumption of 2% annual inflation on supplies and services, 2% pay awards and contractual salary increments.  
ii) Staffing costs are based on surveyed number of hours spent on processing licence applications and checks to ensure standards are adhered to.  
iii) Expenditure includes overhead costs for the licensing department allocated on fair and proportionate bases i.e. office accommodation costs are based on square footage occupied and ICT costs are allocated on basis of software/hardware used etc.  
iv) In computing the expenditure a churn rate of 10% has been used i.e. an assumption that 10% of driver licences are given up in the following year.
- (c) Income forecast assume the following estimated number of licences.

**Estimated number of licences**

|                   | Forecast<br>2021/22 | Forecast<br>2022/23 |
|-------------------|---------------------|---------------------|
| Vehicle licenses  | 2,577               | 2,565               |
| Driver licences   | 1,036               | 912                 |
| Operator licences | 29                  | 18                  |

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## Appendix B : Proposed new licence fees from 1<sup>st</sup> April 2022

|                              | CURRENT | PROPOSED | INCREASE | INCREASE |
|------------------------------|---------|----------|----------|----------|
|                              |         |          | Note 1   | PER WEEK |
|                              | £       | £        | £        | £        |
| Driver licence - 3 years (*) | 218     | 213      | -5       | -0.03    |
| Driver licence - 2 years (*) | 202     | 199      | -3       | -0.03    |
| Driver licence - 1 year (*)  | 186     | 186      | 0        | 0.00     |
| Operator                     | 493     | 508      | 15       | 0.06     |
| Vehicle (*)                  | 145     | 149      | 4        | 0.08     |
| Vehicle - Transfer (*)       | 105     | 108      | 3        | 0.06     |

\* These fees apply for both Hackney Carriages licenses, Private Hire Licenses and Combined Hackney Carriage and Private Hire Licenses

Note 1: The reasons for the change in the licence fees are as follows :

- i) A detailed review of time spent on tasks involved in administering each taxi licence has been undertaken.
- ii) The cost of staff involved in administering the taxi licensing process has been updated.
- iii) It is planned to engage a company to undertake medical assessments and to implement a DBS multi-check service
- iv) The cost of the Driver check service has been removed from the cost of a driver license

## Appendix C : Detailed expenditure and income for Taxi licensing 2020-21 to 2022-23

### TAXI LICENSING - COST AND INCOME

|   | <u>2019/20</u> | <u>2020-21</u> | <u>2021/22</u>  | <u>2022/23</u>  |              |
|---|----------------|----------------|-----------------|-----------------|--------------|
| <u>Costs</u>                                  | <u>Actuals</u> | <u>Actuals</u> | <u>Forecast</u> | <u>Forecast</u> | <u>Notes</u> |
| Licensing staffing                            | 301,650        | 266,718        | 342,600         | 324,700         |              |
| Admin costs                                   | 13,950         | 7,336          | 14,000          | 13,300          | 1            |
| Materials & driver checks                     | 35,250         | 26,981         | 54,100          | 51,200          | 2            |
| <br>  |                |                |                 |                 |              |
| <u>Costs allocable from other departments</u> |                |                |                 |                 |              |
| Management                                    | 34,610         | 27,934         | 29,700          | 28,100          | 3            |
| Accounting                                    | 3,430          | 2,711          | 3,300           | 3,100           | 4            |
| Internal audit                                | 880            | 900            | 1,300           | 1,200           |              |
| HR  | 10,120         | 9,102          | 11,400          | 10,800          |              |
| Mail/Printing                                 | 20,870         | 17,251         | 18,500          | 17,500          |              |
| Customer services                             | 39,100         | 32,380         | 35,100          | 33,200          |              |
| ICT   | 49,460         | 41,942         | 44,400          | 42,100          |              |
| Accommodation                                 | 19,270         | 15,436         | 16,200          | 15,400          |              |
| Legal   | 14,230         | 10,822         | 11,000          | 10,400          | 5            |
| Committee services                            | 9,960          | 7,694          | 10,500          | 9,900           | 6            |
| Safeguarding                                  | 23,540         | 18,005         | 19,400          | 18,400          |              |
|   | 576,320        | 485,210        | 611,500         | 579,300         |              |
| <br>  |                |                |                 |                 |              |
| <u>Income</u>                                 |                |                |                 |                 |              |
| Driver  | 248,950        | 157,909        | 225,800         | 194,300         |              |
| Vehicles                                      | 309,670        | 267,324        | 373,700         | 382,200         |              |
| Operators                                     | 7,150          | 14,760         | 14,300          | 9,100           |              |
|   | 565,770        | 439,993        | 613,800         | 585,600         |              |
| <br>  |                |                |                 |                 |              |
| Net surplus/(deficit)                         | (10,550)       | (45,217)       | 2,300           | 6,300           |              |

### Notes

- 1 Training, software, stationery, subscriptions, mobile phones, advertising of new fees
- 2 Taxi plate materials and driver checks
- 3 Made up of 2 elements - corporate management and direct service management. Corporate management is apportioned to services on staffing numbers while direct service management is allocated according to time spent by the manager
- 4 Includes Budget prep, final accounts, payroll, creditor payments
- 5 Preparatory work and attendance at application hearings and advice on taxi licensing matters
- 6 Preparatory work and attendance at application hearings





**Appendix D : Comparison of proposed UDC Tax licensing fees with other Essex authorities**

|   | B<br>R<br>E<br>N<br>T<br>W<br>O<br>O<br>D | B<br>A<br>S<br>I<br>L<br>D<br>O<br>N | B<br>R<br>A<br>I<br>N<br>T<br>R<br>E<br>E | C<br>H<br>E<br>L<br>M<br>S<br>F<br>O<br>R<br>D | C<br>O<br>L<br>C<br>H<br>E<br>S<br>T<br>E<br>R | T<br>E<br>N<br>D<br>R<br>I<br>N<br>G | UDC<br>PROPOSED<br>£ | Diff between<br>UDC fee and<br>avg charge |
|---|---|--------------------------------------|---|--|--|--------------------------------------|----------------------|---|
| <b>Operator licenses</b>  |   |                                      |   |  |  |                                      |                      |   |
| <u>5 year licenses</u>  |   |                                      |   |  |  |                                      |                      |   |
| Single vehicle  | 325                                       | 300                                  | 444                                       | 743  | 290  | ?                                    | 508                  | 21%                                       |
| 2-5 vehicles  | 1,085                                     | 750                                  | 444                                       | 2,599  | 335  | ?                                    | 508                  | -51%                                      |
| 6-10 vehicles   | 1,345                                     | 750                                  | 444                                       | 2,599  | 400  | ?                                    | 508                  | -54%                                      |
| over 10 vehicles  | 1,345                                     | 1,250                                | 444                                       | 2,599  | 400  | ?                                    | 508                  | -58%                                      |
| <b>Vehicle licenses</b>   |   |                                      |   |  |  |                                      |                      |   |
| <u>1 year licenses</u>  |   |                                      |   |  |  |                                      |                      |   |
| Private hire licenses   |   |                                      |   |  |  |                                      |                      |   |
| New   | 225                                       | 340                                  | 278                                       | 219  | 350  | 334                                  | 149                  | -49%                                      |
| Renewal   |   | 325                                  |   | 212  | 350  | 334                                  | 149                  | -51%                                      |
| Hackney Carriage licenses   |   |                                      |   |  |  |                                      |                      |   |
| New   | 243                                       | 390                                  | 330                                       | 527  | 400  | 334                                  | 149                  | -60%                                      |
| Renewal   | 243                                       | 375                                  | 330                                       | 371  | 400  | 334                                  | 149                  | -56%                                      |
| <b>Driver licence - Combined Hackney Carriage &amp; Private Hire Vehicle Driver's Licence</b> |   |                                      |   |  |  |                                      |                      |   |
| <u>3 year licenses</u>  |   |                                      |   |  |  |                                      |                      |   |
| New   | 404                                       | 290                                  | 269                                       | 219  | 200  | 274                                  | 213                  | -23%                                      |
| Renewal   | 354                                       | 190                                  | 269                                       | 212  | 180  | 274                                  | 213                  | -14%                                      |

# Agenda Item 4

|                       |  |                           |                  |
|-----------------------|--|---------------------------|------------------|
| <b>Committee:</b>     | Licensing & Environmental Health                                     | <b>Date:</b>              | 16 November 2021 |
| <b>Title:</b>         | Licensed Vehicle Compliance Testing Stations                         |                           |                  |
| <b>Report Author:</b> | Jamie Livermore, Senior Licensing & Compliance Officer, 01799 510326 | <b>Item for decision:</b> | Yes              |

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## Summary

1.1. The purpose of this report is to present Members with the proposed Service Level Agreement between Uttlesford District Council and any MOT testing station that wishes undertake the compliance testing of Hackney Carriage and Private Hire vehicles on behalf the Council.

## Recommendations

2.1. It is recommended that Members resolve whether the proposed Service Level Agreement should be adopted.

## Financial Implications

3.1. N/A

## Background Papers

4.1. The following documents were referred to by the author in the preparation of this report and are available for inspection on request.

- A. Licensed Vehicle Compliance Testing Stations report submitted to the 10 May 2021 Committee
- B. Proposed Service Level Agreement Relating to Roadworthiness Testing of Licensed Hackney Carriages & Private Hire Vehicles in the District of Uttlesford
- C. Proposed Application Form to become an Authorised Testing Station

## Impact

5.1.

|                            |   |
|----------------------------|---|
| Communication/Consultation | There has been consultation with the existing authorized testing stations whose comments, thoughts and feedback have been carefully |
|----------------------------|---|

|                                 |   |
|---------------------------------|---|
|                                 | considered in producing the final draft documents.  |
| Community Safety                | There are currently no contractual or performance monitoring agreements held between the authorised testing stations and the Council. This risks there being varying levels of testing standards for licensed vehicles. |
| Equalities                      | None  |
| Health and Safety               | None  |
| Human Rights/Legal Implications | None  |
| Sustainability                  | None  |
| Ward-specific impacts           | None  |
| Workforce/Workplace             | None  |

## Situation

**6.1.** Members are asked to refer to the previous report submitted to the Licensing & Environmental Health Committee on 10 May 2021 in which the background to the compliance testing of licensed vehicles is explained and draft proposals for this Service Level Agreement (SLA) were provided. The report is attached as **Background Paper A**.

**6.2.** Licensing Officers have continued to consult with the existing Authorized Testing Stations since the time of the previous report, including holding a further evening meeting, telephone calls and written correspondence. Having done so, and having given reasonable consideration to suggestions that are mutually practicable and beneficial to both parties, Licensing Officers are now able to present their final proposed version of the new Service Level Agreement, attached as **Background Paper B**.

**6.3.** An accompanying application form is proposed for any existing or prospective Authorized Testing Station to complete prior to entry into the Service Level Agreement. The necessary details of the MOT testing station and its operation are required along with signed declarations including its conformity with the SLA.

**6.4.** For the information of Members, the proposed application form is attached as

## Background Paper C.

6.5. Should Members approve the adoption of the draft documents at this Committee, Licensing Officers propose for the new SLA to be adopted 28 days later – namely the 15 December 2021 – in order to allow existing Authorized Testing Stations reasonable time to make any required adjustments and to complete the paperwork without causing unduly impeding of its current operations.

## Risk Analysis

### 7.1.

| Risk   | Likelihood   | Impact | Mitigating actions   |
|--|--|--------|--|
| Hackney Carriage and Private Hire vehicles licensed by UDC being passed as safe and suitable when they may not in fact be safe and suitable. | The lack of contractual or performance monitoring agreements increases the risk of varying testing standards and the potential approval of unsuitable vehicle. | 4      | Members note that there is a significant need for contractual and performance monitoring agreements. |

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.

|                       |  |                           |             |
|-----------------------|--|---------------------------|-------------|
| <b>Committee:</b>     | Licensing & Environmental Health                                     | <b>Date:</b>              | 10 May 2021 |
| <b>Title:</b>         | Licensed Vehicle Compliance Testing Stations                         |                           |             |
| <b>Report Author:</b> | Jamie Livermore, Senior Licensing & Compliance Officer, 01799 510326 | <b>Item for decision:</b> | No          |

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**Summary**

1. The purpose of this report is to inform Members of the current work being undertaken by Licensing Officers in relation to the MOT testing stations authorised by Uttlesford District Council for the carrying out of licensed vehicle compliance tests on its behalf.

**Recommendations**

2. It is recommended that Members note the contents of this report.

**Financial Implications**

3. N/A

**Background Papers**

4. The following documents were referred to by the author in the preparation of this report and are available for inspection on request.
  - A. Uttlesford District Council’s existing form of application for approval as testing station for Hackney Carriage and Private Hire vehicle compliance tests.

**Impact**

- 5.

|                            |   |
|----------------------------|---|
| Communication/Consultation | Any proposed changes would involve consultation with the existing authorised testing stations.  |
| Community Safety           | There are currently no contractual or performance monitoring agreements held between the authorised testing stations and the Council. This risks there being varying levels of testing standards for licensed vehicles. |
| Equalities                 | None  |
| Health and Safety          | None  |

|                                 |      |
|---------------------------------|------|
| Human Rights/Legal Implications | None |
| Sustainability                  | None |
| Ward-specific impacts           | None |
| Workforce/Workplace             | None |

## Situation

6. In accordance with Section 50 of the Local Government (Miscellaneous Provisions Act) 1976, Uttlesford District Council ("the Council") requires Hackney Carriage and Private Hire vehicles licensed by it to be subjected to compliance tests in order to ascertain both their fitness for use as public service vehicles and their conformity with the Council's Hackney Carriage and Private Hire vehicle conditions.
7. The Council's current policy requires a compliance test to be successfully completed before a vehicle is first licensed, thereafter once per year for vehicles less than five years old, and twice per year for vehicles over five years old.
8. The Council currently has nine approved testing stations that carry out compliance tests, located in various areas within the Uttlesford district.
9. To become an approved testing station, an applicant is required to submit an application form, which only asks for information relating to their operating procedures. The existing application form is attached as **Background Paper A**.
10. Licensing Officers strongly believe that the application process should include a set of performance criteria that any prospective testing station would have to accept and adhere to for the duration of the contract. Introduction of such criteria would be a positive step towards ensuring that all approved testing stations meet a minimum standard and to allow the Licensing Authority to monitor ongoing compliance.
11. It should be noted that while there is no evidence of any gross failings on the part of any of the current approved testing stations, notwithstanding the lack of any formal criteria or clear guidelines for action that would be taken in the event of any such failings, the Council is nevertheless in a vulnerable position in ensuring it fully meets its statutory duty to secure public safety.
12. Proposed draft criteria may include items such as;
  - A diary entry system, where testing stations would produce a list of bookings in advance to the Licensing Authority so that Licensing Officers are aware of which vehicles are due to be inspected on any given day.
  - All approved testing stations to have a prescribed minimum rating on the Driver and Vehicle Standards Agency's ("DVSA") traffic light risk rating system.

- CCTV surveillance system covering internal and external areas to be kept in good working order and the video footage to be made available for inspection by authorized officers of UDC.
  - Only DVSA Class IV qualified testers to carry out compliance tests on behalf of UDC.
  - All approved testing stations to be suitably qualified to undertake the testing of wheelchair accessible vehicles and their restraints, ramps and fittings.
  - All testing stations upon initial approval to supply UDC with a list of proposed vehicle testing personnel, and to continually update UDC of any relevant staffing changes throughout the duration of the contract.
  - Time stamped photos of all vehicles while at the testing station to be provided to UDC as part of a Hackney Carriage/Private hire vehicle compliance test.
  - Only testing stations located in the Uttlesford district may be approved. However, where excess demand in the Hackney Carriage/Private Hire trade necessitates consideration of other nearby testing stations, then applications will be considered from providers within a specified prescribed distance from the district boundary.
  - All approved testing stations to notify the Licensing Authority immediately upon the failure of any vehicle to satisfy the requirements of a Hackney Carriage or Private Hire vehicle compliance test.
  - Attendance at meetings when requested
13. Members should note that this list of requirements is not exhaustive and may be modified at the time of Committee approval.
14. Licensing Officers recognize that any changes made to the current procedures may have an impact on the existing authorized testing station's operations, therefore it is considered prudent to consult with existing providers as part of the decision making process
15. Two evening meetings were held remotely on 20 January and 17 March 2021 between Licensing Officers and representatives from the existing authorized testing stations in order to discuss the planned proposals. Feedback has been received and will be considered as part of any finalized contract. Further liaison with existing providers will take place on an ongoing basis.
16. It is expected that the completed draft proposal will be presented to the next meeting of the Licensing & Environmental Health Committee for members' consideration.

17.

| Risk   | Likelihood   | Impact | Mitigating actions   |
|--|--|--------|--|
| Hackney Carriage and Private Hire vehicles licensed by UDC being passed as safe and suitable when they may not in fact be safe and suitable. | The lack of contractual or performance monitoring agreements increases the risk of varying testing standards and the potential approval of unsuitable vehicle. | 4      | Members note that there is a significant need for contractual and performance monitoring agreements. |

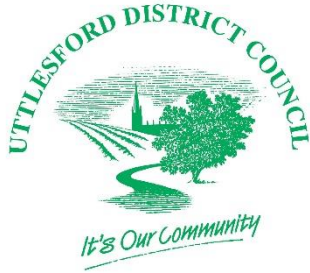
1 = Little or no risk or impact

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.





## UTTLESFORD DISTRICT COUNCIL

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

### **Service Level Agreement Relating to Roadworthiness Testing of Licensed Hackney Carriages & Private Hire Vehicles in the District of Uttlesford**

This document outlines the level of service expected by Uttlesford District Council (the Council) from any Provider wishing to carry out the mechanical and compliance testing of current and prospective Hackney Carriage (HC) and Private Hire (PH) Vehicles in order to ascertain a) their fitness for use as public service vehicles and b) their conformity with the Council's HC and PH conditions.

The Council will ordinarily only consider applications from Providers located inside the Uttlesford District. Where excess demand in the Hackney Carriage/Private Hire trade necessitates consideration of other nearby testing stations, then applications may be considered from providers located within a 5 mile radius from the District boundary.

Any Provider applying to become an 'authorised testing station' of the Council must read, understand and agree to the requirements within this document. The Provider will be notified in writing in advance of any alteration or amendment to this agreement which may be necessary as a result of any policy changes.

#### **The Service**

The Provider agrees to;

- **Carry out inspections of motor vehicles to ensure they meet the standards of fitness as set out in the current; (a) Vehicle Inspectorate MOT Inspection Manual, (b) Vehicle Compliance Testing Manual as issued by the Council for HC and PH vehicles, and, (c) HC and PH vehicle conditions and licensing standards as set out in the Council's Licensing Policy.**
- To provide the Council with a documented list showing the names of members of staff who are proposed to undertake compliance tests held under this agreement. This list must be provided

upon application and promptly updated as and when any changes in relevant staff occur. This information must be provided to the Council prior to those changes taking effect other than in exceptional circumstances.

- **Ensure that no one other than a qualified or accredited class 4 MOT tester who has been identified as such on the application form undertakes compliance tests on behalf of the Council.**
- Carry out compliance tests within five working days of a request by the proprietor of a vehicle, and to endeavour where possible to accommodate short notice requests within a minimum of 48 hours.
- **Contact the Council's Licensing Team immediately upon the failure of any vehicle to satisfy the requirements of the compliance test providing a copy of the compliance test sheet outlining the reasons for failure, excepting only when the failed item/s have been rectified and passed before the vehicle leaves the testing station site.**
- Provide the vehicle proprietor with the compliance test sheet immediately upon completion of the test, and to send a copy via email to the Council by the conclusion of the day in which the test was carried out.
- **Take and supply the Council with legible time stamped electronic photographs of the vehicle while at the testing station showing both the front and rear thereof, including registration plates. These are to be provided alongside the compliance test sheet. Where a vehicle is failed for any cosmetic reasons, a photograph evidencing this shall also be provided.**
- Have a CCTV surveillance system in good working order covering internal and external areas, and to make video footage available upon request by authorized officers of the Council.
- **Ensure and be able to demonstrate that any tester who undertakes the testing of wheelchair accessible vehicles (WAVs) and their restraints, ramps and fittings, is suitably trained to do so.**

#### **Management Responsibilities of the Provider**

The provider will:

- **Inform the Council immediately in writing of any change to the operation of its business including (but not limited to); proposed sale or transfer of the Company or assets, bankruptcy, closure or enforcement action by the DVSA.**
- Notify the Council of any change to its vehicle testing station Risk Rating following inspection carried out by the DVSA.

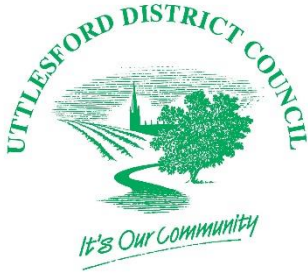
- **Keep copies of all compliance tests carried out for a period of at least one year from the date of test and provide statistics showing the number of compliance tests carried out, the number of failed tests and reasons for failure for a period of at least 1 calendar year. These must be made available for inspection upon request by an authorized officer of the Council.**
- Ensure that all named testers authorised to carry out compliance tests on behalf of the Council are familiar with all aspects of the Vehicle Compliance Testing Manual as issued by the Council for HC and PH vehicles, and the HC and PH vehicle conditions and licensing standards as set out in the Council’s Licensing Policy.
- **Charge a realistic inspection fee that covers the full cost of the vehicle compliance test inspection and any retests. The Council does not currently set the test fees and prefers to let market forces determine the fee payable, although it will consider setting the fee that can be levied if the circumstances arise.**

**Monitoring the Service**

- **The effectiveness and efficiency of the service will be the subject to ongoing review and analysis. This may include premises inspections, monitoring of service standards, compliance with the agreement, auditing of test standards, etc.**
- The agreement may be terminated by the Council at any time where the Provider has repeatedly failed to comply with the requirements of this agreement. The Council will inform the Provider in writing on any occasion it considers it to have failed to comply outlining the reason/s why, and will where practicable provide 28 days’ written notice whereby termination is deemed necessary. However, where the Council considers the reason/s for termination to be of a serious nature and the notice period is therefore not appropriate, this decision can take immediate effect and will be communicated as such.
- **Where a Provider has received notice of termination, it will have 14 days from receipt of the notice to appeal the decision to an Assistant Director of the Council not involved in the termination process, who will issue a reasoned decision in writing 20 working days from receipt of the appeal. This decision will be final. Where a notice of termination is given with immediate effect, the Provider will not be permitted to operate under the terms of the contract until the appeal has been heard.**

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**UTTLESFORD DISTRICT COUNCIL**

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

**APPLICATION TO BECOME AN AUTHORISED TESTING STATION TO  
UNDERTAKE VEHICLE COMPLIANCE TESTS ON BEHALF OF UTTLESFORD  
DISTRICT COUNCIL**

I understand that in giving the following information if I / we knowingly or recklessly make a false statement or purposefully omit any information from this application, I / we shall be removed as an Authorised Testing Station.

All fields must be completed in full, and you must include the 'Service Level Agreement Relating to Roadworthiness Testing of Licensed Hackney Carriages & Private Hire Vehicles in the District of Uttlesford' document as part of your submission. Failure to do so may result in your application being rejected.

Please use BLOCK CAPITALS

|   |  |
|---|--|
| <p><b>1. Full name and address of person(s) or limited company wishing to carry out vehicle compliance tests on behalf of UDC</b></p> |  |
| <p><b>2. Trading name of person(s) or limited company</b></p>   |  |
| <p><b>3. Registered office address of limited company (if different to above)</b></p>   |  |
| <p><b>4. Contact telephone number and email address for the business</b></p>  |  |

|   |  |
|---|--|
| 5. If a partnership or limited company, the full names and addresses of all partners, directors and secretary |  |
| 6. Address at which you intend to carry out the compliance tests  |  |
| 7. Day/s of operation (Mon-Fri, Mon-Sat etc.)   |  |
| 8. Hours of operation (08:00-16:00 etc.)  |  |
| 9. How many compliance tests do you estimate you can carry out  | Per day –<br>Per week –                  |
| 10. Does the address given at (6.) have a public waiting room?  | YES/NO<br>(Please delete as appropriate) |
| 11. How many testing bays are available for compliance tests?   |  |
| 12. MOT Vehicle Test Station Number   |  |
| 13. Current DVSA Risk Rating (Green, Amber, Red)  |  |
| 14. Have you <u>ever</u> been declared bankrupt or been disqualified from acting as a company director?       |  |

**DETAILS OF STAFF MEMBERS IT IS PROPOSED WILL CARRY OUT COMPLIANCE TESTS**

| Full Name | MOT Inspector/Tester Number |
|-----------|-----------------------------|
|           |                             |
|           |                             |
|           |                             |

|  |  |
|--|--|
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**DECLARATION OF INTEREST**

|  |
|--|
| <p><b>If the business or any member of staff working for the business has any involvement with any Hackney Carriage or Private Hire business in Uttlesford, including; proprietors, drivers, operators, or holds any contracts for the maintenance of such vehicles, please declare its/his/her name and capacity in the box below</b></p> |
|  |

**CHECKLIST**

**(Please tick each box to confirm that you have read and agree with the statements)**

|  |  |
|--|--|
| <p><b><u>I DECLARE</u> that to the best of my knowledge and belief I have not knowingly, recklessly or negligently made a false statement in this application or omitted any relevant information</b></p>  |  |
| <p><b><u>I DECLARE</u> that I and all staff working at the testing station are entitled to work in the United Kingdom</b></p>  |  |
| <p><b><u>I DECLARE</u> that to the best of my knowledge the business and no member of staff working at the testing station has any personal interest in any Hackney Carriage or Private Hire business in Uttlesford including; proprietors, drivers, operators, no do they hold any contracts for the maintenance of such vehicles <u>save as declared above</u></b></p> |  |
| <p><b><u>I HAVE READ, UNDERSTOOD AND AGREE</u> to comply with the ‘Service Level Agreement Relating to Roadworthiness Testing of Licensed Hackney Carriages &amp; Private Hire Vehicles in the District of Uttlesford’ document</b></p>  |  |

|  |  |
|--|--|
| <p>I have included the 'Service Level Agreement Relating to Roadworthiness Testing of Licensed Hackney Carriages &amp; Private Hire Vehicles in the District of Uttlesford' document with this application</p> |  |
|--|--|

|  |  |
|--|--|
| <p>I declare that to the best of my knowledge and belief the answers given above are true. If my application is successful, I agree to comply with the requirements set out by Uttlesford District Council</p> |  |
| <p>Date (DD/MM/YYYY)</p>   |  |
| <p>Print Name (BLOCK CAPITALS)</p>   |  |
| <p>Signature</p>   |  |
| <p>Position within company (if applicable)</p>   |  |



# Agenda Item 5

**Committee:** Licensing & Environmental Health

**Date:**

**Title:** Enforcement Update

16 November 2021

**Report Author:** Jamie Livermore, Senior Licensing & Compliance Officer, 01799 510326

**Item for decision:**  
No

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## Summary

1.1. This Enforcement Update report is to inform the Committee of the enforcement activities carried out by Licensing Officers during the period of 01 July 2021 to 31 October 2021.

## Recommendations

2.1. It is recommended that Members note the contents of this report.

## Financial Implications

3.1. There are no financial implications arising from this report.

## Background Papers

4.1. None

## Impact

5.1.

|                                 |      |
|---------------------------------|------|
| 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

6.1. With Covid-19 restrictions ending in July 2021, focus has shifted towards more 'ordinary' licensing regulation and in particular helping licensed premises with making any necessary changes to their licences such as with new designated premises supervisors or business operation following the effects of the pandemic.

6.2. The Licensing team has been working closely alongside Essex Police Licensing colleagues in visiting premises throughout the district to regenerate interest in a PubWatch scheme, which hasn't been in place in Uttlesford for several years. PubWatch is where licensees form an independent group in order to share information on any known crime or anti-social behavior issues, strengthening the safety and security of both customers and staff. While Council and Police staff are not directly involved in PubWatch once it is fully functional, it is normal for both to aid in the promotion of and to partake in establishing the initial meetings and adoption of a chair person/s. At the time of writing, positive interest has been received from licensees in Saffron Walden, Stansted Mountfitchet and Great Dunmow. It is still in the early stages but Members will be provided with further information at the next Committee.

6.3. On the 19 July 2021 Licensing Officers joined in with the Community Safety Partnership initiative 'Safer Streets' and visited premises in Great Dunmow to speak to licensees.

6.4. On the 21 August 2021 Licensing Officers took part in an Essex Police led 'Operation Benison' late night premises visit across selected venues in Saffron Walden and Great Chesterford, and no issues were identified.

6.5. There have been 7 Private Hire Operator inspections conducted during this period and any minor issues found were dealt with appropriately.

6.6. On the 6 July 2021 Licensing Officers paired up with colleagues from Braintree and Colchester for 'Operation Coachman' inspections at selected schools across each district. 1 driver was given an advisory for having cosmetic damage to their vehicle and a tyre that was close to the legal limit.

6.7. 2 Taxi and Private Hire inspection operations have taken place at Stansted Airport, once with just Uttlesford Licensing Officers and the other with DVSA, Police and Chelmsford Licensing colleagues. Less severe issues were identified such as missing 'no smoking' stickers and UDC door signs, all of which have since been resolved. One vehicle licence was suspended immediately after a Licensing Officer noticed a cracked windscreen which was believed to be unsafe.

6.8. In respect of licensed hackney carriage and private hire drivers, there has been 3 licence revocations and 39 licence suspensions. These are broken down as follows;

- 2 revocations were as a result of drivers attempting to bribe garage staff into passing their vehicle regardless of the outcome of its compliance test. Both drivers were referred to the Licensing Panel and were revoked with immediate effect. It should be noted that 1 of the individuals who had their driver licence

revoked has now appealed the decision to the Magistrates' Court.

- 1 driver was revoked by the Licensing Manager under delegated powers after receiving a DVLA disqualification.
- 37 suspensions were as a result of Medical and/or DBS certificates not being received from the driver by the required date, or for identified medical conditions.
- 2 suspensions were due to drivers who had failed to provide evidence of having taken a driving proficiency test in line with the Council's suitability policy for drivers with an accumulation of 9 or more points on their DVLA licence. 4 further drivers had been requested to undergo a driving proficiency test following the accumulation of 9 or more points, 3 had done so within the prescribed timeframe and 1 chose to surrender their licence.
- Of the 39 suspensions, 4 have now been lifted following necessary compliance and 2 drivers opted to surrender their licences.

6.9. In respect of licensed hackney carriage and private hire vehicles, there have been 15 licence suspensions.

- 14 vehicles were suspended following overdue and outstanding 6-monthly compliance tests and 1 vehicle was suspended following an accident and associated damage.
- 2 vehicle suspensions from the previous period were lifted having now had the new Hackney Carriage fare tariff applied to their meters. All Hackney Carriages are now set to the current tariff and all meters are calendar controlled, meaning the driver cannot manually change the tariff rate to a higher or lower level.

6.10. A total of 28 complaints have been received during this period. These are broken down as follows;

- 22 complaints relating to drivers. 5 of these remain in progress at the time of writing. The complaints mostly relate to either driving standards or driver behaviour
- 6 complaints relating to vehicles. These are mostly in regards to parking issues and have all been resolved and closed. 1 complaint was in relation to a Hackney Carriage allegedly overcharging a customer, however was found to be unjustified. Licensing Officers wrote to all Hackney Carriage proprietors in response to advise on the appropriate use of meters.

6.11. The Designated Premises Supervisor of 1 premises informed the Licensing team of their decision to remove themselves from the licence, meaning the premises could not legally sell alcohol at that time. Licensing Officers visited the following day to make staff aware, and a new DPS was appointed later the same day.