



Uttlesford District Council

Chief Executive: Peter Holt

Licensing and Environmental Health Committee

Date: Tuesday, 18th October, 2022

Time: 7.00 pm

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

Chair: Councillor P Lavelle

Members: Councillors M Caton, A Dean, G Driscoll, R Freeman (Vice-Chair),
P Lees, J Lodge, L Pepper, G Smith and M Tayler

Substitutes: Councillors A Armstrong, S Barker, A Coote, A Khan, M Lemon and
B Light

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements, subject to having given notice by 12 noon two working days before the meeting. A time limit of 3 minutes is allowed for each speaker.

Those who would like to watch the meeting live can do so by accessing the live broadcast **here**. The broadcast will start when the meeting begins.

The Council Chamber is subject to capacity limits and seats will be available on a first come first serve basis. Please contact Democratic Services if you wish to reserve a seat. Contact details and further information on public speaking arrangements can be found overleaf.

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 5 - 28

To consider the minutes of previous meetings.

3 Taxi and Private Hire Vehicle Fees 2023-24 Pre-Consultation 29 - 34

To note the consultation taking place prior to the setting of the 2023-24 fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators.

4 Enforcement Update 35 - 37

To receive an Enforcement update.

MEETINGS AND THE PUBLIC

Following the lifting of Covid-19 restrictions, and in accordance with the Council's risk assessment, Council, Cabinet and Committee meetings have returned to in-person and are held in the Council Chamber. However, due to social distancing measures and capacity considerations, those wishing to listen to or watch meetings will continue to be encouraged to access the live broadcast until further notice.

All agendas, minutes and live broadcasts can be viewed on the Council's website, through the [Calendar of Meetings](#).

Members of the public and representatives of Parish and Town Councils are permitted to speak or ask questions at this meeting and are encouraged to do so in person. If you wish to make a statement, you will need to register with Democratic Services by midday two working days before the meeting. There is a 15-minute public speaking limit and 3-minute speaking slots will be given on a first come, first served basis.

In certain circumstances, virtual attendance can also be provided using Zoom; please contact Democratic Services for further information. Those wishing to contribute via Zoom will require an internet connection and a device with a microphone and video camera enabled.

Guidance on the practicalities of participating both in-person or via Zoom will be given at the point of confirming your registration slot. If you have any questions regarding participation or access to meetings, please call Democratic Services on 01799 510 369/410/467/548. Alternatively, enquiries can be sent in writing to committee@uttlesford.gov.uk.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information, please call 01799 510510.

Facilities for People with Disabilities

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact committee@uttlesford.gov.uk or phone 01799 510369/410/467/548 prior to the meeting.

Fire/Emergency Evacuation Procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital that you follow their instructions.

For information about this meeting please contact Democratic Services

Telephone: 01799 510 369/410/467/548

Email: committee@uttlesford.gov.uk

General Enquiries

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

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

Agenda Item 2

LICENSING PANEL HEARING held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY 2 MARCH 2022 at 7.00 pm

Present: Councillor P Lavelle (Chair)
Councillors S Barker, R Freeman, G Smith and M Tayler

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

LIC25 **PUBLIC SPEAKING**

Due to a technology issue it was agreed that the public speaker would join the meeting once the issue was resolved and that consideration of agenda item LIC28 would be delayed to try to allow the public speaker the opportunity to speak prior to consideration of the item.

LIC26 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Lodge.

There were no declarations of interest.

LIC27 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meetings held on 16 November 2021, 14 December 2021 and 26 January 2022 were approved as correct records.

The Chair requested nominations for the position of Vice-Chair following Councillor Day's recent resignation from the Committee.

Councillor Tayler nominated Councillor Freeman for Vice-Chair.
This was seconded by Councillor Driscoll.

RESOLVED that Councillor Freeman be elected Vice-Chair.

LIC29 **IMPLEMENTATION OF TAXI PLUS**

The Licensing and Compliance Manager presented the report regarding the implementation of Taxi Plus from 1 April 2022.

He informed Members that the Licensing team would be moving to a new

preferred service provider, TaxiPlus to carry out:

- Enhanced DBS checks
- Driver License checks
- Multi checks of drivers DBS on the update service (phased in all drivers from March 2021)

The Chair acknowledged that this was an enhancement of the work currently undertaken by Officers and was financially advantageous for the Council.

Members asked;

- Whether the system was led following the allocation of points or randomly and periodically
- Whether TaxiPlus offers alerts from DVLA when points are allocated
- Whether this system is what most licensing authorities use

The Licensing and Compliance Manager confirmed that:

- Checks can be undertaken at any time
- No current system offers alerts from DVLA when points are allocated
- The Licensing team are changing provider not system

The report was noted.

LIC30 **MANUAL ENHANCED DBS CERTIFICATES**

The Licensing and Compliance Manager presented the report regarding the manual DBS policy implementation.

He informed Members that the Licensing Team would undertake interim DBS checks on 'Manual' DBS holders at least every 18 months. It was anticipated that no more than 5% of drivers would be affected.

The report was noted.

LIC31 **NEW DRIVERS GREEN PENNY COURSE OUTSIDE UTTLESFORD**

The Licensing and Compliance Manager presented the report regarding the provision of training for new drivers, existing licensed drivers and the Continual Professional Development Course.

Members were asked to consider whether new drivers could attend training days in other locations arranged by Green Penny and approved by the Licensing Manager in England.

The Chair proposed that this decision should be revisited in two years. Members agreed unanimously.

RESOLVED that new drivers would attend training days in other locations arranged by Green Penny and approved by the Licensing Manager in England. It was agreed that this decision would be revisited in two years.

LIC32 NEW MEDICAL PROCESS FOR DRIVERS

The Licensing and Compliance Manager presented the report regarding the new medical process being implemented for drivers.

He explained that it was a mandatory requirement that all drivers licences were subject to the production of a satisfactory DVLA Group 2 medical certificate.

Currently drivers attended a medical appointment to see a GMC registered medical practitioner who assessed their suitability. He/she did not have access to the driver's medical records. The process relied on the driver being honest about their medical history and their identity.

The following process was agreed and would be implemented from the 4 April 2022 :

- Drivers must bring their driving licence with them to the medical assessment
- Drivers must take their NHS Summary care record with them to the assessment (or provide access through the NHS app)
- Drivers must complete the government medical report form prior to attending the medical.

Once adopted the new process would bring the Council into line with best practise as recommended by the Institute of Licensing.

Assessing practitioners would be required to complete the government medical form and a new simplified UDC form which would indicate whether the driver is or is not fit to drive. The driver would keep their completed government medical form and submit the simplified UDC form to the Council with the rest of their application.

Members discussed;

- The need for the driving license taken to the medical assessment to include their photograph.
- Support for the use of the NHS Summary care record as accurate and incorruptible.

The report was noted. Members wholeheartedly supported the initiative.

LIC33 UPDATE ENVIRONMENTAL HEALTH COMMERCIAL SERVICE

The Environmental Health Manager - Commercial presented the report regarding the work of the Environmental Health (Commercial) Service as undertaken between April 2020 and January 2022, covering the period from the

commencement of the pandemic and the introduction of national controls to the present.

The Chair asked what was being done to support businesses in the lowest four categories to improve their food hygiene standards.

The Environmental Health Manager confirmed that it was not unexpected to see increases as businesses were under significant pressure. He went on to explain that graduated enforcement was used to identify risk, and they then work with businesses to rectify risks and where necessary use the graduated enforcement to secure improvement.

Members thanked the Environmental Health Manager and his team for their hard work in difficult circumstances.

LIC34 **ENVIRONMENTAL HEALTH PROTECTION SERVICE - AIR QUALITY UPDATE**

The Environmental Health Manager – Protection presented the report regarding the status of air quality in Uttlesford.

He highlighted changes in guidelines introduced by the World Health Organisation and outlined the implications of the Environment Act 2021.

The latest Annual Status concluded that there have been no measured exceedances of the national Air Quality Objectives for four consecutive years.

Members thanked the Environmental Health Manager for his detailed report.

Councillor Tayler thanked the Environmental Health Manager for installing the meter reader in Thaxted and asked whether he was surprised by the values demonstrated. He expressed an interest in reviewing the peaks during rush hours at some future points.

Councillor Tayler raised concerns that the guideline value of PM2.5s was given as 5 micrograms per cubic metre, yet in 2020, at the start of the pandemic when traffic was significantly reduced London Road UTT3 reported 15 micrograms per cubic metre and Hill House in Thaxted reported 9.5 and 11 micrograms per cubic metre respectively. He suggested that the real time values as we move away from Covid restrictions could be very problematic.

The Environmental Health Manager agreed to look at real time levels when the new guidelines are released in October 2022.

Councillor Tayler acknowledged the legal obligation regarding pollution, and noted that whilst we are producing the Local Plan we should not be encouraging areas that potentially risk the health and wellbeing of residents.

Councillor Barker requested that the whole Council get the opportunity to debate this matter once the Air Quality report is back.

The Chair acknowledged that the Committee were not looking to remove the Air Quality Management Area currently as the data collected has been useful for residents and the Council.

LIC25 PUBLIC SPEAKING (CONTINUED)

Mr Mahoney addressed the Committee.

The Chair returned to item 3 on the agenda.

LIC28 TAXI AND PHV FEES 2022-23

Licensing and Compliance Manager detailed the proposed increases in respect of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences and confirmed that they have been duly advertised for the required period of 28 days.

Councillor Barker proposed the approval of the fee structure proposed in Appendix B to come into effect as of 1 April 2022. This was duly seconded by Councillor Tayler.

RESOLVED to approve the proposed licence fees in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 1 April 2022.

LIC35 REVISED POLICY RELATING TO THE HACKNEY CARRIAGE & PRIVATE HIRE TRADES

The Senior Licensing and Compliance Officer presented the report to inform Members of the revisions to the Hackney Carriage and Private Hire Policy following the Committee's adoption of the Service Level Agreement with the MOT testing stations that have been or are to be approved to undertake the Council's vehicle compliance test on its behalf. 6 out of 8 previously approved testing centres signed up.

Members noted the content of the report.

LIC36 ENFORCEMENT UPDATE

The Senior Licensing and Compliance Manager presented the Enforcement Update report to inform the Committee of the enforcement activities carried out by Licensing Officers during the period of 01 November 2021 to 11 February 2022.

Members noted the content of the report and asked whether there would be any follow up regarding the shop with reports of underage alcohol sales.

The Senior Licensing and Compliance Manager confirmed that the shop remains on the complaints system and additional compliance checks will be undertaken. He noted that ideally Test Purchasing from Essex County Council would get involved but they do not appear to have resumed activity following the pandemic.

The Chair thanked the entire Licensing and Environmental Health team for their professional approach during an extremely difficult period.

The meeting concluded at 20.10

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, CB11 4ER, on THURSDAY, 30 JUNE 2022 at 10.00 am**

Present: Councillor
Councillors R Freeman, L Pepper and G Smith

Officers in attendance: A Lindsell (Democratic Services Officer), S Mahoney (Senior Licensing and Compliance Officer) and E Smith (Solicitor)

Also present: The applicant and their partner
N Bryant (Police District Licensing Officer)
D Eke (attending as a member of the public)
R McManus (Police Senior Licensing Officer)

LIC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence.

Councillor Freeman declared a non-pecuniary interest as a resident living in close proximity to the premises.

Councillors Freeman, Pepper and Smith declared personal, non-prejudicial interests due to one of the objectors being a fellow Council Member.

LIC2 APPLICATION FOR A PREMISES LICENCE

The Panel and Officers present introduced themselves to the applicant.

The Senior Licensing and Compliance Officer gave a summary of his report which requested that Members determine the application.

He clarified the specific address of the premises and the licensing hours of the proposed premises, both of which differed slightly from that specified on the application.

The Police District Licensing Officer noted their concern of potential of noise nuisance as a result of customers utilising the outside area. She confirmed that they had negotiated with the applicant and that conditions prevented the provision of outside furniture.

Mr Eke, in his capacity as a member of the public detailed his concerns and noted that the Senior Licensing and Compliance Officer had addressed some but not all of his concerns. These included:

- The large size of the warehouse and whether the lease covered the whole building or just the area proposed for use

- Whether the lease would allow expansion into the whole warehouse
- The safety of the building which was asbestos and cement clad
- The location of the mezzanine
- The potential risk of fire
- The emergency access limitations of having only one access down a three metre wide lane
- The absence of the vault distillery from the application
- The potential for noise nuisance with music permitted from 9:00am to 11:00pm
- The presence of five licensed premises within a two hundred metre radius of the premises
- Parking issues already existed on Church Street, particularly at weekends
- Protection of children that are not required to be accompanied by an adult when attending the licensed premises during the day.

The Senior Licensing and Compliance Officer confirmed that the vault distillery required a separate specialist license.

The Applicant explained that he and his family had moved to Saffron Walden in 2021 and hoped to move their aperitivo bar business from London to Saffron Walden and become part of the local community.

He said that:

- The lease did not apply to the whole warehouse
- The vault distillery was a small area for workshops and tastings for a maximum of ten people. It was housed in a fireproof cabinet and had a separate risk assessment
- The rotary evaporators distil under vacuum at forty degrees
- They had provided seating for twenty five customers, and would not offer service at the bar
- They would not over-serve and would not offer discounts
- The access and escape route limited maximum numbers to fifty customers
- They have installed a second exit, which was a rolling shutter door mainly used for deliveries
- The distillery was located at the front side, not on the resident side of the building
- An external wall was being erected to contain the business
- Child safety was a key objective
- The license times were in place to enable customers to purchase items to take away for future consumption and to enable the online element of the business to operate. It was not intended to serve alcohol from 9:00am
- The business would operate as a café during the day and as a bar at night
- They were looking to only open until 10:00pm and not every day of the week but were advised to apply for the full week to ensure any bank holiday or exceptional events did not require further license applications
- They intended to create an intimate small environment that would be welcomed and enjoyed by residents.
- They confirmed that there would be no raves

In response to questions from Members the applicant confirmed:

- The windows were original crittal and were openable
- There was air conditioning provided in the mezzanine space and the downstairs area had windows and doors that provided adequate ventilation
- The music would be low level ambient background music.
- There had been an audio survey conducted over a week long period.
- There had not been an application for live music and there were no music lead events planned
- Any issues that arose would be appropriately handled by qualified staff
- They would be happy to join the Pub Watch scheme

The Chair explained that the Panel would retire to consider the application.

The applicant left the meeting at 10:40am and the meeting was adjourned; the Panel retired to make its decision.

The applicant rejoined the meeting at 10:57am and the meeting reconvened.

The Chair advised the applicant that their application was approved subject to their acceptance of the conditions required by the Police and subject to a noise management plan to be approved by the Council's Environmental Health department.

The meeting concluded at 11:06am.

DECISION NOTICE – CHATER'S GENERAL STORE AND APERITIVO BAR

The application before us today is for the grant of a Premises Licence for Chater's General Store and Aperitivo Bar. The application is dated 04 May 2022 and is made by Chatersco Ltd in respect of 17 Church Street, Saffron Walden, Essex CB10 1JW. Representations have been made by two separate neighbours in response to this application, therefore this matter has been referred to the Committee for adjudication.

The options open to the Committee are set out by law, and are:

- To grant the application
- To modify the application by inserting conditions
- To reject the whole or part of the application

We have had the opportunity of reading the officer's report in this case, a copy of which has been served on the applicant, the objectors and the statutory

consultees. Essex Police did initially raise some objections, but their concerns were allayed following the acceptance of the additional conditions suggested by them, hence their objection was withdrawn. Those conditions are set out in the email correspondence between Officer 42080730 Bryant and the applicant, contained in our packs at pp 39-42. They did attend before us today and confirmed that they are content for the application to be granted on those terms. These additional conditions were not sufficient to allay the concerns of the individual objectors and so this matter comes before us on the basis of those objections only. One of the objectors was unable to attend but the other objector did address us and we have paid careful attention to what he had to say.

The premises are a warehouse converted into a café and provisions shop. It is proposed that a small aperitivo bar will open in the evening. The building is two storeys with a mezzanine floor and situated next to existing residential dwellings. Included within our bundle is a copy of the application form giving details of the proposed method by which they will be operated and a plan of the building, and we note the proposed licensable activities and times are set out on page 5 of the application form. We note that the licence sought is very limited indeed and that the other statutory consultees including Environmental Health and the Fire Service have raised no objection.

The applicant, who is to be the Designated Premises Supervisor, spoke in support of the application, outlined the plans for the business and explained what experience of he and his wife had within the licensed trade. They seemed very knowledgeable and had thought out their application carefully: they have co-operated in full with the statutory authorities.

The proposed licensable activities are below:

- Recorded Music
- Supply of Alcohol

We have considered the application carefully and have read the documents before us, including the letters submitted by two neighbouring residents, and listened carefully to all of those who have spoken before us this morning. We

remind ourselves that the Police objections were resolved by the acceptance of additional conditions and Officer Bryant confirmed this today. One of the two residents, who addressed the Panel this morning, is a member of Uttlesford District Council but is acting in a private capacity. We therefore state that we are acquainted with him but that we not personal friends of his and we approach the application with open minds.

In carrying out its statutory function, the Licensing Authority must promote the four licensing objectives as set out in the Licensing Act 2003. We remind ourselves the Police have already requested additional conditions in respect of the question of crime and disorder, and the applicant has accepted these. We gratefully adopt the wording suggested by the Police at pp 39-40 of our packs.

Those four objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

There is no hierarchy of importance among the objectives, and all must be given an equal weight.

The decisions that the Committee can make in respect of this application are to:

- Grant the application
- Modify the application by inserting conditions
- Reject the whole or part of the application

When determining an application, due regard should be given to the Council's Licensing Policy (a copy of which is before us) and the Secretary of State's Guidance issued in accordance with the 2003 Act. The latter provides at paragraphs 10.8 and 10.10 the following assistance for members:

10.8 “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions must be included that are aimed at preventing illegal working in licensed premises.”

10.10 “The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.”

If the Committee’s decision is to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relevant to the representations received. Furthermore, the Committee should not impose conditions that duplicate the effect of existing legislation.

We have heard from the applicant, Police Licensing Officer 42080730 Bryant and a neighbour. We have considered what they have all said very carefully and our decision is to grant the application subject to the conditions required by the Police, agreed by the applicant and set out at pp39-40 as aforesaid, and to an

additional condition that will address, we hope, any potential noise nuisance issues emanating from the premises.

That additional condition will read as follows: –

A noise management plan shall be submitted to the Licensing Authority within 28 days from the date hereof for approval by the Licensing Authority. Any event involving amplified music shall not take place without Licensing Authority approval of the noise management plan. The noise management plan shall include details on measures, controls and actions to ensure that the playing of amplified music does not cause a public nuisance. Measures, controls and actions will include an approach to monitoring that also assesses the impact of any noise on neighbouring premises at the start of the regulated entertainment and periodically throughout the regulated entertainment and take any action to ensure compliance with the management plan. The management plan shall ensure a telephone number is made available for local residents to contact in the case of disturbance from noise or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Record will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises. The Premises License Holder must comply with the agreed noise management plan at all times during regulated entertainment.

The Premises Licence Holder shall within 28 days of receiving instructions by the Licensing Authority install a noise limiting device to the approval and satisfaction of the Licensing Authority. A noise limiting device (the specification and design to be agreed with Uttlesford District Council's Environmental Health Service) shall be fitted so that all regulated entertainment is channelled through the device(s). The maximum noise levels will be set by agreement with Uttlesford District Council's Environmental Health Service and will be reviewed from time to time as appropriate. The

noise limiting device shall be kept at the settings approved by the Council through an authorised officer of the Uttlesford District Council's Environmental Health service. The Premises Licence Holder or nominated person shall ensure that the noise limiting device is sealed after commissioning so that sound operators cannot override the system during the performance of live and recorded music. If deemed necessary the noise limiting device shall only be reset to a level approved by the Council through an authorised officer of the Uttlesford District Council's Environmental Health Service within 7 days of notification.

For the avoidance of doubt these two requirements are sequential and if the noise management plan is efficacious then the noise limiting device will not be required. It is therefore up to the applicant to make this work.

All parties have a right of appeal against this decision to the Magistrates Court. This must be exercised within 21 days of the date of service of this decision notice. All parties will receive notification from the Legal Department explaining this.

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, CB11 4ER, on TUESDAY, 12 JULY 2022 at 7.00 pm**

Present: Councillor P Lavelle (Chair)
Councillors G Driscoll, P Lees, L Pepper, G Smith and M Tayler

Officers in attendance: A Lindsell (Democratic Services Officer), E Smith (Solicitor) and
R Way (Licensing and Compliance Manager)

Remote attendance: T Cobden (Environmental Health Manager - Commercial), J
Livermore (Senior Licensing and Compliance Officer), S
Mahoney (Senior Licensing and Compliance Officer) and M
Watts (Environmental Health Manager – Protection)

Public speaker: Mr A Mahoney

LIC1 PUBLIC SPEAKER

Mr Mahoney addressed the Committee. A summary of his statement has been appended to these minutes.

LIC2 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Freeman and Lodge.

Councillor Pepper declared a personal interest as she knew Mr Mahoney as a friend

LIC3 MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 23 March 2022, 12 April 2022 and 18 May 2022 were approved as correct records.

LIC4 TAXIS AND PRIVATE HIRE VEHICLES (DISABLED PERSONS) ACT 2022

The Licensing and Compliance Manager presented the report on Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which took effect from the 28 June 2022.

He noted that there was a mechanism for drivers to request a medical exemption from some or all of the duties when supported by clear written evidence from a General Practitioner. This mechanism had not been included in the report.

He recommended that Members noted the report.

Councillor Driscoll said that there could be a financial implication to the Council as someone would have to be paid to maintain the list.

The Senior Licensing and Compliance Officer said that the information was already recorded within their database, and that uploading the information to the website was a very quick job which would not have a financial implication to the Council.

The Chair drew two points arising from this legislation to Members' attention which he said would have a very significant impact:

- The Council licensed a lot of school transport vehicles, many of which had wheelchair access, but which were not routinely available for hire within the district. The list would contain a lot of wheelchair access vehicles not available for hire within the district.
- All Private Hire Vehicles and Hackney Carriages now have to comply with legislation for disabled people, including whose disability might not be apparent at the point of hiring. He said that he was fairly certain that this would come back to the Committee to consider the consequences of the changes of this legislation.

Councillor Smith asked whether the anomaly regarding apparent wheelchair access vehicles and actual available wheelchair access vehicles could be identified on the website so that residents could understand the disparity.

The Chair said that this would not be possible due to a driver's right to roam.

In response to a question from Councillor Tayler, the Senior Licensing and Compliance Officer said that the legislation specifically uses the term 'disabled person', which is defined under the Equality Act to incorporate a broad range of physical and mental impairments.

Councillor Driscoll said that he was concerned about the Council's duty of care as licensees of the vehicles and the drivers. He questioned whether sufficient training was undertaken with regard to wheelchairs and whether wheelchair loading should be included in the training when it came up for review.

The Solicitor said that licences would be refused where a driver or operator were found to not be fit and proper. She said that wheelchair accessible vehicles were checked and assessed by a specialised garage.

The Chair said that wheelchair loading training could be reviewed within the Green Penny course. He said that it would be difficult to pin a duty of care issue on the Council for an operator error unless it arose from inaccurate information or inappropriate control provided by the Council.

The Solicitor said that in that scenario the driver or operator would have to carry insurance and would be the primary defendant.

The Licensing and Compliance Manager said that a lot of home school transporters were required to undertake additional training with the Local

Education Authority, and additional requirements were incorporated in their contracts.

The report was noted.

LIC5 CLEAN AIR INITIATIVE

The Chair invited the Environmental Health Manager - Protection to make a presentation on the Clean Air Initiative.

The Environmental Health Manager – Protection presented a summary of the presentation that he gave at the Energy and Climate Change Working Group.

He said they had received a grant of £517k from DEFRA as part of the Clean Air pilot scheme to address the Air Quality Action Plan and resolve the historical air quality issues in Saffron Walden.

He said that air quality in Saffron Walden continued to improve.

The Chair asked when the scheme could be implemented in Stansted and Dunmow.

The Environmental Health Manager – Protection said that the pilot scheme needed to be analysed and understood, but where successful parallels could be made elsewhere.

Councillor Tayler said that the proposals sound good but raised the difficulties of cycling in several towns and villages. He asked whether the 20mph speed limits would be extended in Saffron Walden to make it more user friendly for cyclists in Saffron Walden.

The Environmental Health Manager – Protection said that the traffic modelling within the scheme would identify safe cycling routes and reroute traffic.

He said that two Climate Change Project Officer posts were currently advertised and that a third support post would also be added.

He said that further information would be shared with Members at the next Licensing and Environmental Health meeting.

LIC6 GAMBLING PRINCIPLES POLICY 2022-2025

The Licensing and Compliance Manager presented the report regarding the Gambling Principles Policy 2022 – 2025.

He recommended that Members adopt the updated policy.

The Leader of the Council said that the policy was a huge improvement and read very well.

Councillor Smith proposed adoption of the updated Gambling Principles Policy 2022 – 2025. This was seconded by Councillor Driscoll and the adoption was approved unanimously.

RESOLVED: The updated Gambling Principles Policy 2022 – 2025 was adopted.

LIC7 ENFORCEMENT UPDATE

The Senior Licensing and Compliance Officer presented the Enforcement Update report which informed the Committee of the enforcement activities carried out by Licensing Officers during the period of 12 February 2022 to 30 June 2022.

He said that there were eight Hackney Carriage and Private Hire Driver license revocations not nine as stated in the report.

The report was noted.

LIC8 REVIEW OF DRIVER TRAINING COURSE DEFERRAL

The Senior Licensing and Compliance Officer presented the review of the Driver Training Course Deferral made to specified Private Hire and Hackney Carriage driver licence renewals from the undertaking of the driver training course and assessment.

The report was noted.

LIC9 CCTV IN VEHICLES

The Licensing and Compliance Manager presented the CCTV in vehicles report which sought to implement the recommendation in the Department for Transport Statutory Standards that Local Authorities should consult on whether CCTV would have a proportionate positive impact on public safety in their district.

He asked Members to consider an 8-week public consultation on the draft CCTV consultation document in Hackney Carriage and Private Hire vehicles.

The Chair said that this would be a wide consultation to ascertain the risks and benefits.

Councillor Lees proposed adoption of the recommendation. This was seconded by Councillor Tayler and the adoption was approved unanimously.

RESOLVED: To implement an 8-week public consultation on the Draft CCTV consultation document in Hackney Carriage and Private Hire Vehicles.

LIC10

REVISED POLICY RELATING TO THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADE

The Licensing and Compliance Manager presented the report regarding the revised policy relating to the Hackney Carriage and Private Hire Trade.

He said that there was one amendment to the live policy which moved from version three to version four. The minor change was regarding manual Disclosure and Barring Service, which allowed the Council to conduct checks every six months at no cost to drivers.

He recommended that Members approve the latest version of the Hackney Carriage and Private Hire Policy following the latest committee decision in March.

Councillor Pepper proposed adoption of the recommendation. This was seconded by Councillor Driscoll and the adoption was approved unanimously.

RESOLVED: To approve the revised Hackney Carriage and Private Hire Policy.

LIC11

TAXI AND PRIVATE HIRE VEHICLE FEES

The Licensing and Compliance Manager presented the report which advised Members of the Licensing Team's proposal to review the method for calculating Taxi and PHV fees. He asked Members to note the report.

He said that the new software, which had been operational since April 2022, provided a more accurate method of calculating fees.

The Chair said that Officers were considering upgrading the way information was collected about the costs related to licensing. Any change would have to be agreed by Members and go through the budget. The method being considered was used quite broadly and appeared to improve accuracy of the fee setting process.

Councillor Driscoll said that there had been no financial implications to any of the other items discussed this evening. He asked why officer time had been included on this item.

The Chair said that the activity of the Licensing Authority was neutral to the residents of the district and was reimbursed by licensers at no profit or loss to the Council. He said that item was different and was not about increasing cost, but accurately measuring and evaluating costs that should be included in the licensing fees.

He said that the current process for the calculation of the cost was robust but dated and included the use of officer time for some activities. The proposed system allowed the data to be correctly allocated.

Councillor Driscoll asked whether the cost of the Officer`s time who updates the website would be included.

The Chair said that first the review would be conducted, then the recommendation would be consulted on.

Councillor Smith said that the software would identify what Officer time was spent on.

In response to a question from Councillor Tayler, the Licensing and Compliance Manager confirmed that Officers were content with the process and did not feel under undue time pressures.

The Chair commended Officers for their exemplary work undertaken at a difficult time.

The report was noted.

The meeting concluded at 20:12.

Summary of Public Statement – 12 July 2022

Andy Mahoney

Mr Mahoney said the continued chronic driver shortage issues continued and that he was exasperated by the Green Penny Course. He said the course made it hard to get drivers licensed and was a major safeguarding issue. He passed on a message from Mr Cordall who said that the regulations were killing the trade. Mr Cordall thought that the knowledge test was ridiculous and that the CCTV in driver training could not be afforded.

Mr Mahoney said that the average driver made £65-£80 per day and that other Councils were not being as tough. He said that the Council would have noticed the downturn of renewals.

He said that one of his drivers was very upset having received a letter, dated 28 June 2022 informing him that his license had been revoked. The driver said that he had not been interviewed by the Council, Police or the Local Authority Designated Officer (LADO) and did not know why his license had been revoked. Mr Mahoney asked for an urgent review of the case as the driver was extremely distressed and he was very concerned for his wellbeing.

The Licensing and Compliance Manager said that the Licensing Authority were passed information that could only be shared with the driver and could not be shared at this meeting.

Mr Mahoney said that he had attended a meeting with Essex County Council the week before where the suspension was mentioned and he had been told that they had checked out the accusation and said that it looked unrealistic in their opinion. The driver's concern was that he would not be reinstated until the LADO investigation had been conducted and he had not heard anything about it.

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE PANEL
HEARING held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON
ROAD, SAFFRON WALDEN, CB11 4ER, on FRIDAY, 30 SEPTEMBER 2022
at 10.00 am**

Present: Councillor P Lavelle (Chair)
Councillors G Driscoll and G Smith

Officers in attendance: A Lindsell (Democratic Services Officer), S Mahoney (Senior Licensing and Compliance Officer) and E Smith (Solicitor)

LIC5 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

LIC6 EXCLUSION OF PRESS AND PUBLIC

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.

LIC7 REVIEW OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE

The Panel and Officers present introduced themselves to the driver.

The Senior Licensing and Compliance Officer gave a summary of his report which requested that Members determine whether the driver remains suitable to continue to hold a Private Hire/Hackney Carriage Driver's Licence.

In response to questions from Members the driver confirmed:

- His taxi badge had been suspended for a number of days as a result of the caution he had received
- He reported the incident to the carer who visited the home twenty minutes after the incident. The carer then reported the incident to the Police
- This was the first job that he had had in five years due to his previous caring commitments

The Chair explained that the Panel would retire to consider the application.

The driver left the meeting at 10:17am and the meeting was adjourned; the Panel retired to make its decision.

The driver rejoined the meeting at 10:45am and the meeting reconvened.

The Chair read the driver the decision notice.

The driver left the meeting at 10:48am.

DECISION NOTICE

The matter before the Panel today is an application for the review of a HC/PHV driver's licence dated 8th February 2022. At the time of grant a clear enhanced DBS Certificate was produced, and in accordance with Council policy he was required to register with the automatic update service. However, the Licensing Dept was subsequently alerted by Taxiplus, the firm to whom the management of this service is outsourced, that there had been a status change on the certificate dated 28th January 2022 some ten days before the date of grant of the licence.

Officers spoke with the driver over the telephone on 16th June regarding his failure to inform the Council of this change in circumstances and at the time he could offer no explanation. He was therefore asked to apply for a new certificate and a copy of this is in the papers before us. In the interim his licence was suspended on the grounds of public safety. A further telephone conversation, in conjunction with the driver's operator, Street Cars, took place in the course of which officers were told of a domestic incident between him and his sick mother which led to him receiving a caution. He explained that he did not realise it amounted to a conviction for certain purposes as he was not fined and did not attend Court.

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 his letter to the Licensing Team, which we have all read with great care. We have also had the opportunity of hearing from him and from the Case Officer.

The driver does not meet the requirements of the Council's Licensing policy in two respects. Para 19 (c) of Appendix D requires drivers to "Notify UDC in writing of any convictions, cautions or fixed penalty notices (save for in respect of civil parking fixed penalty notices which cannot result in the endorsement of points

upon the drivers' licence) within 7 days of the date of conviction, caution or the issue of a fixed penalty notice".

Further, para 2.14 of the Suitability Policy states, "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".

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. Our role is to determine whether or not a driver is a fit and proper person to continue to hold a HC/PHV licence and if we consider that he is not, then our duty is clear – we should revoke the licence.

We have heard what the driver has to say and have very considerable sympathy for his predicament. Given that the index incident involves a third party potentially under a legal disability we say no more than that and we note that the driver self-reported the matter. Over the last two years we have no means of knowing how many people have found themselves in a similar position.

We also note that the driver did not realise that a caution equates to a criminal conviction for certain purposes. This is a common misconception and no excuse: however, the driver did not report the incident to the Council, and he should have done so. We strongly counsel him to read our conditions of licence.

We have considered what the driver has had to say to us. We do not regard him as being any danger to the public and note he still visits the third party involved. He is no longer responsible for their full-time care, and we understand the pathology of their condition.

We have discussed our decision in depth and have decided, unanimously, that the driver should retain his licence. However, we strongly recommend that he does read all the documents with which he has been supplied, carefully, and we do not expect, ever, to see him before us again.

Committee: Licensing and Environmental Health Committee

Date:

18th October 2022

Title: Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators

Report Author: Russell Way, Licensing and Compliance Manager

Summary

1. The purpose of this report is to inform Members of the Licensing and Environmental Health Committee of the consultation to take place prior to the setting of the 2023-24 fees.

Recommendation

2. To note the consultation detailed in Appendix A.

Financial Implications

3. There are cost implications to the Council in undertaking this legal duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the scheme.

Background Papers

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

Appendix

A – Proposed fees from 1st April 2023

B - Recoverable administration costs and income for Taxi licensing

C - Movement on Licensing reserve

Impact

- 5.

Communication/Consultation	Operators and Hackney Carriage proprietors and Trade Association will have the opportunity to take part in a
----------------------------	--

	consultation and face to face meeting with officers. Adverts will be placed in Newspapers and communication using websites and social media will also be used.
Community Safety	Uttlesford Licensing Committee have agreed to meet the Governments Standards.
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	This is a proportionate document to ensure licensing authorities including Uttlesford carry out their due diligence.
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

6. It is a statutory requirement for this Committee to review and approve the licence fees each financial year.

The Council is legally entitled to charge a fee for licences, at a level that will permit recovery of the costs incurred in the issuing of licences and the administration of the licensing service.

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.

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.

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 below.

Risk Analysis

7.

Risk	Likelihood	Impact	Mitigating actions
<p>3 = Significant risk or impact – action required</p> <p>There is a need for the council to ensure its fees are accurate and recover the costs of running the service</p>	<p>2 = Some risk or impact – action may be necessary.</p>	<p>3 = Significant risk or impact – action required</p>	<p>3 = Significant risk or impact – action required</p>

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 : Proposed changes in Taxi licensing fees from 1st April 2023

PROPOSED CHANGE IN TAXI LICENSING FEES

		2022/23	2023/24	%
	Notes		Proposed	Increase
Driver - 3 years		£213.0	£228.5	7.28%
- 2 years		£199.0	£213.5	7.29%
- 1 year		£186.0	£199.5	7.26%
Vehicles	1	£149.0	£145.0	-2.68%
Transfer fee		£108.0	£116.5	7.87%
Operator		£508.0	£549.5	8.17%

Notes

1. The vehicle proposed fee for 2023/24 includes a discount of £16 which reflects a balance of £29,000 that the Council has overcharged for vehicle licenses in since April 2021. With this discount in place it is anticipated that this balance will be eliminated in 2023/24.

Appendix B : Recoverable costs and income associated with Taxi licensing service

TAXI LICENSING INCOME AND EXPENDITURE ACCOUNT - 3 YEAR VIEW

	Notes	2021/22 Actuals	2022/23 Forecast	2023/24 Forecast
<u>Costs</u>				
Licensing staffing		209,788	201,050	207,100
Admin costs	1	6,469	5,200	5,350
Materials & driver checks		75,109	61,650	63,500
Management		33,296	26,850	27,650
Accounting		2,767	2,250	2,300
Internal audit		1,757	1,400	1,450
HR		10,983	8,850	9,100
Mail/Printing		9,962	8,050	8,250
Customer services	2	42,818	34,500	35,550
ICT		49,210	39,650	41,250
Accommodation		5,419	4,350	4,500
Legal		10,124	8,400	8,650
Committee services		7,037	5,750	5,950
Safeguarding		18,671	15,500	16,000
Income		513,016	404,350	407,600
Net surplus/(deficit)		29,606	(19,100)	(29,000)

Notes:

1. Travel and staff training
2. Customer services costs are allocated out according to the % of time staff spend on Taxi licensing related issues

Appendix C : Movement on the licensing reserve

MOVEMENT ON THE LICENSING RESERVE

	2021/22	2022/23	2023/24
Opening balance as at 1/4	34,507	64,113	45,013
Expenditure	483,410	423,450	436,600
Income	513,016	404,350	407,600
Closing balance as at 31/3	<u>64,113</u>	<u>45,013</u>	<u>16,013</u>

Committee: Licensing & Environmental Health

Date:

Title: Enforcement Update

18 October 2022

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

Summary

1. This Enforcement Update report is to inform the Committee of the enforcement activities carried out by Licensing Officers during the period of 1 July 2022 to 30 September 2022.

Recommendations

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

Financial Implications

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

Background Papers

4. None

Impact

5.

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. During the latest period the schools were closed for the summer holidays meaning that a substantial proportion of the Council's licensed drivers were not actively working. The schools reopened for the new academic year at the beginning of September and with it a new influx of drivers and vehicles were brought into new or renewed contracts on behalf of the Private Hire Operators fulfilling home to school transportation duties. For that reason this is always a key time for compliance activities and Officers partook in school visits alongside partners at the DVSA and County Councils. 7 separate school visits were achieved and the number of drivers and vehicles inspected totaled 25, and form part of the overall total of 91 for the period.

6.2. Of the 91 drivers and vehicles inspected, none had to be issued with immediate suspensions and only two given a minor rectification notice which were for a deteriorating tyre and a missing LOLER certificate – required for mechanical tail lifts on wheelchair accessible vehicles. The other minor issues identified range from lack of door signs, missing fare tariffs, and driver badges not being on view or present with the driver, all of which were easily resolved with verbal warnings.

6.3. Aside from school visits, Officers have made 10 separate visits to Stansted Airport either for general inspection activities or for disrupting taxi touts. The latter of which has become a more prevalent issue in recent times and has required efforts from the airport Police unit, TFL Officers and Uttlesford Officers. By approaching a suspected tout and asking questions of them it has always resulted in that person fleeing the scene. It should be noted that touting is a common airport issue and not isolated to Stansted, but is unfortunately difficult to prevent. Another common airport issue is with Park & Ride businesses and those identified have been or are being dealt with alongside Police and Uttlesford Planning colleagues. One had unfortunately been found with an unlicensed driver and is currently part of an ongoing investigation.

6.4. Cross border partnership has continued to be a success and Uttlesford Officers have participated in joint enforcement activities with areas such as Cambridgeshire, Bedfordshire, Hertfordshire, TFL, and operations that have taken place for example in Luton, Watford, Peterborough, Wisbech and Banham in Norfolk.

6.5. The main focus with licensed Premises has been with the promotion of Ask Angela, which is a nationwide campaign designed to potentially offer a vital life-line to someone who finds themselves in a difficult situation and can't get out of it. The idea is that the threatened person can ask for 'Angela' to a member of staff and that acts as a code word for requiring assistance, which might be in the form of contacting the Police or just arranging for a taxi discreetly. The material given out includes posters for placement in inconspicuous locations such as toilets and material for prompting staff to understand and recognise it. Though it isn't a new campaign, after more recent high profile incidents it is again being promoted by Essex Police and Licensing Officers have offered to help with the distribution. At least 16 premises have been issued with the material and all have been more than willing to install the posters and play their part.

6.6. The latest update with Pubwatch is that a Chairperson has been agreed in principle for the Saffron Walden area and the expectation is that the first meeting will be arranged in time for the busy Christmas period. There have also been further meetings for both Dunmow and Stansted Mountfitchet.

6.7. There have been 7 Private Hire Operator inspections conducted during this period and all were found to be satisfactory.

6.8. In respect of licensed hackney carriage and private hire drivers, there has been 1 licence revocations and 4 licence suspensions. These are broken down as follows;

- The 1 revocation was made with immediate effect under delegated powers by the Chair of the Licensing & Environmental Health Committee and Licensing Manager. This was as a result of the driver allegedly having assaulted a minor while on a home to school transportation journey. The Essex LADO had advised revocation and the driver was under investigation by the Police.
- Of the 4 suspensions, 1 was as a result of medical concern, 1 failed their Green Penny exam, 1 had an overdue DBS certificate, and 1 failed to complete their driver proficiency test following accumulation of 9 points on their DVLA licence.

6.9. In respect of licensed hackney carriage and private hire vehicles, there have been 22 licence suspensions.

- 13 vehicles were either suspended following the failure of their compliance tests or they had not taken a compliance test by the required deadline, 7 suspensions were issued following accidents and associated damage, and 2 for being taken off road for repairs.

6.10. A total of 20 complaints have been received during this period. These are broken down as follows;

- 10 complaints relating to drivers. The complaints mostly relate to driving standards, but there has also been alleged smoking within the vehicle, verbal abuse of Council staff and one which was a safeguarding issue but didn't progress further than the LADO as it was unjustified.
- 1 complaint relating to a Hackney Carriage vehicle where the customer was allegedly being overcharged. This was found to be unjustified.
- 1 complaint relating to a Private Hire vehicle being seen with no door stickers.
- 8 complaints relating to licensed premises. 3 had allegedly served alcohol to underage persons, 2 were alleged to have committed unlicensed activities, 2 were alleged to have breached licence permissions and 1 for allegedly serving alcohol to a drunken person. All investigations are either ongoing or concluded due to lack of evidence.