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Uttlesford District Council

Chief Executive: Peter Holt

Licensing and Environmental Health Committee

Date: Wednesday, 1st February, 2023

Time: 7.00 pm

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

Chairman: Councillor P Lavelle

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

Substitutes: Councillors A Armstrong, A Coote, A Khan, M Lemon, B Light and
T Loveday

Public Speaking

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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 - 28
To consider the minutes of the following meetings:
 - 18th October 2022
 - 14th November 2022 (Licensing Panel)
 - 9th January 2023 (Licensing Panel)
 - 16th January 2023 (Licensing Panel)
- 3 Refreshment of the Evidential Trail Regarding the Council's Ability to Prosecute Offences under Part II Local Government (Miscellaneous Provisions) Act 1976** 29 - 31
To note the steps taken to provide up to date evidence of the Council's adoption of Part II Local Government (Miscellaneous Provisions) Act 1967.
- 4 Taxi and Private Hire Vehicle Fees 2023-24** 32 - 44
To consider the proposed licence fees in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 1st April 2023.
- 5 Review of Driver Training Course** 45 - 53
To consider a request to remove the requirement for newly licensed Hackney Carriage and Private Hire drivers to undergo the test element of the mandatory driver safeguarding training course.
- 6 Review of Licensed Vehicle Emissions Policy** 54 - 61
To consider a request to revise the Vehicle Emissions Policy to permit 8 passenger seat vehicles to be licensed without meeting the current Euro Emission 6 requirement.
- 7 Enforcement Update** 62 - 64
To note the enforcement activities carried out by Licensing Officers during the period of 1st October 2022 to 31st December 2022.

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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.

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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 AND ENVIRONMENTAL HEALTH COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 18 OCTOBER 2022 at 7.00 pm

Present: Councillors M Caton, G Driscoll, R Freeman (Vice-Chair), P Lees, G Smith and M Tayler

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

LIC25 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Dean, Lavelle, Lodge and Pepper.

There were no declarations of interest.

LIC26 **MINUTES OF PREVIOUS MEETINGS**

Councillor Smith noted that Councillor Driscoll was not acknowledged in the minutes as being in attendance at the Licensing and Environmental Health Committee meeting held on 2nd March 2022, although he had been in attendance. It was agreed that the minutes would be amended to include this information.

The minutes of the meetings held on 2nd March, 30th June, 12th July and 30th September 2022 were approved as correct records, subject to the revision detailed above.

LIC27 **TAXI AND PRIVATE HIRE VEHICLE FEES 2023-24 PRE-CONSULTATION**

The Licensing and Compliance Manager presented the report regarding the Taxi and Private Hire Vehicle Fees 2023-24 Pre-Consultation.

He recommended that Members noted the consultation.

The Licensing and Compliance Manager said that the consultation would be undertaken in the next couple of months and that the fees would be recommended to Members at the January 2023 Licensing and Environmental Health committee meeting.

Following questions from Members the Licensing and Compliance Manager confirmed:

- Although the number fluctuated daily, there were 2000 licensed drivers and 1600 licensed vehicles currently in the district
- He did not know how many major operators there currently were with over ten vehicles

Members raised concerns that drivers working for the new company at the airport reportedly lose half their takings to the operator, before they have to pay for the hire of the vehicle, fuel, tax and insurance. They said that the proposed fee increase of 7.25% seemed high for a relatively low earner to accommodate.

The Licensing and Compliance Manager said that the fee increase was necessary to absorb the £2000 and 3% salary increase awarded to all Local Government Officers and that the cost of the fees was unchanged and remained at cost recovery.

Members asked whether the £100,000 drop in income was as a result of the award of the airport contract to Street Cars.

The Licensing and Compliance Manager said:

- There was a number of challenging reasons that contributed to the loss of income and included a lack of drivers that want to work unsociable hours and individual operators' choices on occasion to be licensed in other areas
- Street Cars have expanded their company and could set their prices as they wished
- Drivers could obtain their license in any district they chose and the Council had licensed drivers in a variety of districts, which was permitted as long as the Council adhered to the individual district's conditions
- The legislation relevant to drivers and private hire vehicles was not fit for purpose

Following a question from Members the Chair said that the Council had historically been overly competitive, which had resulted in drivers being attracted from elsewhere.

The Licensing and Compliance Manager said:

- Safeguarding the public was the priority, and that the fee covered the execution of that duty.
- It was difficult to compare different authority's fees as there were often additional costs incurred that were not initially evident, such as the Green Penny Course or private medical checks.
- They were investigating alternative fee calculation methods to find the most efficient and appropriate as there was a lot of additional work undertaken to make sure that licensed drivers were fit and proper.

The report was noted.

LIC28 **ENFORCEMENT UPDATE**

The Licensing and Compliance Manager presented the Enforcement Update report.

He recommended that Members note the report.

He noted that they were starting to build effective relationships with the Airport Police and Transport for London.

Following questions from Members the Licensing and Compliance Manager said:

- Events held on the Common required an individual license for the relevant location to serve alcohol. The time limit relating to music would be addressed within the terms of the individual license
- The Ask Angela campaign had been rolled out by Essex Police

Members raised concerns about the management of unlicensed airport parking that was operating outside of the airport boundary. There had been a recent fatal crash near the airport which had resulted from the reckless driving of an individual operating an unlicensed airport parking service.

The Chair said that they were meeting with Officers and members of the public on Thursday to discuss what action could be taken to resolve unlicensed airport parking issues.

The Licensing and Compliance Manager said:

- Licensing were only involved if there was a car park and that members of the public were being transported from the car park to the airport
- Operators and drivers required licenses when that service was provided
- There were a number of operators that worked that way at the airport
- The recent fatal case involved an individual from a company who offered a different park and ride service where members of the public drove to the airport, handed over their vehicle and the company drove the car to be parked somewhere else. The company did not need to be licensed as a private hire vehicle or an operator. However this company had also set up a park and ride where they were parking in the airport and were not licensed to do so. There were also questions over whether the land being used to park the cars had the correct permissions. It had been a partnership operation and had resulted in the company returning to only offering the initial park and ride service
- It was difficult for members of the public to identify legitimate licensed operators, although the airport did try to signpost appropriate operators

Members discussed:

- Stansted Airport being reportedly the second most expensive airport in the world for weekly car parking
- Members of the public who hire out their drives and take people from their house to the airport were acting as a private hire vehicle operator and should be subject to licensing regulations

Following comments from the Leader of the Council regarding her disappointment at the high number of license suspensions, the Licensing and Compliance Manager said:

- He would report back with the percentage of complete complaints that were upheld
- The number of complaints received was high because members of the public could easily complain about missing door stickers and signs inside vehicles

- Complaints relating to driving were reported to the Police as the statutory investigators of driving standards, and that they continued to build relationships with other statutory bodies to ensure that they learn about all their drivers wherever they are

The Solicitor responded to a question from Members regarding whether the agreement with Stansted Airport stipulated that all airport related parking should be within the boundaries of the airport.

She said that:

- The airport operator could only regulate their own premises
- The behaviour of members of the public parking badly was a matter for the Police.
- There was not much that could be done if the companies operating chose to seek cheaper sites to hold the cars in their care
- Taxi Touting was a specific offence where unlicensed drivers approach members of the public offering taxi services in an unlicensed vehicle for which they charge a fee.

The report was noted.

The meeting concluded at 19:42

LICENSING PANEL HEARING held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on MONDAY, 14 NOVEMBER 2022 at 2.00 pm

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

Officers in attendance: A Bonham (District Environmental Health Officer), T Cobden (Environmental Health Manager - Commercial), J Duffy (Environmental Health Officer), K James (Licensing Support Officer), S Mahoney (Senior Licensing and Compliance Officer), C Shanley-Grozavu (Democratic Services Officer), E Smith (Solicitor) and R Way (Licensing and Compliance Manager)

Also Present: N Bryant (Essex Police District Licensing Officer), J Coombs (Objector), S Forway (Applicant), Councillor M Lemon (Objector) and R McManus (Essex Police District Licensing Officer)

LIC29 REPRESENTATIONS

Councillor Lemon and Ms Coombs made their representations to the Panel against the application.

Councillor Lemon raised the following concerns:

- His main concerns were regarding noise, especially when played outside in the open air. There were houses in the vicinity of the premise and it would be unacceptable for the noise to affect those residents. There were a couple of similar venues in Hatfield Heath and White Rodings, which were used for weddings, and due to the concerns around noise, they were not allowed to play music in the open air or open windows at night if they were playing music.
- There were no car parking facilities on site, so cars were parking on the narrow rural roads nearby. This was causing obstructions for residents and other drivers as well as noise disruption when customers were leaving at night.
- He had received a complaint of noise by a resident during a recent Halloween Party at the venue. When the resident called the police, they were referred to the Council's Environmental Health emergency number, but they did not receive have a response. He was concerned about how noise would be dealt in future with if the venue was being too noisy.
- Signs had been erected which were blocking the view of the traffic.

Ms Coombs, on behalf of Ms North and Mr and Mrs McNamara, made the following points:

- Affinity Water and Essex Highways had both opened formal investigations against the applicant due to potential criminal activity.
- The light pollution emitted by the venue was a nuisance to the community.
- There were concerns around the erection of road signage which could cause serious injury or death.

- The Essex County Fire and Rescue Service were conducting an emergency inspection, following recent complaints from residents about possible risks to public safety.
- Another complaint had been made around the noise from a party at the venue on 5th November 2022.
- The applicant had removed a balancing pond on the property, which had increased the flood risk to nearby homes.
- Neighbouring properties had concerns around the traffic which the venue had caused on nearby roads.

Ms Coombs requested an adjournment until she had received responses from the Essex County Fire and Rescue Service, Essex Highways and Affinity Water in relation to potential criminal charges against the applicant.

LIC30 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence.

All members declared that they knew Councillor Lemon through their capacity as District Councillors.

LIC31 **APPLICATION FOR A PREMISES LICENCE**

Members considered Ms Coombs' request for an adjournment whilst she awaited a response from the relevant authorities regarding the alleged criminal activities with the balancing pond and water supply. The Senior Licensing Compliance Officer confirmed that they had not received any new representation from consultees, alleging this behaviour.

Following deliberation, the Chair said that they were minded not to approve the request, as they had not seen documentation to back up the allegations. Furthermore, the points raised by the objector were not directly linked to the Licensing Objectives which were under consideration by the Panel.

The Licensing Support Officer provided their report for an application by Stone and Coal for a Premise License. The proposed licensable activities were as follows:

- Recorded Music
- Late night Refreshment
- Supply of Alcohol

In response to questions, the Licensing Support Officer confirmed that the applicant had offered the opportunity for a mediation meeting to those who were opposing his application, however this was rejected.

The applicant, Mr Forway, made his representation to the Panel. He explained that he felt there was a lot of confusing around both the intention and concept of

his business, and as a result, individuals were rejecting the application without an understanding of what it was for.

He said that he had worked in the hospitality for 17 years and Stone and Coal was an offshoot of his business. He had been running a coffee bar on his parents' property for several months and had recently expanded to also open a pop-up restaurant. To date, he had held seven events using Temporary Event Notices (TENs), and had received a good response from customers.

He was applying for a Premises Licence for the pop-up restaurant so that he wouldn't have to keep applying for temporary licenses. Due to the premise being outdoors, its operation would be seasonal, and the applicant had no intention of being a late-night venue.

He said that anyone opposing the application was invited to speak to him, however residents had chosen to oppose it without giving it a chance.

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

- He was applying for the provision of music and the sale of alcohol up to 23:30 on Monday to Thursday, 00:00 on Friday and Saturday and 22:30 on a Sunday. Should an event be intended to go beyond these hours, then he would seek to apply for a TENs to temporarily extend the licensing hours.
- He was currently taking legal advice in relation to a Planning dispute so was unable to comment as to why a Planning Application had not come forward and if he intended to submit one. Licensing Officers confirmed that they had no opinion as to whether a Planning application would be required.
- There were no parking restrictions on the roads around the premises and he believed that the venue was not currently causing any obstructions. Based on the feedback from their previous seven events, he had no intention to amend their car parking provisions.

To summarise, the applicant said that they were surprised by the opposition to the application, given that the business was a good thing for the local area and community. He felt it was unfortunate that he was not contacted by those objecting to have discussed their concerns.

The meeting close at 14:40

DECISION NOTICE – STONE AND COAL, WARWICKS, WHITE RODING, DUNMOW.

The application before the panel today is for the grant of a Premises Licence for Stone and Coal. The application is dated 30 September 2022 and is made by New Horizon Events Co. We have before us a comprehensive report setting out details of that application, which includes plans showing the location and configuration of the premises, and representations have been made in response to this application by: a number of members of the public whose names are listed in the report. These include Cllr Mark Lemon. For the sake of transparency, it is confirmed all members of the Panel know Cllr Lemon but he is not a personal friend of any of us. As a consequence of these responses the 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, the supporters and the statutory consultees. Essex Police requested additional conditions which are set out in the email correspondence between Licensing Officer Bryant and the Council, at Appendix N. These additional conditions have been accepted by the applicant and a noise management plan acceptable to Environmental Health was submitted to us (Appendix O), but 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, though the Police are present this afternoon. Finally, and for the sake of completeness, Planning confirms to actually trade in accordance with the terms of the licence requested, planning permission is also required. Again, this is set out in Appendix O but we stress that the fact that a further permission would be required to trade does not prevent us from consideration of the application before us today.

These premises are situated in the grounds of a residential home. The applicants trade as a café during the day and an outdoor restaurant during the evening. Seven previous events involving the sale of alcohol have been covered by Temporary Event Notices, which all took place without incident or any contemporaneous complaint to either the Police or Environmental Health. The applicant would also like to be able to facilitate occasional private events, and any additional licensing activities/times required would be covered by applying for a Temporary Event Notice.

The premises would be open from 08:00 every day till the evening 7 days a week. They are situated in the rural village of White Roding, Dunmow, and there are no immediate residential properties bordering the restaurant site, though there are other residential premises in the vicinity.

The proposed licensable activities and times are set out on page 5 of the application form. (Appendix A). The applicant offered the opportunity for a mediation meeting to those individuals opposing his application, to try and resolve some of the issues raised, and the Licensing Team were willing to facilitate this, but this offer was rejected.

The proposed licensable activities are below:

- i. Recorded Music
- ii. Late night Refreshment
- iii. Supply of Alcohol

Copies of this application have been served on all the statutory bodies and this did attract correspondence from Essex Police based on the Crime and Disorder and Protecting Children from Harm objectives. An agreement was reached to add conditions (Appendix N) and similarly comments from Uttlesford Environmental Health (Appendix O) led to the provision of a noise management plan. The applicant is in no doubt but that they must also secure planning

permission in order to trade but the fact that this remains outstanding does not prevent us granting a licence today.

Environmental Health have also requested a further condition in the following terms:-

“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.

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. Records will be made available for inspection 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 the playing of regulated live or recorded amplified 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.

They add that 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.

We have imposed a condition in these terms on previous occasions and are content to do so here. During the course of the hearing we asked the applicant about the hours for which he required permission for recorded music. He stated that he would like the same hours as for the supply of alcohol, namely until 11.00PM Mondays to Thursdays, 12.00 midnight on Fridays and Saturdays, and 10.30PM on Sundays. He further stated that if at any time he wished to open for longer then an application for a TEN would be made

The statutory notices also attracted representations from a number of individuals listed in the background papers. None of those supporting the application chose to address us today and we have heard from Cllr Lemon, primarily regarding noise, and from Ms Coombs, on behalf of the objectors. Many of the matters raised by some of them, particularly the objectors, fall outwith our remit and we disregard them as we are obliged by law to do. The planning position is but one example.

In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as set out in the Licensing Act 2003. These 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 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 and the Secretary of State's Guidance issued in accordance with the 2003 Act. Copies of these documents are before us and our Legal Advisor has reminded us of the requirements of the statutory regime under which we operate.

The Secretary of State's Guidance 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.”

Further, 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 considered the application carefully and have read the documents before us, including the letters submitted by neighbouring residents and business owners, both in support of and against the application and listened carefully to all of those who have spoken before us this morning. We remind ourselves that the Police and Environmental Health objections were resolved by the acceptance of additional conditions and that a planning application has been submitted. We understand a grant of a premises licence will not be a material consideration in the mind of anyone considering that application. We have considered only those matters we are required to consider and give no weight whatsoever to the extraneous matters raised by a number of individual objectors.

We have heard from the applicant, from Cllr Lemon, who addressed us upon the subject of noise and from Ms Coombs who raised a variety of matters which included a number of allegations of illegality. She provided no evidence in support of those matters, the most serious of which, if founded in truth, would be prosecuted by the Police, and they are included among the statutory bodies who can request a review of a premises licence. Our experience is that if they deem it necessary to do so, then they will. They did not speak before us today and officers advise that they have heard nothing from any statutory consultee not already included within our bundle.

The applicant clarified the hours for which he wanted to be licensed for the playing of recorded music. These are set out in this decision, ante, and will form part of the conditions of his licence. We also asked him about the planning position and he told us he was seeking legal advice: however, the response of the Council's Director of Planning, to consultation was that planning permission would be required and we prefer that view...

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 and Environmental Health, agreed by the applicant and set out in our papers, together with the additional condition set out earlier in this decision that will address, we hope, any potential noise nuisance issues emanating from the premises.

Finally, we turn to the question of whether or not planning permission is required. The applicant apparently does not think it is but the Council's Director of Planning disagrees and says it is required. We cannot make our decision today conditional upon the grant of planning permission as that is not a condition that specifically addresses one of the licensing objectives, but we can, since they are discrete regulatory regimes, require the applicant to refrain from trading under this licence until that permission is in place. He can secure the discharge of that requirement by producing a satisfactory grant of planning consent: if, however, he is advised that he does not need planning permission then the reasoning behind it must satisfy Planning Services that a grant is not required.

We therefore grant this application subject to

1. the conditions already agreed in correspondence with the Police and Environmental Health, together with the additional condition required by the latter and set out in full earlier in this decision,
2. Recorded music may only be played during the times at which alcohol may be served.

The premises may not trade under the authority of this licence until the requirement set out above is satisfied.

This requirement may be administratively discharged upon production of a grant of planning permission, or an explanation as to why the applicant does not require planning permission that is satisfactory to Planning Services.

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 but in the circumstances, we feel it right to add that we have given our decision anxious consideration and it is the policy of the Council to defend the decisions of this Committee. All respondents to an unsuccessful appeal are entitled to seek their costs of defending, and caselaw suggests they will receive them.

LICENSING PANEL HEARING held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on MONDAY, 9 JANUARY 2023 at 1.00 pm

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

Officers in attendance: A Chapman (Licensing Support Officer), S Mahoney (Senior Licensing and Compliance Officer), S Nemeth (Licensing Support Officer), C Shanley-Grozavu (Democratic Services Officer) and E Smith (Solicitor)

LIC32 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

LIC33 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.

LIC34 DETERMINATION OF A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE

The Licensing Support Officer gave a summary of her report which requested that Members determine whether the applicant was suitable to hold a Private Hire Driver's Licence.

The Licensing Support Officer confirmed that the applicant's previous licence revocations were declared on their application form.

The applicant addressed the Panel and explained that they were a taxi driver between 2003 and 2017 and, since the revocation of their licence, had been working as a delivery driver. They acknowledged that they had made a mistake.

In response to member questions, the applicant said that they had not applied for a taxi licence through Watford Borough Council, as there had been no work in the area after the introduction of companies such as Uber and Bolt from 2014. They had been advised by their prospective employer to apply for a license through Uttlesford District Council (UDC) as they had done when they were previously working for them as a driver for disabled children.

The applicant presented a clear drug and alcohol Screening Certificate to the Panel and requested that this be taken into their considerations.

A representative from the applicant's prospective employer then addressed the Panel. They highlighted that the applicant had an exemplary record when they

were previously employed by the company, and they hoped to reemploy them again to transport children with Special Educational Needs. They had advised the applicant to apply for a licence with UDC as this would be in alignment with their other drivers who were also licensed by the Council. They concluded by saying that they considered UDC to be the gold standard of Licensing.

Meeting adjourned at 13:12 for the Panel to retire to make their decision

The meeting was reconvened at 13:37.

DECISION NOTICE

The matter before the Panel today is an application for the grant of a fresh HC/PHV driver's licence. The applicant has previously held an Uttlesford licence which was revoked and if successful he has an offer of employment.

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. We have had the opportunity of hearing from the Case Officer, from the applicant and from the applicant's representative who spoke on his behalf. They also provided us with a clear drugs and alcohol screening certificate.

The applicant is known to the Council. In brief, they received a FORMAL WARNING for possession of cannabis. This does not constitute a conviction and therefore there is nothing regarding the matter on his DBS certificate. However, as a consequence of this his licence with Watford Borough Council was revoked by them, and thereafter his Uttlesford licence was revoked by committee with immediate effect for not declaring his revocation by Watford Borough Council.

He then applied to TfL for a Private Hire Licence, but they refused his application due to his previous revocations. He did not apply elsewhere for a Private Hire Licence for three and a half years but has now submitted a complete application to the Council for a new Private Hire Licence.

Whilst our suitability policy has no defining criteria for warnings, only convictions or cautions, and the policy has no timeline when an applicant can re-apply for a licence following revocation, we do regard substance abuse very seriously. We have heard from the case officer, from the applicant, and from the applicant's representative, and we have considered the Drug and Alcohol Screening Certificate with which we have been provided today.

However, 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 an applicant is 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 refuse the application.

We have heard what the applicant and the applicant's representative have had to say, and we have listened carefully. We note that the incident concerned was five years ago and that the Police saw fit to deal with the matter via a warning.

However, the applicant did not report the actions of Watford Council to us within the short time span he was obliged to under the conditions of his licence. We regard this seriously, and of course substance abuse, be it alcohol or drugs, is also a matter of grave concern. We also note that if his application were successful he would be driving vulnerable children, and we repeat that the offence underlying all of this is one of misuse of drugs. Finally, we note the applicant is, and always has been since the revocation, been in work as a delivery driver.

We have considered all of this most carefully but sadly we do not consider the applicant to be a fit and proper person to hold an Uttlesford licence. He failed to disclose a licence revocation for drug abuse. We note what the applicant's representative has told us, but our function is the protection of the public and we do not consider the applicant to be a fit and proper person to drive vulnerable people. We therefore refuse this application.

The applicant has a right of appeal to the Magistrates Court against this sanction and this right must be exercised within 21 days of the date of our decision. The applicant will receive a letter/email from the Legal Department explaining this but he should be aware that since this is a refusal, and not a revocation, that the magistrates have no power to grant him a licence.

LIC35 **DETERMINATION OF A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE**

The Licensing Support Officer gave a summary of her report which requested that Members determine whether the applicant was suitable to hold a Private Hire Driver's Licence.

The applicant addressed the Panel and explained that they regretted their actions from eight years ago, but questioned the convictions included on the DBS form as nobody had been hurt. They said that when they were in court, the judge had given them the smallest possible fine.

They understood why their licence application had been brought before a Panel hearing, but felt that they were more than worthy of the drivers job which they had applied. They concluded by saying that they were not the person that the DBS made them out to be.

The Chair asked the applicant for further information regarding another caution on the DBS form. The applicant responded that they did not understand why the incident was on the DBS form, as the Crown Prosecution Service had dropped the case. The Solicitor clarified that a person would have received a caution if they had admitted to committing said crime, regardless of any further convictions being later pursued.

The applicant explained that the caution was as a result of an incident with a takeaway driver after they had nearly hit one of their family members; however, they had not gone out to intentionally harm anyone and nobody was hurt.

The Chair then requested further clarification on the applicant's most recent convictions. The applicant explained that this had been a result of a disagreement with the family of another pupil at his son's school, following the discovery of a quantity of cannabis in his son's possession. He confirmed that no action was ever taken by the police against the other pupil.

Meeting adjourned at 13:53 for the Panel to retire to make their decision.

The meeting was reconvened at 14:10

DECISION NOTICE

The matter before the Panel today is an application dated 6th December 2022 for the grant of a new HC/PHV driver's licence. If successful, he has an offer of employment.

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. We have had the opportunity of hearing from the Case Officer and from the applicant, and we have considered the terms of the Council's Licensing Policy. We remind ourselves that all applications are determined on their merits and we have discretion to depart from policy in appropriate circumstances.

On the DBS certificate attached to his application, he has two for Common Assault and Battery. He also has a caution for Assault Occasioning Actual Bodily Harm. The case officer had an informal conversation on the 8th December 2022 with the applicant to discuss these convictions.

In the course of that conversation the applicant explained that his son had been found with cannabis at school and he believed he was being exploited to sell this. Once he identified the other individual involved in the case, he went to visit him and his family where the situation got heated and the police were called.

As a consequence, the applicant does not meet the following requirements of the Council's Licensing Policy:

Point 2.9 states "A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained."

Point 2.10 further provides that "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

Finally, point 2.14 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.'

We have heard from the applicant today and we have listened carefully. However, we are considering two offences of violence, albeit eight years apart. To receive a caution one must admit the offence and the offence for which the applicant was cautioned was one of violence. Similarly, though we accept the later incident was in support of his son, the proper course of action in all the circumstances would have been to make an appointment with the Headteacher: the offence with which he was subsequently charged was actual bodily harm, so someone was hurt, and he was also made subject to a restraining order. We regard violence of any kind very seriously indeed.

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 an applicant is 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 refuse the application. Sadly, in the applicant's case we feel that in all the circumstances we have no alternative but to do so. Violence is never acceptable and what the DBS certificate reveals is a true picture of the offences.

The applicant has a right of appeal to the Magistrates Court against this sanction and this right must be exercised within 21 days of the date of our decision. The applicant will receive a letter/email from the Legal Department explaining this but he should be aware that since this is a refusal, and not a revocation, that the magistrates have no power to grant him a licence.

The meeting ended at 14:14

LICENSING PANEL HEARING held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on MONDAY, 16 JANUARY 2023 at 1.00 pm

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

Officers in attendance: K James (Licensing Support Officer), S Mahoney (Senior Licensing and Compliance Officer), C Shanley-Grozavu (Democratic Services Officer), E Smith (Solicitor) and R Way (Licensing and Compliance Manager)

Also Present: G Denman (Applicant) and T Taylor (Objector)

LIC36 REPRESENTATIONS

Mr Taylor made his representations to the Panel, on behalf of the objectors in attendance, and raised the following concerns:

- Their objections were primarily around the extension of trading hours.
- As a courtyard, their homes were in close proximity to the rear of the property where the business was situated. When the business was operating as a café, it had not previously caused major issues; there had been some problems around parking and littering but this was within the confines of the current trading hours.
- Extending the licensing hours would conflict with the trading hours imposed within the building's planning consent which only allowed the business to operate between 7:00 and 18:00.
- Operating later into the night would generate greater noise pollution from the patio area.
- Parking was already an issue on Lower Street and on a Saturday night, all pavement parking was taken up. The business was supposed to have six parking spaces, but there were only two available as the patio was filled with tables and chairs.
- The whole rationale of extending hours and the sale of alcohol would create significant problems to immediate neighbours.

LIC37 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

LIC38 VARIATION OF A PREMISES LICENCE

The Senior Licensing Compliance Officer presented their report for a variation to the current Premises Licence of Bear and Eden in Stansted Mountfitchet. The application sought to extend the terminal hour for the sale of alcohol from 18:00 until 23:00 Monday to Sunday, as well as to amend the current sale of alcohol on the premises to include off sales.

In response to questions from members, the officer clarified the following:

- To date, the Licensing Team had received two complaints about the business; one regarding social distancing measures during Covid-19 restrictions and another for table and chairs positioned outside.
- The applicant had confirmed that they did not intend to operate outside the trading hours imposed to the planning consent on the property. Should a variation to the licensing activities be granted, the owner would then have to obtain an amendment to the conditions attached to their planning consent before they could operate under the revised trading hours.

The applicant, Ms Denman, addressed the Panel. She said that she empathised with the comments made in the letters of objection and had proposed additional conditions to her application as a result. These conditions included no customers to be seated outdoors after 19:00, no customer access from the rear of the building and all deliveries to be made through the front door. She also confirmed that the application had been amended to only offer onsite alcohol sales.

In regards to the parking provisions, she explained that parking was only available to staff and clear signage had been displayed. If they found customers to be parking in areas where they shouldn't, then staff would ask them to move their vehicle.

The applicant agreed to the following conditions requested by the Panel:

- To impose a time curfew on disposing of rubbish in the secure bin store, located to the rear of the property.
- To erect signage at the rear of the building to inform customers that there was no access through the back entrance.

Additionally, she confirmed that she would still modify the terminal hours to 22:00 on Monday to Saturday and 18:00 on Sundays.

To summarise, the applicant highlighted that in the last seven years, the property had four tenants whom all ran a coffee shop. The large overhead costs to run a business in the building meant that they had to look to offer more in order to operate successfully in the long term.

An objector raised a question clarification as to whether the business would be able to operate in their proposed trading hours, given that they exceeded the current granted trading hours for the property. The Chair said that it was not in the remit of the Panel to consider planning matters.

Meeting adjourned at 13:15 for the Panel to deliberate.

The meeting reconvened at 13:31

DECISION NOTICE – BEAR AND EDEN, BREWERY BARN, 31 LOWER STREET, STANSTED.

The application before the panel today is for the grant of a variation to the current licence PL0398 in respect of Bear and Eden, Brewery Barn, 31 Lower Street, Stansted, CM24 8LN. The applicant seeks to extend the terminal hour for the sale by retail of alcohol from 18:00 until 23:00 Monday - Sunday and to amend the current sale of alcohol on the premises to include off sales. The application is dated 30 November 2022 and is made by Gemma Denman who has held the licence since September 2020 although the premises have benefited from a licence since at least 2019. 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. The statutory consultees have made no comment but there are a number of individual objectors, all local residents, and copies of their letters are before us. We have also heard from Mr Taylor, who the objectors elected as their spokesperson, and from the applicant.

Bear and Eden currently operates as a coffee shop/restaurant in the village of Stansted Mountfitchit from 10am - 4pm daily. As a coffee shop they do not currently sell much alcohol. Due to the high running costs of the building they now need to operate during the day (as they currently do) and also of an evening as a family style restaurant and thereby increase the allowed daily trading hours, which in turn will increase turnover to allow them to continue to trade and keep up with ever increasing running costs. They plan to operate in the evening as a family style restaurant selling food and alcohol, and now propose to extend the licensing hours until 22:00 daily Monday to Saturday and 18.00 on Sunday. Currently the only licensable activity is the supply of alcohol to be served upon the premises.

In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as set out in the Licensing Act 2003. These 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 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 and the Secretary of State's Guidance issued in accordance with the 2003 Act. Copies of these documents are before us and our Legal Advisor has reminded us of the requirements of the statutory regime under which we operate.

The Secretary of State's Guidance 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."

Further, if the Committee's decision is to impose conditions other than those requested, 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 considered the application carefully and have read the documents before us, including the letters submitted by neighbouring residents and listened carefully to all of those who have spoken before us this morning. We remind ourselves that no statutory consultee has raised any objection. We also note that the applicant has done their utmost to satisfy the individual objectors, including attendance at a mediation meeting facilitated by the Licensing Team and are willing to submit to the following additional conditions:

- Supplier deliveries to all be delivered via front entrance door only from 7am - 4pm daily)
- From 7pm customers to only use front entrance door to enter and exit building (except in an emergency back door to be used. Signage to the front and rear of building stipulating this to customers). This also includes collection point for any takeaway food orders.
- From 7pm daily no outside tables to be occupied by customers at all - inside seating only

- Amend the application to "on sale alcohol" only with a meal and seated at an inside table only - no takeaway alcohol allowed
- Amend extension time to Mon - Sat 11.00 am – 10.00pm and Sundays 11.00 am – 6.00pm
- No loud music - background music only
- Staff parking only at the rear of building (5 spaces) - ask customers to move their cars if they didn't adhere to the "No Customer parking" signage in our rear car park.
- Customers smoking from 7pm only at front of the building not at rear (can install smoking area signage and wall mounted ash tray at front. This also reduces smoking litter. No customers to use rear of building at all from 7pm daily.
- The premises benefits from a "tables and chairs licence" and are allowed to have customers sitting at the front and rear outside seating areas between our already permitted trading hours during the daytime.
- The cooking extractor fan system was installed in accordance with current planning conditions. This would stay the same. It gives out very little ventilation / smells to outside houses / areas and more into the shop.
- All rubbish be sorted in a secure bin store at the rear of the building, and no rubbish to be deposited there after 7.00PM.

We have heard from the applicant, and she confirmed her willingness to submit to these conditions. She also undertook, if a licence is granted today, not to trade under the terms of it until she has obtained an amendment to the conditions attached to her planning consent.

We have considered what everyone has said very carefully, and our decision is to grant the application subject to the conditions offered by the applicant regarding access to the rear of the building, the amended opening hours, and the removal of the request to add off sales of alcohol to the licence.

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 but, in the circumstances, we feel it right to add that we have given our decision anxious consideration and it is the policy of the Council to defend the decisions of this Committee. All respondents to an unsuccessful appeal are entitled to seek their costs of defending, and caselaw suggests they will receive them.

Meeting ended 13:42

Committee: Licensing and Environmental Health Committee

Date: 1st February 2023

Title: Refreshment of the evidential trail regarding the Council's ability to prosecute offences under Part II Local Government (Miscellaneous Provisions) Act 1976

Report Author: Elizabeth Smith, Solicitor.
esmith@uttlesford.gov.uk

Summary

1. This report is submitted to advise Members regarding the steps taken to provide up to date evidence of the Council's adoption of Part II Local Government (Miscellaneous Provisions) Act 1967

Recommendations

2. That Members do note the report.

Financial Implications

3. Part II of the Act contains a number of powers including that to bring a prosecution for a number of offences created by the Act. If the adoption of the Act and the publicization of that adoption cannot be properly evidenced, then the prosecution will fail and the Council could be found liable to pay the Defendant's legal costs.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection: -
 - a. Part II Local Government (Miscellaneous Provisions) Act 1976
 - b. Byelaws made under S68 Town Police Clauses Act 1847, S171 Public Health Act 1875 and S15 Transport Act 1985 in respect of hackney carriages, confirmed by the Secretary of State on 5th May 1987.
 - c. Minutes of meeting of Policy and Resources Committee dated 17th January 1989 recommending the extension of the licensing regime to the private hire vehicle trade.
 - d. Minutes of Full Council dated 31st January 1989 resolving to accept the recommendation set out at c) above.
 - e. Newspaper advertisements and copy covering emails as required by S45(3) (a) and (b)

Impact
5.

Communication/Consultation	None.
Community Safety	The purpose of the HC/PHV licensing regime is to ensure the safety of the travelling public and the Council takes this responsibility very seriously.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	The European Convention of Human Rights sets out 18 Convention rights incorporated into UK law by S1(3) Human Rights Act 1998 and set out in full in Schedule 1 Part I thereof. Article 3 states as follows:- Everyone has the right to “life, liberty and security of person”.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. S45 of the 1976 Act prescribes the procedure that must be followed in order secure this. The resolution to adopt the provisions of Part II of the Act must be made by the local authority involved and notice of intent to make that resolution must be advertised for two consecutive weeks in a local newspaper. Notice must similarly be served on the date of the first publication, upon all the Parish Councils within the District of Uttlesford. In order to validly prosecute an offence under the Act the Council must be able to prove all the requirements of S45 have been met.
7. The relevant notices were published on the Saffron Walden Reporter and Dunmow Broadcast on 24th November and 1st December 2022 and notice was served electronically upon the Clerks to all the Parishes within Uttlesford on 20th October 2022. A confirmatory email was sent to them on 7th December 2022 following the meeting of Full Council on 6th December 2022.

8. Copies of all relevant documents have been placed in the strongroom alongside the Council's hackney carriage byelaws.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
A prosecution might be dismissed with costs against the Council in default of this resolution.(1)	Since the problem has been identified no prosecutions have been brought but officers wish to do so asap.	Serious misconduct might go unsanctioned.	Adopting these recommendations without delay

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Agenda Item 4

Committee: Licensing and Environmental Health Committee

Date:

1st February 2023

Title: Licence 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 and thereby enable them to approve the proposed licence fees in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 1 April 2023
2. The proposed increases in respect of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences have been duly advertised for the required period of 28 days and the representations received are referenced in this report.

Recommendation

3. Members are asked to approve the fee structure proposed in Appendix B to come into effect as of 1 April 2023.

Financial Implications

4. There are no cost implications to the Council in undertaking this legal duty and this is recognised in the legislation which provides that the Council may recover the costs of administering the scheme and to ensuring compliance therewith.

Background Papers

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

Appendix

- A. 1st consultation of fees – reviewed
- B. Recoverable administration costs of each licence – proposed
- C. Taxi Licensing income and expenditure – 3-year review
- D. Movement on the Licensing reserve
- E. responses to 1st consultation between 2/11/22 to 30/11/22
- F. responses to 2nd consultation between 9/12/22 to 13/1/23

Impact

Communication/Consultation	<p>Operators and Hackney Carriage proprietors and Trade Association were emailed as part of a 28 day consultation process. Advertisements were also placed in newspapers and communication using websites and social media were also used. During an on-line meeting representatives of the trade requested to meet in person. As a result, a second consultation was started and an offer to meet in person was extended.</p>
Community Safety	<p>Uttlesford Licensing Committee have agreed to meet the Department of Transport's required Standards for the Hackney Carriage and Private Hire Vehicle industry.</p> <p>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.</p> <p>The basis of the costing review for licence 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 are in line with the current fees charged.</p>
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	<p>This is a proportionate response to ensure licensing authorities, including Uttlesford, carry out their own due diligence checks as required by law.</p>
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

6. It is a statutory requirement for this Committee to approve the licence fees.
7. The Council are legally entitled to charge a fee for licences at a level they consider reasonable, with a view to recovering the costs of the issue and administration of the licence.
8. 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.
9. 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 licence fees consists of an analysis of the time taken and/or the cost of each element of the licensing process. This review has been undertaken and it has been identified that the total time based costs associated with the licensing process are in line with the current fees charged.
10. An initial fees consultation was carried out with the trade between the 2nd of November 2022 and the 30th of November 2022 – Appendix A. Advertisements were placed in local papers, relevant websites and all drivers, operators and councillors were directly emailed. There were thirteen responses. Of these only four written responses were submitted, and these respondents requested to meet virtually with the licensing team. These are recorded at Appendix D.
11. A virtual meeting was held online with the trade on the 28th of November 2022. Three trade representatives attended this online meeting. Matters raised were:-
 - Level of some fees increasing by approximately 7%
 - Request to see more detailed accounts in face-to-face meeting

The fees were reviewed, and a second period of 28 days consultation started on the 9th December, ending on the 13th January – Appendix B. In order to go through the accounts in more detail operators and drivers were offered an opportunity to meet UDC officers including a representative from Finance in a face-to-face meeting on the 22nd December 2022. No one accepted that offer to meet, and no alternative dates were proposed. There were 4 respondents to the second consultation and their replies can be seen at Appendix F

12. Appendix C shows the forecast deficit/surplus over a three-year period on the assumption that the fees are 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 is received and when the costs are incurred for these licences, ie they last for a number of years and the fee is payable on application. 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.

13. The licensing reserve is seen at Appendix D

14. Members are asked to approve the fee structure proposed in Appendix B to come into effect as of 1 April 2023

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
<p>3 = Significant risk or impact – action required</p> <p>There is a need for the council to ensure the fees that it sets are lawful and accurate</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 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

PROPOSED CHANGE IN TAXI LICENSING FEES

		2022/23	2023/24	
	Notes		Proposed	Increase
Driver - 3 years		£213	£226	6.10%
Vehicles	1	£149	£145	-2.68%
Transfer fee		£108	£116.5	7.87%
Operator		£508	£549.5	8.17%

Note

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

Appendix C

TAXI LICENSING INCOME AND EXPENDITURE ACCOUNT - 3 YEAR VIEW

	Notes	2021/22 Actuals	2022/23 Forecast	2023/24 Forecast
Costs				
Licensing staffing		209,788	201,050	207,100
Admin costs	1	6,469	5,200	5,350
Materials & driver checks		75,109	61,650	61,940
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	406,040
Net surplus/(deficit)		<u>29,606</u>	<u>(19,100)</u>	<u>(29,000)</u>

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 D

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>

Appendix E

9 drivers responded and stated they did not want to meet and failed to leave comments
4 drivers/operators responded with comments below and stated they would like to meet.

1

I cannot see justification for the increase as fees are already high. The trade has been enforced to accept rapid operating cost increases notably with fuel and cost of living.
I would expect the licensing authority to work with us in a positive way by managing their costs.

Response

Emailed and advised of 2nd consultation with revised fee

2

With absolute respect this is not a consultation, however it is a really good idea to have some discussion and some dates for such discussions to take place.
I will drop a line to Russ Way regarding some proposals.

Response

Emailed and advised of 2nd consultation with revised fee

3

It was difficult to work out the relevance / appropriateness of the fees, without seeing the accounts, which I believe you used to provide. Would it be possible to have sight of these please?
It would also be useful to have a Teams meeting regarding fees, I did a Zoom with Uttlesford members last week and subsequently received calls from licenses. I feel your initiative to speak to individuals is fine,, but better still would be a collaborative online discussion and this would have been better within this consultation period.
As I received notification of the two consultations running concurrently via a third party, I believe a collaborative discussion would still be good.

Response

Emailed and advised of 2nd consultation with revised fee

4

What are the justifications for the raise. We have not seen the accounts as per our trade agreement. The decisions to increase previous licence cost, the huge application burden and subsequent marking of vehicles and badge display has led to reduced numbers of applications and renewals - UDC action that should not result in the penalisation of the remaining trade.

Response

Emailed and advised of 2nd consultation with revised fee

Appendix F

4 drivers responded to the consultation with the following responses

1

Given inflation is at 10% >, and the rampant cost of living increase, this is not an acceptable time to increase license costs which is in the main being implemented to cover the significant pay award given to Council staff.

Response

Thank you for your email regarding the recent taxi and PHV fees consultation.

I understand that the UK (and taxi trade) is in a post pandemic recovery phase. However, the legislation that we are bound by and which we set the fees is based on a cost recover service.

One of those aspects is staff cost. All local government staff have had a £2K pay rise. Also for some a yearly increment. In real terms this means, for the majority of licensing staff they have had just shy of a 10% pay rise.

This unfortunately is reflected in the increase this year in the fees.

I hope this gives some clarity for the rise this year.

Kind regards

Russell Way
Licensing Manager
01799 510448

2

At this present time does this apply to new drivers.

Response

Thank you for your email regarding the recent taxi and PHV fees consultation.

I understand that the UK (and taxi trade) is in a post pandemic recovery phase. However, the legislation that we are bound by and which we set the fees is based on a cost recover service.

One of those aspects is staff cost. All local government staff have had a £2K pay rise. Also, for some a yearly increment. In real terms this means, for the majority of licensing staff they have had just shy of 10% pay rise.

This unfortunately is reflected in the increase this year in the fees.

Specifically, this will cover new and renewal drivers.

I hope this gives some clarity for the rise this year.

Kind regards

Russell Way
Licensing Manager
01799 510448

3

The CCTV and Fees consultation that Uttlesford District Council undertook at very short notice period for operators to be aware and consulted, this I feel is unreasonable.

Response

Thank you for your email regarding the recent taxi and PHV fees consultation.

I understand that the UK (and taxi trade) is in a post pandemic recovery phase. However, the legislation that we are bound by and which we set the fees is based on a cost recover service.

One of those aspects of fees is staff cost. All local government staff have had a £2K pay rise. Also, for some a yearly increment. In real terms this means, for many licensing staff they have had just shy of 10% pay rise.

This unfortunately is reflected in the increase this year in the fees.

The Fees review is a yearly process. This will be my third year completing it. The review ensures we set our fees for the next financial year at a cost recovery basis only. It also ensures that we pay money back to the trade if there is an overcharge. Indeed, we have done this this year - reducing vehicle fees.

As for the CCTV consultation. The Department for Transport have requested all licensing committees consider CCTV. The results of the CCTV consultation will take time to review and to calculate cost before presenting to committee. I do not have time scales for this project.

I hope this gives some clarity for the rise in fees and the CCTV consultation that was processed

Kind regards

Russell Way
Licensing Manager
01799 510448

4

Following the difficulties with your first fees consultation and your magnanimous decision to re -

consult and kindly give the trade the opportunity to engage with you, here are my thoughts having spoken to several LPHCA members, in person or via Zoom. I also endeavoured to contact all of Uttlesford's Licensed Operators based on LPHCA's held data, research and the list you kindly provided, by email.

In my considerable comms, I did suggest the importance of responding, however given the time of year, recent weather and much industrial action that directly affects the trade, responses may be sparse. That said I got enough quality feedback to give you a fair taxi & PHV Trade perspective.

As a Trade Body, when fee increases happen, we endeavour to check budgets and previous accounts, which I understand used to be available, I am led to believe however, that recently they may not have been provided. The table was helpful but spartan, with respect. Hopefully following this feedback, now we are post pandemic, they can be available going forward.

Regarding looking at the fees set out in the table, it is good to see some very minor reductions and it seems a shame that there were not more given that some licensing authorities have managed to do that and help the trade.

Following the pandemic, and as I predicted in previous responses, the trade is contracting and will continue to contract. This has in the main been caused by the high costs of being a driver with fees being very much part of the increased expenses. Cost is not the whole picture, because time, bureaucracy and regulatory requirements play a part too, which I will put to one side to focus on licensing fees.

I was pleased to attend yesterday the live session you hosted, which covered using tech to streamline processes and hopefully reduce licensing costs and bureaucracy, alongside the catastrophic shortages of drivers, particularly in the Special educational needs and disability (SEND) transport sector.

As I will be continuing my quest elsewhere on the wider difficulties of becoming licensed and articulating my thoughts to all the interested parties, I will summarise the LPHCA's position on fees below based on feedback received from members and the wider trade in Uttlesford.

With a recession very likely and almost certainly upon us, alongside costs and inflation in the sector (vehicle fuel, insurance and maintenance costs for drivers, with heating, electricity and much more for operators in some cases doubling costs, with more pain to follow, it would be far better to freeze, not increase fees costs, until the future is clearer.

Just today an Uttlesford Licensed LPHCA member stopped their membership because they can no longer deal with the costs, bureaucracy and regulatory requirements upon them. Fee increases at this time may cause further loss of drivers and operators, so the LPHCA would like to seek a freeze for 12 months.

We can then look at budgets and potential savings, I suggested one yesterday with there only being individual payments by card and no fleet facility on the new system. This will increase overheads in the licensing department as well as for operators, my hope is we can work together for solutions that will reduce costs for all.

Response

Thank you for your email in regard to the fees consultation.

Firstly, I wanted to thank you for attending the recent idox workshop and I would like to thank you for the positive input you made. I was also pleased that you were able to reach out to one of our operators with some sound advice.

As you have highlighted, I have managed to reduce the fees (slightly) between the first and second consultation. I appreciate cost is always an important factor to any business. But, that small £2.50 cost could have been saved the trade time and effort in the long term. I intended to digitise the medical process by using electronic forms from April 2023. Operators where very positive about this. This would have been at a small cost to the trade, but this would have streamlined the medical process, saving staff time and effort. Just imagine no more signed pieces of paper, drivers not having to go to the Dr with a piece of paper and then returning it to the operator. However, I will think again and consider alternative solutions. The lesson I learned is that I think feedback is important, but it must come after understanding.

I was therefore disappointed no operators accepted or proposed a new date to come and discuss the fees this year with myself and my colleagues.

I hope that in the future, there will be greater collaboration and understanding before feedback.

Next year I will try, again.

Kind regards

Russell Way
Licensing Manager
01799 510448

Agenda Item 5

Committee: Licensing & Environmental Health

Date:

Title: Review of Driver Training Course

February 2023

Report Author: Steve Mahoney, Senior Licensing & Compliance Officer, 01799 510326

Item for decision:
Yes

Summary

1. This report is for Members to consider a request from the trade to remove the requirement for new licensed hackney carriage & private hire drivers to undergo the test element of the mandatory driver safeguarding training course. This does not affect the geographical test element for Hackney carriage drivers.

Recommendations

2. It is recommended that Members consider the contents of this report and determine whether to remove the requirement for new hackney carriage & private hire drivers to undergo the pass or fail exam paper at the end of the mandatory driver training course.

Financial Implications

3. Removing the final test paper from the training day would not have a financial impact upon the Council's training provider, Green Penny Ltd, it would still charge the same fee for providing the course content. There would be no reduction in the fee the drivers currently pay.

Background Papers

4. Appendix A Sample exam paper

Impact

- 5.

Communication/Consultation	This report has been presented to the Committee following concerns that were raised with Licensing Officers by the private hire trade that they found potential new drivers where being deterred from taking up employment if they had to undertake an exam as part of the application process.
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. The Council's mandatory driver training course for new and existing Hackney Carriage (HC) and Private Hire (PH) drivers became effective on 8 June 2021. From this date, no application for either the grant of a new HC or PH driver licence or the renewal of a HC or PH driver licence would be considered unless the applicant had successfully undertaken and passed the training course and associated test.
7. The driver training course covers a number of areas such as; disability and equality awareness, customer service, driver safety, and safeguarding. The Committee adopted the course as a mandatory licensing requirement following identified vulnerability gaps in the Council's discharge of its duty in ensuring the drivers licensed by it are 'fit and proper' with the overriding consideration of public safety.
8. Furthermore, the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards of July 2020 require that Licensing Authorities should mandate HC and PH drivers to undergo safeguarding training. The recommendations were only minimum standards and how individual authorities devised and implemented the course was down to our own needs and interpretation using our licensing policy and knowledge of our trade as guidance. UDC is meeting those expectations by mandating safeguarding awareness amongst other training areas relevant to the promotion of both driver and public safety.
9. Whilst the guidance mandated that safeguarding training should be part of the "Fit and Proper" process for HC and PH drivers, it never stipulated that an exam should formulate part of the training process. The aim of safeguarding training is to help drivers and operators provide safe and suitable services to vulnerable passengers of all ages, help recognise what makes a person vulnerable and understand how to respond, including how to report safeguarding concerns and where to get advice.
10. Licensing Officers have been approached by the Uttlesford private hire trade who are concerned about their ability to fulfil vital contracted services, in particular Home-to-School Transportation. While the lack of drivers continues to be a nationwide issue, the trade has stressed that the Council's requirement for new licensed drivers to undergo a test at the end of the mandatory training course is exacerbating an already difficult situation. The vast majority of drivers recruited to do home-to school contract work are often older members of the public who have not taken an exam since leaving school, this deters them from completing the process once they have shown interest in the job role.
11. The proposal being put before the Committee is to consider whether to remove the test paper at the end of the mandatory safeguarding course for new drivers if they feel it's overburdensome and would help operators to recruit new drivers to

help fulfil contractual requirements and provide a wider service to the public. Or to leave the final exam if they feel a test is an appropriate way of measuring the candidates understanding of the training provided. Each candidate gets three attempts at the course with a fourth after referral to the licensing manager. There is also an online pre assessment that candidates can take prior to booking a course to give them the feel of the content.

12. For the assistance of the Committee, the statistics provided below show the numbers of licensed drivers that have taken the safeguarding course since June 2021.

Course attendance:	
Total number of drivers that have attended the course	987
Number of drivers that have sat the Existing Driver course	555
Number of drivers that have sat the New Driver course	432
Total number of drivers that have failed following 4 attempts	2

KPI (all drivers)	
Overall Pass Rate %	99.98%
Total failure %	00.02%

13. It is important to note for clarification purposes that this proposal is for the removal of the test paper at the end of the training course for new drivers. All drivers would still need to attend the one-day training course and Hackney Carriage drivers would still have to take and pass the geographical test element.

14.

Pros

- Drivers may be less concerned and anxious about the test which can manifest itself into the entire day.
- Shorter day for drivers.
- A Shorter day could allow for a greater choice of available venues as many that we have enquired with do not allow for a late finish to the day i.e. 6PM finish.

Cons

- Delegates are likely to be far less engaged throughout the day as they will think they just need to attend the day.
- The opportunity for education and learning will likely be less for the above reason.
- Delegate behaviour and attitude may well be more negative and less disciplined if attendance only.
- No recorded assessment of delegates understanding of course content.
- Delegates with poor understanding of English language will be more difficult to identify as there will not be a recorded assessment of their reading/writing skills. This will also affect one of the agreed KPIs, KPI 4 Reporting of Test Results.



Initial Driver Course Test

Test: C2

Candidate surname: _____

Candidate first name: _____

Candidate date of birth: ____/____/____

Date of course test: ____/____/____

For admin use:
Place candidate's driving licence here
before scanning.

PLEASE READ:

1. You have 45 minutes available to you to answer 20 questions.
2. To pass the test, you will need to score a minimum of:
 - 4/5 within each of the 4 question categories, and
 - 8/10 on essay questions within the 20 questions.
 - 8/10 on multiple choice questions within the 20 questions.
 - A minimum total of 16 correct answers.
3. You **MUST** switch off your mobile phone and put any study materials away for the duration of the test.
4. You **MUST NOT** speak to anyone else or share answers with anyone else in the room.
5. Please circle your chosen answer/s where you are asked a multiple-choice question.
6. Only select one answer per question unless the question states otherwise.
7. If you have finished answering all of the questions before the time runs out, please raise your hand and the tutor will assist you. Please have your driving licence to hand for submission of your test paper.

PLEASE DO NOT TURN OVER THIS PAGE UNTIL YOUR TUTOR ADVISES YOU TO.

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VAT Registration no. 154 404236



Start of test.

Question 1. Which of the following applies to you as a Hackney Carriage or Private Hire driver?

Answer:

- a) Health and Safety at Work Act 1974
- b) Road Traffic Act 1998
- c) The Equality Act 2010
- d) Town Control of Substances Hazardous to Health Regulations (COSHH 2002)
- e) All the above

Question 2. Name 3 different vehicles that may be exempt from licensing.

Answer:

Question 3. You are on your way to pick up a regular customer, a member of the public tells you that one of your tyres looks seriously under-inflated. Which of the following should you do?

Answer:

- a) Continue your journey to pick up the customer and deal with the tyre later.
- b) Contact the customer to inform them that you cannot carry out the journey until the tyre is repaired or replaced. Try to work with the customer to find a solution.
- c) Continue with your day but drive much slower.
- d) Continue with your day but drive much faster.

Question 4. Explain why it is important for drivers, vehicles, and operators to be licensed.

Answer:



Question 5. Which of the following attributes is NOT considered by the local authority when determining if a person is 'fit and proper'?

Answer:

- a) Does the applicant have a criminal record?
- b) Does the applicant hold a Full UK driver's licence?
- c) Does the applicant have experience as a driving professional?
- d) Does the applicant meet immigration/residency requirements and status?

Question 6. When are Taxi and Private Hire drivers exempt from wearing a seat belt in a licensed vehicle?

Answer:

Question 7. Which of the following should you NOT do when picking up or dropping off at transport hubs and hospitals?

Answer:

- a) Cooperate with police, staff, and security measures.
- b) Abide by the parking officer or marshal's requests.
- c) Block access for emergency vehicles or security vehicles
- d) Keep up to date with specific rules and regulations.

Question 8. Explain why it is important to use signals when stopping to pick up or drop off passengers.

Answer:



Question 9. You start your vehicle and find a red warning light on your dashboard. Which of the following should you do?

Answer:

- a) Stop using the car immediately and get the vehicle checked by a qualified mechanic as soon as possible.
- b) Book the car in to be checked and carry on working as normal in the meantime.
- c) Continue to use the car as normal as long as it feels safe to drive.
- d) Ask another taxi driver for advice.

Question 10. Explain what you would look for when checking that a tyre is legal and safe for use on the road.

Answer:

Question 11. You have a safeguarding concern about another driver. Which of these should you do?

Answer:

- a) Talk to the driver directly to raise your concerns
- b) Report to a safeguarding lead or to a manager
- c) Tell other drivers about your concerns
- d) Ignore it as it is none of your business

Question 12. Explain how you would help a customer with limited mobility.

Answer:



Question 13. You are picking up a blind passenger with a guide dog and have just arrived outside their house. Which of these should you do?

Answer:

- a) Sound your horn to let them know you have arrived
- b) Get them into the vehicle as quickly as possible, for their own safety
- c) Ensure their guide dog is safely back in the house before you leave
- d) Ask the passenger what assistance they require and help as best you can

Question 14. Name 2 different types of abuse.

Answer:

Question 15. How does the piece of law 'working together to safeguard children 2018' define a child?

Answer:

- a) Anyone who has not yet reached their 18th birthday
- b) Anyone still in full time education
- c) Any person living at home
- d) Any person in primary school

Question 16. Explain why it may be easier for people to use a taxi service.

Answer:



Question 17. Select three answers that describe things you can do to give good customer service.

Select three answers

Answer:

- a) Tell people you are having a bad day
- b) Drive faster to get the customer to their destination sooner
- c) Help customers with luggage
- d) Keep the customers change as a tip
- e) Be reliable
- f) Be civil and respectful

Question 18. Explain how poor customer service will affect customer expectations.

Answer:

Question 19. Your customers fare is £11.70, and the customer gives you a £20.00 note. What change will you give?

Answer:

- a) £10.30
- b) £9.30
- c) £8.30
- d) £7.30

Question 20. What is a table of fares?

Answer:

End of test

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Agenda Item 6

Committee:	Licensing & Environmental Health	Date:	01 February 2023
Title:	Review of Licensed Vehicle Emissions Policy		
Report Author:	Jamie Livermore, Senior Licensing & Compliance Officer, 01799 510326	Item for decision:	Yes

Summary

1. Members will be aware that the Committee adopted the current Licensed Vehicle Emissions Policy - **attached as Background Paper A** - on 20 March 2020, which subsequently came into effect on 1 April 2020, and was last revised on 10 February 2021.
2. In brief, the Policy requires vehicles licensed by Uttlesford District Council to meet or exceed a prescribed European Emission standard – which is a guide on the level of pollution produced by the vehicle. The prescribed standard differs depending on the type of fuel, whether the vehicle is wheelchair accessible (WAV), and whether the vehicle is currently licensed by the Council or is being applied for as new.
3. This report is being presented following a request by Uttlesford's licensed trade to revise the existing Policy to permit 8 passenger seat vehicles to be licensed without meeting the current Euro Emission 6 requirement.

Recommendations

4. Members are asked to determine whether the request referenced in paragraph 3 should either be accepted or rejected. If accepted, Members may consider adopting one of the following options;
 - A. All 8-passenger seat multi-person vehicles must meet or exceed Euro Emission 6 standard from 01/04/2025
 - B. All Private Hire 8-passenger seat multi-person vehicles must meet or exceed Euro Emission 6 standard from 01/04/2025.

Financial Implications

5. Any relaxation of the minimum requirements of the Policy would in practice make the availability and licensing of vehicles more affordable to the trade.

Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - A. Licensed Vehicle Emissions Policy
 - B. Uttlesford Air Quality Plan 2017-22

Impact

7.

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

8. The current Licensed Vehicle Emissions Policy requires any vehicle being applied for as a new Hackney Carriage or Private Hire licence to be of a minimum Euro Emission 6 standard, with the exception of wheelchair accessible vehicles (WAV) which must conform to this standard as of 1 April 2025.
9. Whilst new vehicle licence applications, bar WAV's, must meet Euro Emission 6 standard, currently licensed vehicles must meet a minimum of Euro Emission 5 Standard. This is due to change on 1 April 2023 when any vehicle renewed from this date must meet Euro Emission 6.
10. For the assistance of the Committee, the Euro Emission Standard 6 became mandatory for new passenger vehicles registered from September 2015. It is currently the highest standard and remain so until 2025 when Euro 7 is due to be introduced.
11. The Licensing Team has been approached by licensed Operators with concerns arising from the availability of new Euro Emission 6 compliant 8-seater multi-person vehicles. We understand that a number of manufacturers, including; Vauxhall, Peugeot, Citroen and VW, are building less numbers of such vehicles due to the cost of production and the significant demand for commercial vans as opposed to passenger vehicles. In short, it is difficult to source these vehicles and those which can be sourced carry lengthy lead times.
12. It should be noted that the existing policy does not prevent the purchase of and licensing of existing Euro 6 compliant vehicles, and while this may not fit in with

the corporate image of a number of the Uttlesford licensed operators and therefore be a business decision, Licensing Officers understand that the sourcing of these vehicles is equally challenging.

13. Furthermore, members of the trade believe that, generally speaking, the current cost of living crisis is making the sustainability of a Hackney Carriage or Private Hire business challenging, and any move to temporarily reduce the level of restriction on vehicle Euro Emission standard would help to maintain fleets and cater for demand. Whilst this affects any size or type of vehicle, the vast costs of purchasing new or existing larger multi-person vehicles is more so relevant.
14. Members may wish to consider the Council’s latest Air Quality Action Plan – **attached as Background Paper B** – which reflects on the difference between Hackney Carriages which operate predominately within the district and mostly carrying out shorter journeys, and Private Hire vehicles which commonly operate outside of the district and cover longer journeys such as home to school transportation. It may therefore be an option to introduce different standards for Hackney Carriage and Private Hire vehicles, and this is suggested as **option b** at **paragraph 4**. This option would relax the requirements for 8-seater Private Hire vehicles, but maintain the standards of Hackney Carriages which operate within the district, thus continuing to promote the reduction of air pollution within Uttlesford.
15. By way of comparison, Chelmsford City Council require all new vehicles to comply with Euro 6, and all existing vehicles to comply with Euro 6 by 1 April 2024. Colchester Borough Council require all diesel fuel vehicles to comply with Euro 6 and petrol fuel vehicles to comply with Euro 4.
16. It is expected that this Policy will require further assessment by the latest of 2025 if not sooner, as further developments of the new Euro 7 standards and ultra-low emission and electric vehicles progress. It is for this reason that officers are not proposing the need to amend the existing catchment date of April 2025 at this time, regardless of the decision taken.
17. Members are asked to determine the recommendation in paragraph 4.

Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
The Licensed trade are unable to licence the number of vehicles required to cater for the demand of the public.	Possible	2	The Committee should carefully consider whether the Policy requirements should supersede any significant potential of the public struggling to access suitable transport.

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.

Licensed Vehicle Emissions Policy

The purpose of this policy is to ensure taxis are as safe, reliable and comfortable as possible while at the same time minimising emissions. The policy aims to have a positive impact on emissions as it is recognised that the age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the taxi and private hire fleet, standards relating to the exhaust emissions have been introduced in addition to the requirements regarding the age of vehicles.

Emission Standards

First Licence Application:

- DIESEL vehicles must meet or exceed Euro 6 emissions standards from **01/04/2020**
- OTHER vehicles must meet or exceed Euro 6 emissions standards from **01/04/2021**
- WHEELCHAIR ACCESSIBLE vehicles must meet or exceed Euro 6 emissions standards from **01/04/2025**

Licence Renewal:

- From **01/04/2022** any licensed vehicle due for its annual licence renewal must meet or exceed Euro 5 emissions standards
- From **01/04/2023** any licensed vehicle due for its annual licence renewal must meet or exceed Euro 6 emission standards
- From **01/04/2025** any wheelchair accessible vehicle due for its annual licence renewal must meet or exceed Euro 6 emissions standards

Where vehicles do not meet the relevant emissions criteria, the proprietor may:

- Have the vehicle adapted / modified to meet the standard and provide evidence of this
- Change the fuel that is used to the cleaner alternative, such as bio diesel, or;
- Replace the vehicle with one that meets the emission standard.

Notwithstanding that each application will be considered on its own merits.

When will the different criteria be applied?

If the licence of a currently licensed Hackney Carriage or Private Hire vehicle is allowed to **EXPIRE** by its proprietor then any subsequent application will **NOT** considered as a renewal.

This means that where an existing vehicle licence expires, a subsequent application for a licence for that vehicle will be treated as a first time application and the standards and criteria relating to first time applications will be applied.

For the avoidance of doubt, when a new vehicle has an existing plate transferred onto it the vehicle will be considered under the criteria of a vehicle being licensed for the first time.

Low emission and electric vehicles

The Council encourages the uptake of low emission and electric vehicles in the District. The Authority will seek to examine the feasibility of introducing schemes which will help improve the charging network and aid drivers in testing and purchasing electric vehicles.

**Uttlesford District Council
AQMA Action Plan**

2.8 Car sharing

2.8.1 A reduction in car use can be achieved through car sharing, where a passenger usually makes a contribution towards fuel costs. It is often promoted within residential and business travel plans; however there are opportunities for the extent of sharing to be increased. It allows people to benefit from the convenience of car travel, whilst alleviating the associated problems of congestion and parking, and reduces costs of travel for individuals who participate. It also retains the usefulness of car travel for those for whom walking, cycling or public transport may not be an appropriate or viable option. Use of car sharing on just one day per week would contribute to the overall reduction of vehicle usage. UDC already operates a scheme for sharing travel by car, and is in a position to encourage other employers within the town to develop their own car sharing schemes for journeys to and at the workplace.

Proposed action 15: To provide advice and raise awareness of car sharing and associated database software available to employers

2.9 Low emission vehicles (LEVs)

2.9.1 Increasing the proportion of vehicles on the town's road network which are considered to have low emissions is central to improving local air quality. Individuals and fleet operators making the choice to switch from diesel to petrol vehicles will assist in reducing emissions. Electric, hybrid when operated in electric mode and hydrogen fuel cell and LPG powered vehicles produce no or low emissions at point of use. Standards for what constitutes a LEV will evolve as technology develops.

2.9.2 In addition to the development control policy provisions related to LEV's, other measures are likely to be needed to implement greater uptake, aimed at convenience and cost benefits. The current government has committed to an "Automated and Electric Vehicles Bill" which will require the installation of charge points at existing motorway services and fuel stations.

2.9.3 Car parking incentives: The provision of priority spaces or lower parking fees for LEVs at UDC car parks should be evaluated, with those spaces located at the areas closest to the town centre, and for residential parking permits where these are available. Provision would require enforcement and clear signage, and the reduced revenue would need to be balanced against the need to protect public health.

Proposed action 16: To consider the provision of preferential charging for UDC controlled parking spaces for vehicles meeting low emission standards. To utilise legislative provisions to provide LEV infrastructure

2.9.4 Taxi fleet: Taxis provide an important flexible means of transport within the town, with a central rank located inside the AQMA. The majority are diesel engine vehicles, and the relatively large proportion of short journeys over a small area of the town makes taxis well suited to use of low emission vehicles

Uttlesford District Council
AQMA Action Plan

as an alternative, such as full plug in electric, plug in hybrid or hybrid vehicles. With the high mileage covered, reduced fuel costs combined with income tax and vehicle tax incentives, the potential running cost savings could be significant. Taxis are also well placed to increase awareness amongst the public of this type of vehicle.

2.9.5 A range of options to improve taxi emissions will be explored, including amending the taxi licensing policy to require any new or upgraded taxi to meet set emission standards, combined with fiscal incentives in the interim to encourage a switch to LEVs. The feasibility of providing a charging point at the town centre rank will also be assessed.

2.9.6 Approximately 2000 vehicles are licensed by UDC, only a small portion of which will operate in Saffron Walden on a regular basis. Data on the fleet will need to be evaluated to assist in assessing whether controls should be applied to the full fleet or limited to those accessing the town centre. Liaison with the taxi operators will form an important part of the decision making process, and awareness of air quality issues will be communicated through the regular taxi chat bulletins issued by UDC.

Proposed action 17: To engage with the Uttlesford licensed operators' forum with the aim of introducing emission controls for licensed taxis

2.9.7 Bus fleet: Emissions from buses are estimated to be contributing 12% of NO₂ emissions in the town and there is evidence of vehicle drivers and passengers on older buses being exposed to as high or higher level of emissions inside the vehicle than outside. Measures to ensure emissions are as low as possible from the existing fleet should be considered. Standards can be set for minimum Euro engine designation (Euro V) for existing and newly introduced vehicles accessing the town centre. Buses operated under contracts procured by ECC should be included. Support for retrofit projects and bids through cleaner bus funding should be considered.

Proposed action 18: To encourage ECC to set emission standards for new and existing buses under contract operating within the town.

2.9.8 Fleet LEVs: Aside from the UDC fleet, support will be made available to businesses and other public authorities to switch to LE fleet vehicles in terms of signposting and provision of information on available models and financial incentives.

Proposed action 19: To work with operators of fleet vehicles within the town to facilitate the introduction of low emission vehicles.

2.9.9 Infrastructure: Convenience of use of LEVs can be facilitated through provision of charging facilities at UDC owned car parking spaces including UDC workplaces, and UDC owned leisure facilities, to supplement provision on new developments through the planning regime. Currently there are two fast charge points at the UDC owned Lord Butler Leisure centre on Peaslands

Agenda Item 7

Committee: Licensing & Environmental Health

Date:

Title: Enforcement Update

01 February 2023

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

Item for decision:
No

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 October 2022 to 31 December 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. During the latest period, compliance and enforcement activity has continued at a steady pace across all licence areas, including the district's two licensed scrap metal sites which were due for their 3-yearly renewal in November. These were visited as part of the renewal process and were found to be operating as required and have since been renewed.
7. With the latest school year fully underway again, Licensing Officers have been carrying out checks of Uttlesford licensed school transport vehicles and drivers at various locations including Essex, Hertfordshire, Cambridgeshire, Suffolk and Hampshire. It's worth noting that the introduction of an additional Enforcement Officer in March 2022 has provided the Licensing Team with a presence far further afield than previously, and enabled communication channels with Counties where our vehicles and drivers operate on a day to day basis, valuable for the sharing of potentially important information. 22 separate school visits have been carried out, with 82 drivers and 88 vehicles inspected. 18 issues were identified, ranging from missing Council door signs to drivers working without possession of their licence badge.
8. Other inspections have taken place at locations including Stansted Airport, Audley End railway station and the Saffron Walden Council Offices. Licensing Officers have been carrying out work in relation to alleged 'taxi touts' at the airport, alleged unlicensed 'park and ride' businesses, and unlicensed drivers and vehicles across the district. This has and will likely remain ongoing as part of enforcement operations, but one driver has been under investigation for driving a licensed vehicle while unlicensed as a driver, and with sufficient evidence collected is being prosecuted by the Council at the Magistrates' Court later in 2023.
9. 6 licensed Private Hire Operators checks were carried out and booking records were checked for compliance with the Council's Licensing Policy. No significant issues were identified and advice was given for anything minor.
10. Further licensed premises visits have been carried out either as part of the promotion of the national 'Ask Angela' campaign – referenced in the previous Committee report – or night time economy checks alongside Essex Police colleagues for their 'Operation Benison'.
11. 5 gambling premises were inspected, including 3 bookmakers, and the 2 Adult Gaming Centre's at Stansted Airport. No issues were identified.
12. In respect of licensed hackney carriage and private hire drivers, there has been 1 licence revocation and 18 licence suspensions. These are broken down as follows;
 - The 1 revocation was made in accordance with the Suitability Policy for an endorsement of a DR10 offence on the driver's DVLA licence, which means they had received a driving disqualification.

- Of the 18 suspensions, 16 were due to not subscribing as required to the DBS Update Service, 1 had accumulated 9 or more DVLA endorsement points and failed to complete the driving proficiency test by the deadline, and 1 had a medical condition which meant they may not have complied with Group 2 DLVA medical standards.

13. In respect of licensed hackney carriage and private hire vehicles, there have been 48 licence suspensions.

- 40 vehicles were suspended following either the failure of their compliance tests or having had not taken a compliance test by the required deadline, and 8 suspensions were issued following being involved in accidents and the associated damage.

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

- 17 complaints relating to drivers. The complaints mostly relate to driving standards and/or parking issues, but we have also received 4 complaints relating to alleged conduct during school transportation, a complaint alleging refusal of an assistance dog, and a complaint alleging an unlicensed vehicle outside of the district. A number of these remain under investigation, but none have been deemed necessary for immediate action.
- 3 complaints relating to licensed premises. 1 concerned music being played past permitted hours, which was resolved by visiting the premises and meeting a new manager who was unaware of the restrictions. 1 concerned repetitive noise nuisance, which remains ongoing but advice is to be given to the DPS ahead of the summer season. 1 concerned alleged behavior of the DPS towards the complainant, which was found to be unsubstantiated.