

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at ZOOM -
HTTPS://ZOOM.US/, on TUESDAY, 29 SEPTEMBER 2020 at 7.00 pm**

Present: Councillor P Lavelle (Chair)
Councillors S Barker, C Day, R Freeman, P Lees, B Light,
J Loughlin, L Pepper and M Tayler

Officers in attendance: T Cobden (Environmental Health Manager - Commercial),
B Ferguson (Democratic Services Manager), J Livermore
(Senior Licensing and Compliance Officer), S Mahoney (Senior
Licensing and Compliance Officer), E Smith (Interim Legal
Services Manager), B Stuart (Accountant) and R Way (Licensing
and Compliance Manager)

LIC4 CHAIR'S OPENING REMARKS

The Chair opened the meeting and thanked the Licensing and Environmental Health Team for their exceptional work throughout the Covid-19 crisis.

Mr Andy Mahoney and Mr Doug Perry addressed the Committee. Summaries of their statements have been appended to these minutes.

LIC5 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence.

LIC6 MINUTES OF PREVIOUS MEETINGS

The minutes of meetings held since 25 July 2019 were approved as true and correct records.

LIC7 GOVERNMENT STATUTORY TAXI AND PHV STANDARDS GUIDANCE

The Licensing and Compliance Manager presented the report on the Government's statutory Taxi and Private Hire Vehicle (PHV) guidance. He said there were a number of areas that had been identified for improvement, including decision making, safeguarding training and wider consultation with the Trade and community groups.

The Chair explained that the policy implemented in 2019 was largely in line with the Government guidance, although the revision would impact on the way in which the Council communicated with other Local Authorities regarding UDC drivers operating outside of the district. The issue of "County Lines" was also highlighted in the guidance and measures would also need to be put into place to ensure there was adequate control.

In response to a question from Councillor Light, the Chair said the costs of the measures would be borne by service users, not residents.

The Licensing and Compliance Manager said he did not anticipate any financial issues; whilst there may be a small uplift in costs to facilitate safeguarding training, this would be covered by operators rather than individual drivers.

In response to a question from Councillor Loughlin regarding criminality checks on overseas drivers, the Licensing and Compliance Manager said a certificate of good character was requested at the point of application, which was issued by the individual's national embassy.

The Chair added that all convictions were taken into account when issuing a taxi or PHV license, regardless of whether the conviction had been served, or how long ago the offence had taken place. The priority of the licensing team was the safety of the user and all drivers had to be fit and proper to attain a license.

The Legal Services Manager concurred and said the Rehabilitation of Offenders Act 1974 did not apply in the determination of licensing applications.

RESOLVED to adopt the Government's new Statutory Taxi and Private Hire Standards in full.

LIC8 **IMPLEMENTATION OF NR3 INFORMATION SHARING POLICY**

The Licensing and Compliance Manager presented the report on the implementation of NR3 information sharing policy.

RESOLVED to support the NR3 information sharing policy and for it to be added to the Licensing Policy relating to the Hackney Carriage and Private Hire Trade.

LIC9 **TO IMPLEMENT NEW SIGNS AND DASH BADGES FOR UTTLESFORD VEHICLES**

The Senior Licensing and Compliance Officer (SM) presented the report on the implementation of new signs and dash badges for UDC vehicles. He said currently it was difficult to identify UDC vehicles and the new signage would assist residents in that regard. Safeguarding was at the heart of the proposal.

Councillors Loughlin and Light expressed concerns regarding the new signage, particularly that it could be counterfeited to give a false impression of security and to mislead passengers.

The Senior Licensing and Compliance Officer (SM) said he was an advocate of the scheme and believed that it would lead to greater safety for passengers. Members were informed that the signs and badges were of high quality and had anti-counterfeiting measures incorporated in the design (e.g. a hologram).

RESOLVED to fully support the implementation of new Uttlesford Signs (door and dashboard) which aim to improve the safety of the public.

LIC10 **UTTLESFORD TO MANDATE THAT ALL DRIVERS SIGN UP TO THE DBS UPDATE SERVICE**

The Licensing and Compliance Manager summarised the report detailing the proposal to mandate all drivers in Uttlesford to sign up to the DBS update service. He said that new Government statutory guidance had been issued in July 2020, which gave licensing authorities two options to ensure risk was effectively managed:

1 – Drivers are required to register with the online DBS Update Service so that Licensing Authorities can do carry out regular status checks using a Home Office function entitled ‘Multiple Status Checks’.

2 – An Enhanced DBS is manually carried out on each driver every 6 months

He recommended that option 1 was approved by Members, as this was deemed best practice. He said the proposals had been sent out for consultation with the Trade and the feedback received had only been positive. He said this would take three years to roll out, but once everyone was signed up, feedback would be communicated from the Home Office which would alert the Council if a driver was no longer ‘fit and proper’ in the event they had committed a crime.

In response to a question from Councillor Light, the Licensing and Compliance Manager said an enhanced DBS check was currently only carried out every three years on a driver, at the point of renewing their licence. The new system would allow such checks to be carried out every six months, and therefore was deemed safer.

RESOLVED that drivers are required to register with the online DBS Update Service so that Licensing Authorities can carry out regular status checks using a Home Office function entitled ‘Multiple Status Checks’.

LIC11 **EXEMPTIONS FOR THE EMISSION POLICY**

Councillor Lees left the meeting at 7.55pm.

The Senior Licensing and Compliance Officer (JL) introduced the report reviewing the Licensed Vehicle Emissions Policy. He said the current Emissions Policy had come into effect on 1 April 2020, which dictated that licensed vehicles met or exceeded a prescribed European emission standard. There were variations to the standard, which depended on factors such as the type of fuel and whether the vehicle was already licensed by the Council. The Policy also stated that “each application would be considered on its own merits”. He highlighted recommendations 2.2 and 2.3 as stated in the report.

In response to a question from councilor Loughlin, the Chair said that only seventeen vehicles would be covered by the proposed exemption – this was not a blanket policy. Non-wheelchair accessible vehicles that did not meet the emissions standard would have their licences revoked after a period of 6 months following the official announcement that social distancing guidelines had been completely relaxed, or after 1 April 2025, whichever date occurred sooner; Wheelchair accessible vehicles would be given until 1 April 2026 to meet the emissions standard.

Councillor Freeman said he was nervous about granting exemptions to polluting vehicles, although he understood the need to retain licenses for wheelchair accessible vehicles.

In response to a question from Councillor Barker regarding the April 2025 “backstop”, the Senior Licensing and Compliance Officer (JL) said the date was chosen as there was complete uncertainty when social distancing measures would come to an end.

In response to a question from Councillor Tayler, the Senior Licensing and Compliance Officer (JL) said annual checks were made on the seventeen vehicles that would be covered by the exemption. They were road worthy.

The Chair said there was a “trade-off” in terms of the utility of larger vehicles in a time of social distancing. Whilst larger vehicles did create more pollution, they also enabled drivers to carry more than one person at a time.

Councillor Day said the proposal was reasonable; not all of the drivers covered by the exemption policy worked for large organisations, and the five years’ grace period would allow them to save for a cleaner vehicle.

RESOLVED that:

- I. Vehicles that were granted exemptions under the Licensed Vehicle Emissions Policy but that are not wheelchair accessible, should either have their licences revoked after a period of 6 months following the date of an official announcement by the UK Government that social distancing guidance has been completely relaxed, or will have any application made to renew their licences refused after 1 April 2025, whichever sooner.
- II. Wheelchair Accessible Vehicles to be given a later date for the implementation of a prescribed minimum European Emission Standard. Licensing Officers recommend a minimum European Emission 6 for both new licences and renewed licences after 1 April 2025. This would in practice mean that all Wheelchair Accessible Vehicles by 1 April 2026 will be no more than 12 years old. Using the figures in 6.10, only 7 of those vehicles would meet the minimum Standard by this date.

- III. All licensed vehicles would continue to be required to undergo 2 mechanical inspections per year at a Council approved testing station, alongside the mandatory MOT, therefore alleviating any potential concern over the roadworthiness of an older vehicle.
- IV. All other parts of the existing Policy to remain in force. This includes the discretion to deviate from the Policy as referenced in 1.3, however a strong business case would be required in writing for the Licensing Manger to approve.

LIC12 **FEEES FOR DRIVERS, HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND PRIVATE HIRE OPERATORS**

The Accountant presented the report for information regarding fees for drivers, Hackney Carriages, PHV and Private Hire Operators (PHO). In summary, he said such fees were reviewed on an annual basis to ensure that the cost of delivering the service was covered by incoming fees. The current review had concluded that the cost associated with the licensing process was inline with the current fees charged. However, in order to implement more robust procedures, as outlined by the proposals Members had considered earlier in the meeting, there was a need for fees to rise in order to recover the extra costs of the service. The proposed fee structure would be sent out to the trade for consultation. Any objections received would be reported back to this Committee at the point of considering the structure for approval.

In response to a question from Councillor Barker regarding the disparity of percentage increases, the Accountant said the proposed new standards impacted on licence holders in different ways, for example the difference between private hire operators and individual drivers, and therefore the fees differed in accordance with the costs associated with the relevant service.

The Environmental Health Manager (Commercial) said the proposed fee structure would now be put out for consultation with the trade.

The report was noted.

The meeting ended at 8.15pm.

Public Speaking

Mr Mahoney

Mr Mahoney said that recent months had been very difficult for the taxi trade. Whilst school transport contracts had continued, he highlighted the aviation industry's recent struggles which had significantly impacted upon the trade's business. He said there had been licensing problems across the UK due to the impact of Covid-19, but UDC had handled such problems relatively well and were in a good position in comparison to other councils. He said he agreed with the proposal to move away from license renewals only occurring in July and August, due to the burden it placed on the licensing service but also the length of time drivers had to wait for their applications to be processed. He said this was particularly problematic for the vulnerable children who were taken to school by his fleet, who needed consistency and required specially trained drivers. He concluded by referring to the Dash Badges and Signs proposal that would be considered by Members; he warned the Committee that putting signs on licensed vehicles could lead to a false sense of security and would not necessarily increase the safety of passengers.

Mr Perry

Mr Perry said the epidemic had been a disaster for the trade, as demonstrated by the fact that many businesses had closed and drivers had left the industry to work elsewhere. The trade and authorities must continue to work together to overcome the public health emergency. He noted the item on statutory standards for taxis and PHVs and said the trade were fully behind the protection of drivers and passengers. However, he said such measures were required due to the emergence of Uber and the fact that their drivers had not been suitably trained. He requested that the trade be consulted on any safety measures proposed, e.g. CCTV. He concluded by asking Members to remember that it was for councilors, not officers, to determine applications and warned against implementing delegated powers.