

Committee: Licensing and Environmental Health

Date:

Title: Enforcement

24 January 2018

Report Author: Marcus Watts, Environmental Health Manager (Protection)

Item for decision:
No

Summary

1. This report is to inform members of the enforcement activities since the last committee meeting on 12th April 2017.

Recommendations

2. That members note the contents of this report.

Financial Implications

3. None 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. In accordance with the Licensing Policy, suspensions are issued in accordance with the Council's protocol for dealing with suspensions, revocation and non-renewal of drivers' licences. When considering exercising these powers, the Council first writes to the driver and invites he/she to the Council offices for an informal interview. This gives officers the opportunity to consider the drivers comments upon the allegations made against them. Following this meeting the driver is informed of any appropriate sanction.

14 suspensions were issued for failing to notify the council of a fixed penalty notice within 7 days (Condition 18c of the Conditions of Licence). A summary of the suspensions issued by delegated powers in accordance with the procedures given in the Licensing Policy are provided within table below.

Date of interview	No of days suspended
4 th April	4
4 th April	2
3 rd May	5
3 rd May	10
4 th May	3
11 th May	5
5 th June	5
15 th Aug	3
15 th Aug	3
16 th Aug	4
16 th Aug	2
16 th Aug	4
24 th Aug	7
11 th Oct	3

7. Members should note, that in accordance with Para 8.10 of the Council's Licensing Policy, the starting point for a suspension for a first case of breach of condition should be 5 days.
8. Variations in the number of days of suspension relate to differences in the drivers aggravating or mitigating factors for non-compliance. It should be noted that there have been no appeals against these decisions.
9. Five licensed vehicles have been suspended by Enforcement Officers under delegated powers. These suspensions were made due to damaged vehicles or arising from proprietors failing to have their vehicles tested. One licence was subsequently surrendered and four

vehicles had their suspensions lifted when they reached the Council's licensing standards.

10. Powers to take urgent action is outside the scope of the policy but is provided under part 3 of UDC's constitution. This decision rests with chief officers and deputy chief officers "in consultation" with the Chairman of the appropriate committee.
11. Revocations using these powers were issued under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976 on 6th July and 17th September.
12. In October, Council Officers successful prosecuted a man for the offence of making a false statement to obtain a licence (section 57(3) Local Government (Miscellaneous Provisions) Act 1976), that licence being a private hire/hackney carriage driver's licence. On his application for a licence, he stated that he had never been disqualified from driving and had never been convicted of an offence. His enhanced DBS check revealed that he had a 12 month disqualification from driving in 2001 for drink-driving and a conditional discharge for assault in 2003.
13. In November, an applicant accepted a caution for making a false statement to obtain a licence. This was because he failed to declare previous convictions on his application form that showed on his enhanced DBS check. The driver withdrew his application for a licence.
14. On three occasions during the summer months joint enforcement exercises were conducted with Essex Police and Transport for London (TFL). The main strategic aims of the operation for UDC were:
 1. Gather intelligence on taxi services operating at the airport
 2. Ensure compliance with UDC vehicle and driver standards
 3. Ensure compliance with the smoking ban and associated requirements
 4. To engage with and work proactively with partner organisations to meet common goals
 5. Enhance public safety
15. The multi-agency was considered a success and further exercises around Stansted Airport are planned for 2018. A further report on the value and outcomes of these exercises shall be presented at the next Licensing and Environmental Health Committee.

Risk Analysis

16. There are no risks attached to this report.