

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

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

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

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

Public speaker: Mr A Mahoney

**LIC1 PUBLIC SPEAKER**

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

**LIC2 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Freeman and Lodge.

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

**LIC3 MINUTES OF PREVIOUS MEETINGS**

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

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

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

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

He recommended that Members noted the report.

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

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

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

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

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

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

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

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

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

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

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

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

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

The report was noted.

## **LIC5 CLEAN AIR INITIATIVE**

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

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

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

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

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

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

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

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

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

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

## **LIC6 GAMBLING PRINCIPLES POLICY 2022-2025**

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

He recommended that Members adopt the updated policy.

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

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

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

#### LIC7 **ENFORCEMENT UPDATE**

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

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

The report was noted.

#### LIC8 **REVIEW OF DRIVER TRAINING COURSE DEFERRAL**

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

The report was noted.

#### LIC9 **CCTV IN VEHICLES**

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

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

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

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

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

LIC10

## **REVISED POLICY RELATING TO THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADE**

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

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

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

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

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

LIC11

## **TAXI AND PRIVATE HIRE VEHICLE FEES**

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

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

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

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

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

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

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

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

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

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

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

The report was noted.

*The meeting concluded at 20:12.*

## Summary of Public Statement – 12 July 2022

### Andy Mahoney

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

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

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

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

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