

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, CB11 4ER, on WEDNESDAY, 1 FEBRUARY 2023 at 7.00 pm**

Present: Councillor P Lavelle (Chair)
Councillors S Barker, A Dean, G Driscoll, R Freeman, B Light,
J Lodge, L Pepper, G Smith and M Tayler

Officers in attendance: B Ferguson (Democratic Services Manager), J Livermore
(Senior Licensing and Compliance Officer), S Mahoney (Senior
Licensing and Compliance Officer), E Smith (Solicitor) and
R Way (Licensing and Compliance Manager)

LIC39 PUBLIC SPEAKERS

Mr Robert Sinnott addressed the Committee. A summary of his statement is appended to these minutes.

LIC40 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Caton with Councillor Light acted as a substitute in his place.

There were no declarations of interest.

LIC41 MINUTES OF PREVIOUS MEETINGS

The following minutes were approved as an accurate record:

- 18th October 2022
- 14th November 2022 (Licensing Panel)
- 9th January 2023 (Licensing Panel)
- 16th January 2023 (Licensing Panel)

**LIC42 REFRESHMENT OF THE EVIDENTIAL TRAIL REGARDING THE COUNCIL'S
ABILITY TO PROSECUTE OFFENCES UNDER PART II LOCAL
GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Solicitor provided an update on the steps taken to obtain up to date evidence of the Council's adoption of Part II Local Government (Miscellaneous Provisions) Act 1967.

The report was noted.

LIC43 TAXI AND PRIVATE HIRE VEHICLE FEES 2023-24

The Licensing and Compliance Manager presented the annual review of Licence Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators, along with the proposed fees for 2023/24.

In response to a question regarding the need to increase the fees, the Licensing and Compliance Manager explained that the legislation allowed the service to be provided on a cost recovery basis whereby fees were set with a view to recovering the costs of the issue and administration of a licence. The main driver for the proposed fee increase was staff costs, due to the flat rate Local Government pay award resulting in a disproportionately large percentage increase in the team's workforce costs.

The Chair confirmed that the increase would keep the service operating at a cost recovery level. Furthermore, the fees operated on a three-year rolling allowance to counteract the timing mismatch between when the income for Driver and Operator Licences was received and when the costs were incurred for those licences.

RESOLVED: to approve the proposed fee structure to come into effect as of 1 April 2023.

LIC44 REVIEW OF DRIVER TRAINING COURSE

The Senior Licensing and Compliance Officer presented a request from the Licensed Trade 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.

Members discussed the language element of the exam and the impact which it may have on non-English speakers. The Senior Licensing and Compliance Officer clarified that the Council's policy required assessment in both written and spoken English as required by the 2020 Dept of Transport Standards. This was assessed throughout the training course with the requirement to write answers in the exam, as opposed to multiple choice, forming part of it. The test itself was timed and cost £100, plus VAT, which covered up to three attempts. It was highlighted that if a driver were to fail the exam after four attempts, and acquired a licence from another authority, they were still permitted to drive in Uttlesford. There were some drivers who had failed the written English part of the exam, rather than the safeguarding element.

He agreed to feedback the Committee's comments to the training provider, including their request to review the wording of the exam in order to make it more accessible.

Councillor Driscoll requested for the course as a whole be reviewed, in order to make it a more pleasant experience.

RESOLVED: to retain the requirement for new hackney carriage and private hire drivers to undergo the pass or fail exam paper at the end of the mandatory driver training course.

LIC45 **REVIEW OF LICENSED VEHICLE EMISSIONS POLICY**

The Senior Licensing and Compliance Officer presented a request from the Licensed Trade to revise the Vehicle Emissions Policy in order to permit 8 passenger seat vehicles to be licensed without meeting the current Euro Emission 6 requirement.

It was confirmed that the Committee adopted the policy to replace the previous Vehicle Age policy, and this was done in line with the Council's position on air quality. Many of the 8-seater vehicles were used for Private Hire journeys and the request asked members to consider whether the Council was prepared to extend their lives to use anywhere in England.

During debate, members highlighted the importance of adopting higher standards to tackle the impact which emissions had on people's health and the planet; however, they acknowledged the financial and supply difficulties which the requirement had on drivers trying to meet it.

RESOLVED:

- To revise the existing Policy to permit 8 passenger seat vehicles to be licensed without meeting the current Euro Emission 6 requirement.
- To require all 8-passenger seat multi-person vehicles to meet or exceed Euro Emission 6 standard from 1st April 2025.

LIC46 **ENFORCEMENT UPDATE**

The Senior Licensing and Compliance Officer provided an update on the enforcement activities carried out by Licensing Officers during the period of 1st October 2022 and 31st December 2022.

In response to member questions, the following was clarified:

- It was not possible to benchmark the enforcement activities against other neighbouring authorities, however the Council did have a good reputation for overseeing the district's licensing activities.
- The NR3, National Register of Taxi and Private Hire Vehicles Licence Refusals and Revocations, had recently been changed to also include suspensions. Currently, only four Local Authorities in the country were not sign up to it.
- There was a designated member of staff who dealt with the complaints which were received by the Council. The Licensing Team received complaints about drivers from various sources which they would then triage and risk assess. If a driver was found to be at fault, then their licence would be reviewed to consider if the individual was "fit and proper" to hold it.

Councillor Driscoll requested that officers checked the number of driver licence revocations stated in the report.

The report was noted.

The Committee gave thanks to Elizabeth Smith, for the dedication and legal support which she had given to the Licensing Committee and Panels over the years.

Meeting ended at 8:23.

APPENDIX: PUBLIC SPEAKER

Mr Robert Sinnott

Mr Sinnott set out his company's position on the Euro 6 Emission policy. He was an operator who ran a relatively small fleet and one who sources his vehicles from fleet suppliers, rather than directly from vehicle manufacturers. His requests to the committee were in relation to MPVs.

He explained that MPVs were classified under EU legislations as N1 Class 2 and Class 3 Light Commercial Vehicles and they were manufactured to Euro 5 standards until August 2015. First registrations of vehicles was permitted up to 1 year after this date, which meant that the sales of Euro 5 MPVs were allowed in to 2016/17. The size of the MPV market, compared to vans and other passenger vehicles, was tiny which was important to note when considering subsequent developments. Athlon, the third largest leasing company in Europe, have stated its supply issues regarding sourcing Euro 6 vehicle to the point that they have withdrawn from the MPV market. Mr Sinnott had also had discussions with other leasing companies to source or purchase vehicles to the Euro 6 standard and has found that there has not been a cascade of vehicles into the second-hand market which has created a price bubble and operators were now paying as much for a second-hand MPV as they would a new one. Once the current emissions regime ends, these vehicles would be worth nothing as they had no further purpose, so the cost of life to a small operator was significant.

He requested that the use of Euro 5, 9 seaters be continued by those who were currently licensed by UDC, as well as new registrations, and for it to ideally run in line with Euro 6. He said that the sector was struggling with the price pressures in the second-hand car market, and that the district overall did not have an emissions problem so the impact would be relatively small.

Mr Sinnott also requested the committee consider the relicensing of older vehicles. As an example, a vehicle which was a Euro 4 or 5 and had a licence which expired after the latest emissions standards became the requirement could not be used any time after that deadline. With the current policy, the operator would then have to source a Euro 6 vehicle to fulfil their work in the final months until their license was up for renewal.

The final request, from Mr Sinnott's Fleet Management Team, was to allow testing up to two months in advance of the vehicle anniversary date of any of its compliance tests. This would allow more flexibility and efficiency.