

Committee: Licensing and Environmental Health Committee

Date:

Wednesday, 27 June 2018

Title: Enforcement Update

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Item for decision:
N

Summary

This report is to inform members of the enforcement activities between 01 January to 31 March 2018.

Recommendations

That members note the contents of this report.

Financial Implications

None arising from this report.

Background Papers

None

Impact

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

1. Between 01 January-31 March 2018, 66 cases were opened involving the licensed private hire and hackney carriage trade. Of these there were 6 relating to private hire vehicles, three relating to hackney carriage vehicles, 2 relating to operators and 55 relating to drivers.
2. The number of licensed premises cases opened during this period was seven.
3. Seven suspensions have been issued by 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 the Environmental Protection Manager by delegated powers in accordance with the procedures given in the Licensing Policy is provided below:

Date of interview	Condition	Period of suspension
24/01/2018	18c	3 days
24/01/2018	18c	4 days
24/01/2018	18c x 3	9 days
30/01/2018	18c	2 days
30/01/2018	18c	3 days
30/01/2018	18c x 2	6 days
01/02/2018	18c	5 days

4. 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. Variations in the number of days of suspension relate to differences in the aggravating or mitigating factors in each case of non-compliance. It should be noted that there have been no appeals against these decisions.
5. Two licensed vehicles have been suspended by Enforcement Officers under delegated powers. One vehicle was suspended as it was considered unsafe. The other vehicle was suspended as it had not undergone a Council compliance test, the driver failed to provide an MOT or insurance certificates and the vehicle was untaxed. This licence has subsequently been deemed as revoked as the driver failed to comply with Council requirements to lift the suspension.
6. 23 licensed drivers have surrendered their licences due to the direct intervention from the Enforcement Officer. These range from drivers with expired medicals and DBS checks to individuals who have received six points for a single offence within the last three years. Direct intervention leading to the surrendering of licences often avoids the need for matters to be referred to committee for revocation.

7. Revocations were issued three times under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976; twice on 02 February and once on 20 February 2018. One of these was for a driver who had accrued more than six points within two years of obtaining a DVLA licence, so was automatically disqualified from driving. Another case involved a driver who had lost their DVLA licence through drink driving. The other driver had lost their DVLA licence as they had accrued 12 or more points under the totting up procedure. All these cases were found through officers' annual driver checks.
8. No prosecutions have taken place in this period.
9. No cautions were administered in this period.

Risk Analysis

There are no risks attached to this report.