

**Committee:** Licensing and Environmental Health Committee

**Date:**

Wednesday, 12  
September 2018

**Title:** Enforcement Update

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## Summary

This report is to inform members of the enforcement activities between 01 April 2018 - 30 June 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 April - 30 June 2018, 76 cases were opened involving the licensed private hire and hackney carriage trade. Of these there were 16 relating to private hire vehicles, two relating to hackney carriage vehicles, eight relating to operators and 38 relating to drivers.
2. The number of licensed premises cases opened during this period was seven.
3. The number of tables and chairs cases opened during this period was four.
4. Six suspensions have been issued for failing to notify the Council of a fixed penalty notice within seven days (condition 18c of the conditions of licence). A summary of the suspensions issued by the Environmental Health Manager (Protection) by delegated powers in accordance with Appendix I of UDC's licensing policy is provided below:

Date of interview	Condition	Period of suspension
09/04/2018	18c	2
09/04/2018	18c	3
09/04/2018	18c	5
09/04/2018	18c	3
10/04/2018	18c	3
09/07/2018	18c	5

5. 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 breach of condition should be five 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 note that there have been no appeals against these decisions.
6. Two licensed private hire vehicles have been suspended by Enforcement Officers during this period. One was because the engine had blown, this vehicle licence was then surrendered by the proprietor. The other vehicle was suspended because it had a taxi meter, this was because licensed private hire vehicles should 'not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.' By having this meter it could lead people to believe that it was a hackney carriage vehicle. The vehicle licence was surrendered by the proprietor.
7. Nine licensed drivers have surrendered their driver's licences due to the direct intervention from the Enforcement Officer. One operator surrendered their licence.

8. One revocation of a driver's licence under delegated powers took place during this period by the Environmental Health Manager (Protection). This licence was revoked as the driver had lost their DVLA driver's licence.
9. Enforcement Officers are continuing to carry out multi-agency stop checks across the District which are led by Essex Police. These stop checks bring about a number of benefits to the Council. It strengthens good working relationships with partner agencies such as the Police, TFL, DVSA etc. It offers a continuing a high-visibility presence in the District and lets people know that we are out there to enforce against offences or breaches that we discover.

10. These were the results:

25 April 2018:

Essex Police results

109 Seat belts, 4 MOT, 2 Mobile Phone, 2 Number Plate no conforming, 1 smashed windscreen, 1 Dangerous condition.

TFL stopped 116 vehicles, 14 were deemed unfit, 4 drivers were without ID.

The Council reported 4 drivers for no tax and seized 2 of the cars, they also issued a penalty notice to a taxi driver smoking in his taxi.

02 May 2018

Essex Police results

76 seatbelt, 9 Tints, 8 mobile, 5 MOT, 2 No insurance, 1 Bald Tyre

TFL checked 74 cars, dealt with 1 for no ID, 14 private hire were unfit, 15 advisory notices, 1 immediate unfit and 1 black taxi unfit.

The Council issued 2 fixed penalties for smoking in a smoke free vehicle and seized 1 car for no tax.

25 May 2018

Essex Police results

104 seatbelts, 2 index plate offences, 1 tyre offence, 3 no insurances, 1 no MOT and 1 no driving licence.

TFL dealt with 48 private hire vehicles of which 14 were unfit, 2 drivers had no badges, 1 was unable to produce his insurance and 3 advisory notices given. They also checked 2 taxis which were all in order.

The Council seized 1 vehicle for no tax and issued an FPN for smoking in a taxi.

DVSA issued 14 prohibitions 5 of which were category 1. They also issued £150 in fines.

04 June 2018

Essex Police results

70 seat belt tickets, 3 index plate offences, 4 no MOT's, 3 driving otherwise than in accordance with a licence, 3 no insurance, 2 bald tyres and 3 seizures.

TFL checked 66 private hire vehicles, 21 of which had differing issues.

The Council seized 1 vehicle for no tax.

DVSA completed 5 pieces of process and assisted the Police in prohibiting a vehicle.

There was another stop check on 25 June 2018 but we were unable to attend this.

11. No prosecutions took place in this period.

12. No cautions were administered in this period.

### **Risk Analysis**

There were no risks attached to this report.