

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, ESSEX CB11 4ER, on WEDNESDAY, 27 JUNE 2018 at 7.30 pm**

Present: Councillor R Chambers (Chairman)
Councillors G Barker, J Davey, M Foley, E Hicks and S Morris

Officers in attendance: A Bochel (Democratic Services Officer), T Cobden (Environmental Health Officer - Commercial), E Smith (Solicitor), A Turner (Licensing Team Leader) and M Watts (Environmental Health Manager - Protection)

Also present: B Drinkwater and D Perry (Uttlesford Licensed Operators and Drivers Association)

LIC8 PUBLIC SPEAKING

Doug Perry spoke on the importance of having CCTV equipment in taxis and on the costs of enforcement being incorporated into the licensing fees for the taxi trade.

Barry Drinkwater said he was looking forward to hearing an update on the licensing policy review. He also spoke on ULODA's recent efforts to promote the taxi trade in the business community.

The Chairman thanked both speakers for their statements. He said he was sorry to hear of the incident in which a driver was robbed in his taxi. The council-owned CCTV camera had not been working but it was the driver's duty to maintain the camera. The department was planning to look at CCTV in taxis, but it would likely be too expensive for the department to fund it all. Officers would be looking into other options.

The Chairman said the review of licensing policy would take time, but it was better that it be done right rather than be rushed.

LIC9 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Gerard.

LIC10 MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings on 17 April, 23 April, 24 April, 10 May and 4 June were signed and approved as correct records.

LIC11 LICENSING POLICY REVIEW

The Chairman asked the Environmental Health Manager – Commercial to summarise the progress of the review so far.

The Environmental Health Manager – Commercial said due to the current workload and staffing resource pressure it had been a struggle to move things along as expediently as he would have liked. In September, the team would be acquiring the services of the licensing manager from East Herts District Council for 12 months at one day a week. This would allow the team to have a dedicated and technically knowledgeable individual focused purely on driving the review forward and implementing its findings. There were clear benefits in establishing consistency of approach and sharing good practice between two neighbouring authorities.

The Environmental Health Manager (Commercial) said he had identified three areas of immediate priority and work had commenced on delivery using in house resource. These areas of priority were:

- To ensure the existing team was supported through the transition and that sufficient resource was available to address short term pressure and keep on top of existing workloads. Two new members of staff had been secured, one to cover for an existing team member who is on maternity leave and one to provide additional cover for 14 months. An additional part time resource had been put out to advert.
- To instigate changes to requirements for training, knowledge testing, English language competency and safeguarding.
- To introduce a driver suitability policy. The Licensing Team Leader was working on a compare and contrast exercise to ensure that any policy incorporated the best elements from both authorities and was reflective of the needs at Uttlesford.

A more detailed written update of the licensing policy review is attached to these minutes.

LIC12 SKY LANTERNS AND HELIUM FILLED BALLOONS

The Environmental Health Manager – Protection gave a summary of the report. He said Full Council had supported a motion to request the Licensing Committee give consideration to the inclusion of a condition on premises licensing to prevent helium balloon and sky lantern release. Sky lanterns were potentially dangerous and caused unnecessary litter. Helium balloons were a source of littering and environmental hazard. While the use of sky lanterns was not a licensable entertainment or activity, the Committee could adopt the measures recommended in the report.

Members discussed issues such as the danger of fires caused by sky lanterns, the litter caused by balloons and the need to educate the public of these problems.

The Environmental Health Manager – Protection said he would confirm how various councils and royal parks had been able to impose bans and restrictions on sky lanterns and helium balloons.

RESOLVED that officers adopt the following measures:

- 1) Ensure that the use of sky lanterns and helium filled balloons are discouraged at multi-agency Safety Advisory Group (SAG) meetings.
- 2) Provide information discouraging the use of sky lanterns and helium filled balloons to applicants seeking Temporary Events (TEN applications).
- 3) Environmental Health to make representations when there are legitimate public safety concerns regarding the use of sky lanterns at particular venues.

LIC13 **STATEMENT OF PRINCIPLES GAMBLING ACT 2005**

The Licensing Team Leader gave a summary of the report. She said it was to seek members' views as to whether any alterations were required to the policy prior to it going out for consultation.

Members said it might be worth introducing a local area profile, but at present this would create too much work for members of the licensing team. It would be kept under review.

RESOLVED to approve the draft statement of principles under the Gambling Act 2005 annexed to the report as the basis for 6 week consultation.

LIC14 **CROSS BORDER OPERATIONS**

Members considered the report by the Environmental Health Manager – Protection.

LIC15 **ENFORCEMENT UPDATE**

Members considered the report by the Environmental Health Manager – Protection.

The meeting ended at 8.15pm.

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Verbal update current review of UDC Licensing Service

Last October we commissioned Oliver Rawlings, the licensing manager at East Herts District Council to undertake a critical review of our Licensing Service. The draft report detailing his findings was submitted in February this year. When the report was originally commissioned it was thought it would focus on a limited area of the service but clearly its scope grew.

This is not intended to be the definitive report to Committee but rather a brief verbal summary of Mr Rawlings findings for each of the areas covered by the review and to indicate as appropriate what action has been taken to date. It is delivered at the invitation of the Chairman and Mr Rawlings full report will formally be presented to Committee at a later date.

1. **Current policy and implementation.** UDC meets all the legal requirements for licensing taxis but the standard required by new applicants is low. All neighbouring authorities and all in Essex have a knowledge test of some sort and generally require a driving test. The current policy also has a lack of clarity for the Trade and Officers regarding service standards and timeframes.
2. **Current enforcement policy.** Areas are unclear, with reference to decisions being made by a post that no longer exists. Action has been taken to change where the delegated powers now rest and appropriate officers are authorised but this needs reflecting in the main policy document. Time scales need to be reviewed/set for normal circumstances decisions and a driver suitability policy introduced.
3. **Staffing, structure and resources.** All the staff in post are good at what they do and care about their service but the volume of work means a staff absence or unforeseen work can upset the balance. Service standards are not documented but the Trade aspire to a 2-day turnaround for a valid application to be issued. To put this in context EHDC currently have a PI to issue a driver's licence within 21 days of the application being validated. UDC has no PI's in place for licensing.

Enforcement work is in a separate team so there is some disconnect between the process and enforcement sides. Process team already pick up some work for the enforcement officer, letters, appointment booking etc. but as they operate on two IT systems and do not sit in the same rooms it causes issues. The logical conclusion is to place a dedicated enforcement officer in the Licensing Team managed by the Team Leader to allow multi skilling and increase resilience going forward.

All of the trade consultation undertaken shows that they feel there is room for improvement in licensing presence on district. This has also been agreed by Enforcement, proactive work suffers due to the current workload/staffing. Put bluntly there is no point in having rules if we do not have the resource to check compliance.

4. **IT systems.** There are currently two systems being used in licensing, Lalpac (a good licensing only system) and Uniform recently adopted by enforcement. We are

currently moving towards establishing both teams on Uniform. Benefits of this will be that everyone in licensing would, with certain exceptions, be able to access the records and view service requests for enforcement. It would also allow sharing of information across the authority, consultee access and emailing of licence holders etc. which can result in efficiency's saving on officer time. The setup and transfer of existing data is critical for the team to get the most from the system and gain some efficiency's. A work management package such as Enterprise will be beneficial for managers and the team to view and prioritise workloads.

Work has already commenced on improving our IT support and usage. Hard copy files relating to taxi licensing have been removed from the office and together with all incoming documents, are being scanned and filed within an electronic document management system. This system will also work with Uniform. Discussions are ongoing to ensure that electronic documentation supports increased efficiency.

Going forward care is being taken that the change of software systems does not impact detrimentally on the licensing process especially as we are about to enter year three of the three year drivers renewal cycle. To minimise pressure, testing on the Uniform software and our data import will commence 16th November with a view to the new system going fully live on 09th February 2019.

5. **Partnership.** There is a need to build relationships with the Police for data sharing with regard to taxi applications. Some other authorities have agreements in place that allow them to pass applications to the police at an early stage of the process. This has proven, on occasions, to provide more intelligence than the DBS certificate.

Trade issues with parking and ranks could possibly be addressed through joint operations with parking enforcement as there are limited resources to do this currently and with so many Uttlesford drivers working on contracts outside the district it is important to build relationships with the authorities awarding those contracts.

6. **Engagement with the trade, openness and transparency.** It was found that the development of Taxi Chat makes it a valuable tool for communicating with the Trade. It not only informs the Trade of changes but is used to remind them of responsibilities and is a forum for them to interact. Along with the introduction of Uniform it can give a documented evidence trail that drivers have been reminded about compliance. If a matter later ends up in court and a driver denies knowledge then the document log can be evidenced.

ULODA are very keen to engage with UDC, something that the licensing team support but this engagement must be a mutually supportive partnership and not one which focuses only on supporting our own individual agendas. ULODA have requested promotion of their services to all new applicants which we are willing to support by a web link, use of Taxi chat and / or potentially a 10 minutes slot on driver training days should we adopt them. To be most effective this will obviously

require that ULODA membership remains representative of the drivers within Uttlesford.

7. **Openness and transparency.** There is no issue with the Trade having access to how the fees are worked out and this will continue, however it must move away from any perception or confusion that the Trade can “endorse” the fees and charges. That function will and must remain with Officers and this Committee.

The licensing website needs thoroughly updating as it contains contradictory information and is not felt to be user friendly.

Going forward we may also look to establish a twice yearly informal forum / discussion group where representatives from both the Trade and the Council can meet and discuss concerns, issues and developments that are happening in each other worlds. This however cannot be allowed to turn into just a talking shop as this will both alienate the Trade and not be a productive use of officer time.

8. **Public safety.**

This is the very core of the licensing regime. Currently UDC have one of the lowest fees (nationally) and the lowest criteria of any neighbouring authority or across Essex. UDC is fulfilling its statutory requirement but additional measures should be considered and we are proposing to look at introducing or reviewing our approach to the following areas.

- Driving assessment (previously DVLA test) for new applicants and in certain circumstances for existing licence holders linking this to a suitability policy and change in requirement to have held a drivers licence for a minimum of 1 year to 3 years
- Knowledge test including testing for routes (for Combined licence not PH, which may need us to change the licences being issued), Highway Code, safe guarding/prevent and basic arithmetic (can be used as a measure of English competency if no other measure felt appropriate).
- Training for new drivers and on renewal covering matters such as driver safety, customer service, legislation, rules and regulations, prevent, safe guarding and disability awareness.
- English competency test as it is felt that the current test may be subjective
- Introduction of a policy to promote all new HCV being fully wheelchair accessible from a certain date i.e. 3 or 5 years from decision. A list under Section 167 of the Equality Act 2010 should be set up and maintained.
- Limiting number of Hackney Carriages, reflecting the Trade views that UDC just keeps licensing new HC and there are too many. To limit the numbers an unmet demand survey will need to be carried out and then renewed every three years.
- Operators, vehicle and driver conditions to be updated to reflect changing culture such as the use of APP based booking Operators. Review the Equality and Convictions policy. With respect to vehicles - Perhaps looking at change from minimum capacity engine to BHP/kW output, With respect to Drivers –

more clarity around requirements to avoid ambiguity, increased reporting responsibilities and mandatory attendance at training.

- Garages – tighten auditing procedures ie must photograph vehicles.
- Ensure that all our forms are up to date, fit for purpose and meet any legislative requirements.

To conclude on the action taken so far

Due to the current workload and staffing resource pressure it has been a struggle to move things along as expediently as we would have liked. In an attempt to address this I have been in discussion with the Head of Environmental Health and Licensing at East Herts with a view to exploring ongoing mutual support between our two teams. Happily we have again been able to secure the service of Mr Rawlings for 12 months at one day a week commencing in September. This will allow us have a dedicated and technically knowledgeable individual focused purely driving things forward, reporting back to both Committee and Cabinet and consulting with the Trade as appropriate. He will also act as a mentor to the existing Licensing Team leader, offering advice and supporting the amalgamation of enforcement within the licensing team proper. There are clear benefits in establishing consistency of approach between two neighbouring authorities and sharing good practice which currently exists on both sides.

We have also identified three areas of immediate priority and work has already commenced on delivery using in house resource.

The first priority is to ensure the existing team is supported through the transition and that sufficient resource is available to address short term pressure and keep on top of existing workloads. We have interviewed and secured two new members of staff, one to cover for an existing team member who is on maternity leave and one to provide additional cover for a period of 14 months to assist process with the projected workload increase necessitated by being in year three of the driver renewals. These posts are due to start on the 2nd and 10th of July respectively. An additional part time resource has been put out to advert to allow us to cover the pressure created by changes to the driver mandates arising from the DVLA complying with GDPR requirements. An existing team member has also temporarily increased her part time office hours and been working from home in the evenings to help address the backlog of work, something that again shows the commitment of the team

Second Priority to instigate changes to our requirements for:

- Training
- Knowledge test
- English language competency
- Safeguarding

This is all a question of content, capacity and accommodation, members of the licensing team have benchmarked approaches from other authorities, met with a company Diamond with a view to drawing up a test that could be delivered in house and arranged to attend a day long course covering all the elements currently used by a number of authorities. This

course if adopted would have a number of potential advantages both for the service and drivers alike.

Third Priority To introduce a driver suitability policy. As part of the review a draft suitability policy was made available by Mr Rawlings for us to consider, consult on and adopt, however since then the IOL have also produce guidance on driver suitability policies. Ms Turner is currently working on a compare and contrast exercise to ensure that any policy we adopt incorporates the best elements from both and is reflective of the needs at Uttlesford. When complete this policy will be presented to Committee and presented to the Trade for comment.

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