

Licensing and Appeals Committee



Please contact: Linda Yarham

Please email: linda.yarham@north-norfolk.gov.uk

Please Direct Dial on: 01263 516019

Friday, 31 May 2019

A meeting of the **Licensing and Appeals Committee** of North Norfolk District Council will be held in the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN on **Monday, 10 June 2019 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel: 01263 516019, Email: linda.yarham@north-norfolk.gov.uk

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Dr P Butikofer, Mr H Blathwayt, Mr T Adams, Mr D Baker, Mr D Birch, Mr P Fisher, Mr T FitzPatrick, Mrs P Grove-Jones, Mr N Housden, Mr N Lloyd, Mrs M Millership, Mrs G Perry-Warnes, Mr J Rest, Mrs E Spagnola and Mr A Yiasimi

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Heads of Paid Service: Nick Baker and Steve Blatch
Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005
Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

(Pages 1 - 8)

To approve as a correct record, the minutes of the meeting of the Licensing and Appeals Committee held on 11 March 2019 and of a meeting of the Licensing Sub-Committee held on 3 April 2019.

4. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

5. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

6. UPDATE ON GENERAL LICENSING ISSUES

The Public Protection Manager will update the Committee orally.

7. UPDATE ON TASK & FINISH GROUPS

The Public Protection Manager will update the Committee orally.

8. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph _ of Part I of Schedule 12A (as amended) to the Act.”

9. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM THE PUBLIC BUSINESS OF THE AGENDA

LICENSING AND APPEALS COMMITTEE

Minutes of the meeting of the Licensing and Appeals Committee held on Monday, 11 March 2019 at the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN at 10.00 am

Committee	Mr S Hester (Chairman)	Dr P Bütikofer (Vice-Chairman)
Members Present:	Mrs A Claussen-Reynolds	Mrs P Grove-Jones
	Mr M Knowles	Mr P Moore
	Mr J Rest	Mr R Reynolds
	Mr R Shepherd	Mr B Smith
Members also attending:	Mrs H Cox (Portfolio Holder)	
Officers in Attendance:	Mrs G Faircloth, Public Protection Manager	
	Mr A Patel, Legal Advisor	
	Miss L Yarham, Democratic Services & Governance Officer	
Apologies for Absence:	Mrs M Millership	
	Mr S Shaw	
	Mrs V Uprichard	

33 PUBLIC QUESTIONS

None.

34 MINUTES

The Minutes of meetings of the Licensing & Appeals Committee held on 21 January 2019 and of meetings of the Licensing Sub-Committee held on 9 January and 6 February 2019 were approved as a correct record and signed by the Chairman.

Councillor R Reynolds commented that the warning issued to the Licence Holder on 6 February had been more detailed than was reflected in the minutes.

The Public Protection Manager clarified the following issues which had been raised at the Licensing & Appeals Committee meeting on 21 January:

The Gambling Commission consultation did not specify how the requirements of the new gambling strategy would be policed but the responsibility for doing so would fall on the relevant enforcement authority. The consultation did not specifically state that online gambling would be included but it related to all forms of gambling.

Rescue centres were not licensable under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 but they were covered by over-arching Animal Welfare legislation.

The sale of houses by lottery could take place under a Small Society Lottery licence, which would require strict criteria to be adhered to, or alternatively as a game of chance which was not licensable. The Public Protection Manager was not aware of any such sales taking place in North Norfolk.

35 ITEMS OF URGENT BUSINESS

None.

36 DECLARATIONS OF INTEREST

None.

37 PUBLIC PROTECTION - LICENSING UPDATE

The Public Protection Manager presented a report which gave updates on consultation on the regulation of taxi and private hire to protect users and a report on the Government response to the recommendations of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing. The report also provided an update on the licensing work of the Public Protection Team for the 2018 calendar year.

The Public Protection Manager asked Members to feed back any comments on the consultation document by the beginning of April to allow time to include them in her response.

Councillor P Bütikofer asked if the Council was already complying with the guidance in the consultation document and whether there were any recommendations which were either a good idea or not relevant to this authority.

The Public Protection Manager stated that there were areas of work which could be considered but the Council was already meeting the requirements in terms of compliance and setting good standards. Improvements could be made in safeguarding and requirements for specific training. The review of the policy and handbook would include CCTV and there were areas which could be tightened up, such as special provision for more wheelchair accessible vehicles to be licensed.

Councillor Bütikofer asked if any stretched limousines had been licensed in the District. The Public Protection Manager stated that there were none at present but the policy contained a section which related to such vehicles.

Councillor R Reynolds stated that it was clear that some taxi drivers did not read the policy and handbook and asked if anything could be done to encourage them to do so.

The Public Protection Manager explained that all applicants were handed a copy of the policy and handbook at an interview in the early stages of their application interviewed and were told that they needed to read it. Her priority was to finalise the policy and handbook. It would then be necessary to ensure that all taxi operators and drivers were provided with a copy of the handbook and were aware of its requirements.

Councillor M Knowles asked if there was any redress against operators if their drivers had not read the handbook.

The Public Protection Manager stated that operators were contacted outside of the Committee process and the issue of the new handbook would be a good opportunity to ensure they were fully aware of the requirements. However, not all drivers had operators but they were made aware of the requirements on application. There were sanctions and conditions which could be placed on licences, including suspension and revocation if drivers came before the Sub-Committee.

Councillor P Moore asked if it was possible to refuse an application if applicants had not read the handbook.

The Public Protection Manager stated that it would be difficult to refuse to issue a licence in such circumstances. Applicants did not come before the Sub-Committee if there were no issues and there was no reason to suspect that they had not read the handbook or complied with the requirements. If issues arose and it was clear that they had not done so then it was up to the Sub-Committee to consider sanctions.

The Chairman referred to instances where he had witnessed poor standards of driving. He asked if CCTV would help to monitor driving standards.

The Public Protection Manager explained that where poor standards of driving of licensed vehicles were reported, these would be investigated and possibly referred to the Sub-Committee which could consider the matter and apply sanctions where necessary. She had read the Government's guidance and had recently attended RIPA training on surveillance, and it was clear that careful consideration would need to be given to how the Council proceeded with CCTV. She considered that it was not the Government's intention that CCTV should be mandatory.

Councillor Mrs P Grove-Jones referred to paragraph 2.47 of the consultation document which stated that the DBS could not access criminal records held overseas. She asked what the Council could do if someone declared they had lived overseas.

The Public Protection Manager explained that current policy required applicants who had lived outside the country for five years to provide a certificate of good character.

Councillor Mrs Grove-Jones stated that paragraph 2.47 referred to a person living outside the UK for a continuous period of three months.

The Public Protection Manager explained that the document was for consultation at this stage. It was possible that revisions could be made to the Council's policy depending on the outcome of the consultation but the policy currently specified five years.

The Chairman asked if there were national guidelines as to the type of evidence of character which was required.

The Public Protection Manager stated that there was a set procedure for gathering evidence of character from overseas and she would provide a more detailed response on this matter at the next meeting.

Councillor Mrs P Grove-Jones asked if applicants had to prove that they could read and understand English.

The Public Protection Manager explained that the handbook and policy required applicants to have a good level of written and spoken English, to a standard where they were able to do their job. All applicants were interviewed and could be referred to the Sub-Committee if there were difficulties.

Councillor Mrs A Claussen-Reynolds asked if it was possible to require applicants to undertake a test on the handbook before being issued with a licence.

The Public Protection Manager stated that the handbook specified that there may be a requirement to take a test but it was not current practice to do so. It might be possible to introduce testing when the new handbook was launched.

Councillor J Rest referred to paragraph 2.101 of the consultation document. He asked if private hire vehicle operators' records were inspected and if they had been used in the event of a claim.

The Public Protection Manager stated that PHV operators' records were inspected periodically. They had been used in enforcement cases and were referred to when queries, complaints or concerns were received.

Councillor Mrs A Claussen-Reynolds requested clarification with regard to the section in the consultation document relating to "county lines".

The Public Protection Manager explained that the guidance was based on work which was already taking place relating to risk factors to identify where children were possibly being exploited for drug trafficking. There would be training for officers around this specific issue.

Councillor P Bütikofer explained that this was a way of gathering intelligence from taxi drivers where children were undertaking journeys with multiple stops, which indicated that they may be involved in drug trafficking.

The Chairman stated that there had been a seminar on this issue at the last Licensing Training Convention. It was clearly a massive issue.

Councillor R Reynolds stated that he sat on the Norfolk County Community Safety Partnership Scrutiny Sub Panel. An update on the county lines issue had recently been considered and he advised Members to read it.

Councillor Mrs P Grove-Jones asked if there was a minimum age for children travelling alone in a taxi.

The Public Protection Manager stated that there was no minimum age and anyone could hire a taxi to transport their child. Children undertaking journeys under an agency arrangement, eg. schools, would generally be accompanied by a chaperone.

In response to a question by Councillor J Rest, the Public Protection Manager stated that the Authority did not currently cap the number of taxis and it was not recommended that it should do so in the future.

The Committee noted the report.

38 UPDATE ON TASK & FINISH GROUPS

No updates.

The meeting ended at 10.36 am.

Chairman

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 3 April 2019 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee Mr S Hester (Chairman)
 Mr N Pearce
 Mr B Smith

Officers in Attendance: Public Protection Manager, Legal Advisor and
 Democratic Services & Governance Officer

Also present: Legal Assistant (observing)

1 APOLOGIES

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5. (WK/190002407) – Review of Scrap Metal Licence for a Scrap Metal Collector within North Norfolk

Present: Licence Holder
 Licence Holder's father (supporting)

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report, which related to the issued for the collection of scrap metal within North Norfolk with a view to revocation following a Police complaint. She circulated an email and telephone note relating to conversations with the Licence Holder. She explained that the Police representative could not attend due to attendance at Court.

There were no questions relating to the report.

The Chairman invited the Licence Holder to put his case.

The Licence Holder explained that his load was within legal limits, it was not overweight for the vehicle and he could prove it. The load had been secured with two ratchet straps with a breaking strength in excess of the weight of the load, but one of the straps broke. He had not continued with his journey when the load fell off the vehicle and he had arranged for the debris to be cleared. He said the dashcam stills were from a following vehicle and he had been stopped by a local officer, whereas the report indicated that the stills were from a police camera and he had been stopped by the traffic police. He had understood that the licence was personal to him as it was in his name. He did not realise it was for the truck and that he had to use the same truck.

The Sub-Committee and Planning Policy Manager questioned the Licence Holder regarding the loading of the vehicle and method of securing the load, the incident itself, licensing matters relating to the vehicle and lessons learned from the incident.

There being no more questions, the Chairman asked the Licence Holder to make his closing statement.

The Licence Holder apologised for the incident and said that if he was allowed to keep his licence he would ensure everything was done to perfection in future.

The Legal Advisor advised the Sub-Committee that other investigations which had been mentioned in the report did not form part of the matter under consideration at this hearing and should be given little weight.

The Sub-Committee retired at 10.26 am and returned at 11.28 am.

The Chairman read the determination notice. Based on the test set out under Section 4(3) of the Scrap Metal Dealers Act 2013, the panel had determined that due to the gravity of the circumstances detailed in the report and discussed at the meeting, the Licence Holder was not a suitable person to carry on a business as a scrap metal dealer and it was

RESOLVED

That the licence be revoked.

The Licence Holder was informed of his right of appeal against the decision to the Magistrates Court.

The meeting closed at 11.30 am.

Chairman

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