

## **LICENSING AND APPEALS COMMITTEE**

**Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 20 January 2020 in the Council Chamber, Council Offices, Holt Road, Cromer.**

### **Members Present:**

Dr P Bütikofer (Chairman)	Mrs G Perry-Warnes
Mr H Blathwayt (Vice-Chairman)	Mr J Rest
Mr P Fisher	Mrs E Spagnola
Mr N Housden	Mr A Yiasimi

### **Officers in attendance:**

Ms T Howard - Public Protection & Commercial Manager  
Ms L Clare – Licensing Enforcement Officer  
Miss C Mushonga – Legal Assistant  
Miss H Patel – Trainee Solicitor  
Miss L Yarham - Democratic Services & Governance Officer (Regulatory)

### **14 APOLOGIES FOR ABSENCE**

Mr T Adams, Mrs P Grove-Jones and Mr N Lloyd sent apologies.

### **15 PUBLIC QUESTIONS**

None received.

### **16 MINUTES**

The minutes of the meeting of the Licensing and Appeals Committee held on 15 July 2019 and meetings of the Licensing Sub-Committee held on 7 August, 11 September, 2 October and 27 November 2019 were approved as correct records and signed by the Chairman.

### **17 ITEMS OF URGENT BUSINESS**

None.

### **18 DECLARATIONS OF INTEREST**

See minute 19.

### **19 PUBLIC PROTECTION - LICENSING UPDATE**

Tracy Howard introduced herself as the newly-appointed Public Protection & Commercial Manager. She would be observing the meeting on this occasion but was available to answer questions.

The Licensing Enforcement Officer presented a report which gave an update on the draft Taxi Licensing Policy, “Lucy’s Law” banning the third party sale of puppies and kittens, and a motion from Full Council regarding the use of fireworks.

### Draft Taxi Licensing Policy

The Taxi Licensing Policy had been reviewed by the Taxi Handbook and Policy Task and Finish Group and the revised draft policy would shortly go out for public consultation with a view to adoption by the end of the year.

Councillor H Blathwayt asked if electric and hybrid vehicles were specifically included in the policy, and whether any electric vehicles were licensed for use as taxis.

The Licensing Enforcement Officer referred to paragraphs 3.67 to 3.69 of the report in respect of policy changes in relation to low emission and electric vehicles. Hybrid vehicles were already included in the Council's current policy. The new policy would take account of all low-emission vehicles. No fully electric vehicles were currently licensed.

Councillor Mrs G Perry-Warnes asked when dates for waiving the licence fee for fully electric vehicles would be inserted in the policy.

The Licensing Enforcement Officer stated that the dates were open to discussion and the proposal had been put forward by the Task and Finish Group to encourage operators to run electric vehicles.

Councillor N Housden asked what the position was with regard to drug testing.

The Licensing Enforcement Officer stated that drug testing had been left as it was for the time being but in the current policy a very dim view was taken of drug driving.

The Chairman stated that he was in contact with Liverpool City Council with regard to its policy in relation to its drugs policy. The policy was currently out to public consultation and he would go back to Liverpool City Council to find out what was decided. He would also contact a number of other Councils on this matter. Consideration could then be given as to whether it was appropriate to incorporate drug testing in this Council's policy.

The Licensing Enforcement Officer referred Members to section 10 of Annex B to the draft policy which related to drugs. She explained that any drug-related offences would be shown on a DBS report and the applicant would be subject to a hearing by the Licensing Sub-Committee. Taxi driving was a notifiable occupation and the Licensing Authority should be informed if a licensed taxi driver had committed a drug-driving offence. The Sub-Committee would then have the option to revoke their licence.

Councillor Mrs E Spagnola asked if the Taxi Association had been contacted regarding the proposed changes.

The Licensing Enforcement Officer explained that the draft policy had not yet gone out to consultation. The major operators had been invited to a meeting with the Task and Finish Group as a courtesy to get their initial views prior to wider public consultation. They were also given the opportunity to make their comments by email if they could not attend. However, the meeting had not taken place as its purpose had been misconstrued by the operators, and no comments had been received on the draft policy. All taxi operators would be able to comment on the policy when it went out to public consultation.

Councillor N Housden stated that the Government would shortly be carrying out a major review of taxi licensing and considered that it might be worthwhile letting the taxi operators know.

Councillor Mrs G Perry-Warnes asked if there was any stipulation as to how long CCTV footage could be retained.

The Licensing Enforcement Officer stated that it would depend on the type of CCTV used. If the camera was inward facing, and particularly if it also included audio, they were governed by the Information Commissioner's Office and it was a requirement for the firm to have a Data Protection Officer. If the Council insisted on CCTV being installed the responsibility for Data Protection would fall on the Council. The ICO Code also allowed passengers to have the ability to turn the camera off without the involvement of the driver.

### Third-Party Sales Ban (Puppies and Kittens) - Lucy's Law

Legislation to prevent the third party sales of puppies and kittens was scheduled to come into force on 6 April 2020. It would ensure better welfare standards and prevent puppies and kittens being taken from their mothers under 8 weeks of age.

Councillor Mrs G Perry-Warnes asked how the law would be enforced.

The Licensing Enforcement Officer explained that the breeding of dogs was a licensable activity. Licensed breeders were subject to enforcement by the Licensing Authority. Unlicensed breeders could be subject to prosecution by the RSPCA, the Police or the Licensing Authority, or by a combination of those organisations.

The Chairman asked if there were any pet shops in the District which sold pets.

The Licensing Enforcement Officer stated that there were some garden centres which sold fish and birds, but there were no remaining pet shops which sold animals. There was also a reptile seller who was well-established and licensed.

The Public Protection & Commercial Manager explained that puppies and kittens had to be seen with their mother, even if they were over 8 weeks old.

Councillor Mrs G Perry-Warnes expressed concern that ringers could be used rather than the mother and asked if they had to be seen suckling.

The Licensing Enforcement Officer stated that there was no guarantee that young animals were being suckled by their mother. She considered that many people would buy a puppy if they saw it living in poor conditions to remove it from that situation. The aim of the legislation was to stop animals being bred in poor conditions and to make people more aware of what they were buying.

Councillor H Blathwayt asked if the new legislation should be publicised as part of the policy.

The Licensing Enforcement Officer agreed to publish information on the Council's website.

In answer to a question by Councillor P Fisher, the Licensing Enforcement Officer confirmed that there were licensed breeders in the North Norfolk District.

Councillor A Yiasimi asked if certificates were issued when buying a dog.

The Licensing Enforcement Officer stated that it would depend on the breed as to whether or not a dog had a certificate or Kennel Club registration. "Designer" breeds would not necessarily have a pedigree or be registered. However, a receipt should be issued for the sale.

It was suggested that additional publicity could be given through a flyer issued to breeders, or via Parish and Town Councils through their newsletters.

### Fireworks

A motion regarding the use of fireworks had been referred to the Licensing and Appeals Committee by Full Council. The Licensing Enforcement Officer explained that it was not intended to do further work on this matter given the recent work undertaken by the Government in respect of the regulation of fireworks. She explained that the Council did not have a policy on fireworks as it was not a licensable activity. The Public Protection Team spoke to organisers of events involving fireworks due to the number of people attending but could only deal with matters which were licensable.

Councillor J Rest explained that he had put the motion to Full Council to require all public firework displays within the District Council area to be advertised in advance so that people were aware of them and could take appropriate precautions for animals and vulnerable people. It was not intended to require them to be licensed. He was asking for a public awareness campaign, for which there was a great deal of support. One of the aims was to protect animals, particularly wild animals.

The Licensing Enforcement Officer stated that in her experience, many of the events were charity events which were well publicised. However, there was concern regarding fireworks set off for weddings and other private events and she was unsure as to how people could be asked to advertise them.

Councillor Rest stated that it was possible to manufacture and set off quieter fireworks. He had been contacted by the Police who had concerns that they were being called out in the early hours in response to firework incidents, particularly at New Year. It was difficult to find the source once the fireworks had been let off. He considered that as a Local Authority, the Council could advise people that it would be courteous to advertise.

The Licensing Enforcement Officer considered that it would be difficult to do anything from a licensing perspective as it was not a licensable activity. It might be possible for the Council to send out publicity but it was not a matter for the Licensing & Appeals Committee.

Councillor H Blathwayt asked if it was possible to licence the sale of weapons-grade explosives, if it was not possible to licence the use of fireworks.

The Licensing Enforcement Officer explained that traders had to have a licence from the County Council Trading Standards and put in place certain safeguards before they were able to sell fireworks.

Councillor H Blathwayt considered that there was no reason why similar regulations as to those applied to other pyrotechnics such as distress flares should not be applied to fireworks.

The Public Protection & Commercial Manager suggested that the Community Safety Partnership could be used to convey the message to the wider public.

The Legal Advisor stated that she had recently read that a new licensing system was potentially being introduced which she needed to consider further. A report would be brought to a future meeting on this matter.

Councillor Mrs G Perry-Warnes suggested that there could be a section on the website regarding Lucy's Law and the effect of fireworks on animals, and a separate section specifically regarding fireworks with guidance as to what people should do, including the availability of quieter fireworks. These sections could be linked together.

Councillor P Fisher supported Councillor Mrs Perry-Warnes' comments and considered that the only way to deal with the matter was through education and information as it could not be policed.

At this point, Councillor A Yiasimi declared an interest as he sometimes sat on the Cromer Fireworks Committee. He understood Councillor Rest's point and stated that he would do his best to highlight the issue at such meetings and via the Committee's website and Facebook pages.

Councillor N Housden stated that the Fireworks Regulations 2004 specified night-time hours as between 11 pm and 7 am and it could be pointed out on the website that letting off fireworks during those hours contravened regulations.

Councillor A Yiasimi stated that he had witnessed people taking their dogs for walks during advertised firework displays and they had then complained that their animals were scared. He considered that pet owners should also be educated with regard to fireworks.

## **20 UPDATE ON TASK & FINISH GROUPS**

### Taxi Handbook and Policy

The next meeting would finalise the draft handbook and policy for public consultation.

The Chairman asked if it was still intended to try to arrange a meeting with the trade prior to public consultation.

The Licensing Enforcement Officer explained that the trade had been given an opportunity to comment and had declined to do so. She suggested that the document should now proceed to public consultation. The Committee indicated its agreement to this suggestion.

The meeting ended at 10.45 am.

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Chairman