

LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 21 January 2019 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Dr P Bütikofer (Chairman)	Mr J Rest
Mrs A Claussen-Reynolds	Mr R Reynolds
Mrs P Grove-Jones	Mr B Smith
Mr M Knowles	Mrs V Uprichard
Mrs M Millership	
Mrs H Cox (Portfolio Holder)	

Officers in attendance:

Mrs G Faircloth - Public Protection Manager
Mr J Currier - Legal Advisor
Miss L Yarham - Democratic Services & Governance Officer (Regulatory)

26 APOLOGIES FOR ABSENCE

Mr S Hester & Mr N Pearce sent apologies. In the absence of the Chairman, Councillor P Bütikofer, the Vice-Chairman, chaired the meeting.

27 PUBLIC QUESTIONS

None received.

28 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 10 September 2018 and Licensing Sub-Committee held on 3 October and 5 December 2018 were approved as correct records and signed by the Chairman.

The Public Protection Manager clarified the following issues arising from discussions at the previous meeting:

Minute 23 – (Licensing of Activities involving Animals) (England) Regulations 2018 – Changes to Licensing Arrangements for Animal Based Businesses

The threshold for a business was £1000 trading income and not profit as had previously been reported.

‘Daily interactions’ were not specifically defined in the regulations or guidance. The guidance stated that dogs must be walked at least twice a day if there was no run attached to their sleeping quarters and they must be visited once in the out of hours period. Cats must be visited once in the out of hours period. The proprietor was required to monitor the animals’ behaviour and provide food twice a day. As a minimum there would be three contacts per day and interactions had to be recorded.

Gamekeepers who bred particular dogs to keep the bloodline going and sold the surplus of the litter were not covered by the regulations. This also applied to hunt dogs.

29 ITEMS OF URGENT BUSINESS

None.

30 DECLARATIONS OF INTEREST

None.

31 PUBLIC PROTECTION – LICENSING UPDATE

The Public Protection Manager presented a report which set out the current priorities for work within the Public Protection Team – Licensing function. The report provided an update on relevant licensing matters and additions to the work programme to the end of March 2019 relating to:

- Taxi and Private Hire Future Proposals England
- Guidance on determining Suitability of applicants for taxi and Private hire
- Fixed Odds Betting Terminals; maximum stake legislation
- Changes to Illegal Working Secondary Legislation
- Third Party Sales Ban (kittens and puppies)
- Gambling Commission Consultation
- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Taxi Test Station Contract Review

The Public Protection Manager answered Members' questions on the following:

Taxi and Private Hire Future Proposals England
Guidance of determining Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire trades

Councillor R Reynolds asked if the guidelines relating to suitability was likely to become statutory or whether the Council would have flexibility to make adjustments to suit North Norfolk.

The Public Protection Manager explained that the guidelines were simply for guidance at present, although Professor Haq had suggested in his report on future proposals that some of the guidance should become law. She considered that there would probably be a balance between legislation and guidance in future.

Councillor Mrs P Grove-Jones considered that Professor Haq had been very hard on those with previous convictions. She was pleased that there would be discretion in determining if a person was fit and proper to hold a licence as people were different and there were circumstances to take into account.

Councillor P Bütikofer asked if the Taxi Forum was aware of the proposed future proposals.

The Public Protection Manager considered that the Forum members would be aware that the report had been produced. She held regular meetings with the Forum at

least once a year to provide an update on items of interest. The proposals which had been put forward were only recommendations at this stage and none of them had yet been taken forward.

In answer to a question by Councillor Mrs P Grove-Jones, the Public Protection Manager explained the differences between hackney carriage and private hire vehicles. They were covered by different legislation but both were subject to the same considerations with regard to public safety under the taxi handbook. Both had to carry a licence plate, which had a white background for hackney carriage vehicles and a yellow background for private hire vehicles.

Changes to Illegal Working Secondary Legislation

Councillor Mrs A Claussen-Reynolds asked if applicants could use either the current documents or the online system, or if it was intended to switch to a totally online system. She asked if any problems were envisaged with an online system.

The Public Protection Manager explained that legislation had been updated. The Authority was required to carry out checks on behalf of the Home Office as to a licence applicant's right to work. The Government was introducing a new way of carrying out the checks to make it easier for employers and local authorities to verify documents. The Authority was duty bound to check paper documents if they were presented by the applicant.

Gambling Commission consultation

The Public Protection Manager stated that the link to the consultation had been omitted from the report and would be emailed to Members.

Councillor R Reynolds asked how the requirements of the strategy would be policed.

Councillor J Rest asked if online gambling was covered by the consultation.

The Public Protection Manager explained that the strategy was only at consultation stage at the moment and she would need to consider the questions and formulate a response. She would check whether online gambling was included and report back on both points.

Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018

Councillor Mrs P Grove-Jones asked if checks were made on businesses which had had lost their licences to ensure that they did not continue to trade without a licence.

The Public Protection Manager explained that checks were made where possible, particularly where there had been previous enforcement issues. She explained the difficulties regarding access to some premises, however appropriate action was taken where necessary.

Councillor Mrs M Millership asked if the Regulations covered sales of animals from rescue centres.

The Public Protection Manager explained that animal rescue centres were covered by the over-arching Animal Welfare legislation but she was unsure as to whether the new regulations were relevant. She would clarify this matter at the next meeting.

Taxi Test Station Contract

Councillor Mrs A Claussen-Reynolds asked if there was a limit on the number of taxi test stations.

The Public Protection Manager explained that there was no specific limit. Currently there were three approved taxi test stations, none of which were in the west of the District. It would be beneficial to the trade to have an additional testing station in the west of the District but it was dependent on tenders being received.

Councillor J Rest stated that there was only one firm in the west of the district which was capable of providing a testing service. However the owner also ran a taxi business and had previously been told there would be a conflict of interest. He asked if there was a policy which prevented the garage owner from carrying out testing.

The Public Protection Manager considered that there could be a conflict of interest but further consideration would be given to this issue if a tender was received from the business.

The Public Protection Manager also reported on the following Regulations which had been laid before Parliament since publication of the report.

Mandatory Taxi Reporting Regulations

The Public Protection Manager reported that the Mandatory Taxi Reporting Regulations would place a duty on Local Authorities in England and Wales to provide information from their public registers on licenced taxis and private hire vehicles to a central database. This related to a DEFRA requirement regarding charging in clean air zones. The District was not directly affected by the DEFRA requirements but taxis from the area could enter the clean air zones.

She stated that there had been issues with the public register due to the introduction of a new database which she anticipated would be resolved in time to produce the required information.

The Committee noted the report.

Councillor Mrs P Grove-Jones referred to an article in a newspaper regarding houses being sold by their owners by the issue of lottery tickets. The Government was considering whether or not this practice was legal as there was no legislation to cover it. She asked if the Public Protection Manager was aware of this practice in North Norfolk.

The Public Protection Manager stated that she was not aware of any. She was not sure if it was a licensable activity within the Council's remit and would clarify.

Councillor J Rest asked if there was any new legislation regarding the licensing of drones.

The Public Protection Manager explained that there was overarching legislation and the Government was considering more specific legislation following recent events affecting airports.

The Chairman explained that Civil Aviation Authority dealt with licensing of drones and outlined the current and proposed recommendations for flying them.

Councillor R Reynolds stated that the CAA recommendations were not mandatory but consideration was being given to making them so.

32 UPDATE ON TASK AND FINISH GROUPS

Taxi Handbook and Policy

The Public Protection Manager reported that the handbook and policy had been slightly delayed. She had been investigating the mandatory requirements for CCTV and the Local Government Association had recently published a guide on developing an approach to mandatory CCTV in hackney carriage and private hire vehicles. She would review this issue and set up a meeting of the Task and Finish Group to move the matter forward. At the request of the Chairman, she agreed to send a link to the guide to members of the Group.

The meeting closed at 10.50 am.

Chairman