

LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 5 March 2018 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Dr P Bütikofer (Vice-Chairman)	Mr P Moore
Mrs A Claussen-Reynolds	Mr J Rest
Mrs P Grove-Jones	Mr R Reynolds
Mr S Hester (Chairman)	Mr R Shepherd
Mr M Knowles	Mr B Smith
Mrs M Millership	Mrs V Uprichard

Officers in attendance:

Public Protection Manager, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

17 APOLOGIES FOR ABSENCE

None. (An apology for absence was received from Mrs H Cox following the meeting.)

18 PUBLIC QUESTIONS

None received.

19 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 6 November 2017 and Licensing and Appeals Sub-Committees held on 1 November and 6 December 2017 were approved as correct records and signed by the Chairman.

20 ITEMS OF URGENT BUSINESS

None.

21 DECLARATIONS OF INTEREST

None.

22 PUBLIC PROTECTION WORKLOAD - LICENSING

The Public Protection Manager presented a report setting out the current priorities for work within the Public Protection Team - Licensing function and the work required over the coming year.

A number of the Council's current policies setting out standards and conditions for areas of the licensing function of the Public Protection Team were due for review, in particular the finalisation of the Hackney Carriage and Private Hire Policy and Handbook and the Gambling Policy (Statement of Principles).

Other areas of review were the Hackney Carriage Fare; the taxi test station contract; the caravan project and the continuation of review of current and future policies and the production of a policy review timetable.

New legislation relating to animal welfare was due to be introduced in October 2018.

The report also sought agreement for Hackney Carriage fare changes to be agreed by the Chairman and Vice-Chairman of the Committee with the Head of Environmental Health and Public Protection Manager.

In response to concerns raised regarding the proposed process for agreeing the Hackney Carriage fare changes, the Public Protection Manager explained that the purpose was to speed up the process to allow the fare changes requested by the taxi trade to be implemented, given that the next meeting of the Committee would not take place until May.

Councillor P Moore considered that the Committee should agree the fare change. It was part of the Committee's purpose and gave protection to the Chairman and Vice-Chairman.

Councillor R Reynolds expressed concern that control was being taken away from the Committee over a period of time.

Councillor Mrs P Grove-Jones asked if the minimum fare was the same for Hackney Carriages as for private hire vehicles. She stated that taxis were used a great deal by elderly and disabled people and a rise of £1 could impinge on their ability to travel.

The Public Protection Manager explained that the rise would be approximately 10%, or 30p-50p. She advised that once the Hackney Carriage fare table was set, vehicles were required to have a taxi-meter and it must be switched on. Operators did not have to charge the full fare but could not go above the stated fee. Private Hire operators could set their own fares, but the trade was aware of the market and they knew what their customers were prepared to accept.

It was proposed by Councillor P Moore, seconded by Councillor R Reynolds and

RESOLVED

That that the proposed process for recommending the Hackney Carriage fare changes is not accepted and that the fare changes are considered by the Licensing & Appeals Committee.

The Public Protection Manager explained that the new Animal Welfare legislation would bring together all existing animal welfare licences, with the possible exception of zoos which were likely to fall outside the new legislation. It would be necessary for some of the officers to undertake training for a formal qualification.

Councillor R Reynolds congratulated the Public Protection Team on the successful outcome of a recent animal welfare case. The Public Protection Manager stated that she would update the Committee on this matter later in the meeting.

Councillor P Bütikofer requested that the Committee receive an overview of the new legislation when officers had completed the training.

The Public Protection Manager stated that she would provide a link to the legislation when it was released later in the year. Background work would be done prior to the legislation coming in. She considered that the new legislation would be easier for Licensing Authorities and the public.

Councillor Mrs P Grove-Jones asked if the legislation would cover professional dog walkers who took out a number of dogs at once.

The Public Protection Manager explained that dog walking was outside the scope of licensing.

Councillor P Moore stated that he lived on a road which appeared to be a preferred route for all dog walkers, even though it was busy with no footpaths, and it was not unusual to see six dogs being exercised at the same time. He asked if there was any legislation to control it and if not, whether there should be.

The Public Protection Manager stated that it would be a matter for the Police if the dogs were causing an obstruction or danger on the road. She suggested that if there was a particular problem the dog warden could be asked to give some advice to the people concerned.

The Chairman commented that DEFRA was withdrawing funding for permissive paths. This would have an impact on dog walkers as many of the permissive paths were being closed as a result.

RESOLVED

To agree the work programme for the Public Protection – Licensing function.

23. UPDATE ON THE TAXI WORKING GROUP AND CONSULTATION ON REVISION TO THE HANDBOOK

The Public Protection Manager updated the Committee on the Taxi Working Group and progress on the taxi policy and handbook revision. She outlined the key changes which were proposed. The handbook and policy was now in its final draft stages, with additional work required in relation to CCTV. Once the work had been completed, the final draft would be shared and agreed with the Working Group prior to consultation.

Councillor R Reynolds stated that the Licensing Team had done an enormous amount of work on the policy and handbook. The Working Group had discussed the first draft and had been very happy with the outcome.

Councillor Mrs P Grove-Jones referred to a recent case which had been considered by the Licensing Sub-Committee where a taxi driver had a problem with a passenger. She asked what the driver's obligations were to the passenger if they had to ask the passenger to leave the vehicle.

The Public Protection Manager explained that the driver had a duty of care to the passenger even if there was an issue. There were very few cases where there were problems. In the event of an altercation it would be a matter for the Police. The driver had a duty to drop the passenger in a safe location.

Councillor M Knowles asked if it was legal for a driver to film passengers.

The Public Protection Manager explained that the Council's policy was currently silent on the use of CCTV and guidance would be included in the new policy. The Information Commissioner had set out requirements which firms had to comply with.

The Chairman stated that many professional drivers were using dashcam devices. He asked how this would be covered as there was no legislation to control where the device was pointed.

The Public Protection Manager explained that there were strict rules from the Information Commissioner regarding how any recording device was operated.

The Chairman asked if there were many horse-drawn taxis in the District.

The Public Protection Manager stated that there had been some in the past and someone was currently considering it. There would be an appendix in the new policy covering this type of operation and requirements around animal welfare.

Councillor P Moore asked if there was a system of follow up when licences had been revoked.

The Public Protection Manager explained that the matter ended when all badges, licences and plates which had been issued by the Licensing Authority had been returned. Other people in the taxi trade would generally let the Authority know if that person or firm continued to trade, and any information provided would be investigated.

The Chairman asked if being barred went on a person's record.

The Public Protection Manager stated that there was no record outside the Authority at the moment but she understood there were plans to introduce a national register of people who had had licences revoked.

Councillor J Rest asked if it was still the case that there were no taxi testing stations in the west of the District.

The Public Protection Manager explained that there were no approved taxi testing stations in the west of the District as there had been no applications. The taxi trade seemed to be satisfied with current provision of three garages. The taxi test station contract had been due to end during the current year but it had been extended for a further year, and a new contract would be let in 2019.

Councillor B Smith stated that some vehicles operated without displaying a plate due to the nature of the vehicle. He requested clarification of the policy regarding this.

The Public Protection Manager explained that exemptions from displaying plates had been granted in some cases, such as for wedding cars and executive vehicles, but there was a requirement to carry the plates in the vehicle.

24. UPDATE ON GENERAL LICENSING ISSUES

The Public Protection Manager updated the Committee on the following matters:

Unauthorised Dog Breeding

The Public Protection Manager updated the Committee on the outcome of Court proceedings against an unlicensed dog breeder. This case had recently been reported in the press. The Defendant had been found guilty and sentenced to a total of 22 concurrent weeks in prison, suspended for two years, and total fines in excess of £12,000. The Defendant had also been disqualified from running a breeding establishment, and from keeping or being involved in the keeping of animals until further notice. She confirmed that the premises would continue to be monitored to ensure there were no further offences. She answered Members' questions regarding this case and a previous case where the Defendant and her son had been banned from operating a riding establishment.

In answer to a question the Public Protection Manager explained that someone was classed as a dog breeder if they bred four litters of puppies in any 12 month period, or if it was carried out as a commercial enterprise. It was hoped that the new animal welfare legislation would clarify what constituted a commercial enterprise.

25. UPDATE ON TASK AND FINISH GROUPS

The Public Protection Manager stated that the Taxi Policy and Handbook would be reported back to the Task and Finish Group prior to consultation.

Councillor Mrs P Grove-Jones stated that she remained concerned about "direct debit" cold calling.

The Public Protection Manager explained that this was outside the licensing regime and suggested that anybody who had concerns could obtain signs requesting no cold callers or advise the charity concerned that they did not want people calling on them.

The meeting closed at 11.02 am.

Chairman