

Licensing and Appeals Committee



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2 May 2018

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** on **Tuesday 15 May 2018 at 10.00 a.m.**

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 516010, Email: democraticservices@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 Bütikofer, Mrs A Claussen-Reynolds, Mrs P Grove-Jones, Mr S Hester, Mr M Knowles, Mrs M Millership, Mr N Pearce, Mr P Moore, Mr J Rest, Mr R Reynolds, Mr P Rice, Mr S Shaw, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

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 & Steve Blatch
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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

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To approve as a correct record, the minutes of the meeting of the Licensing and Appeals Committee held on 5 March 2018 and also the minutes of meetings of the Licensing Sub-Committee held on 7 March 2018 and 9 April 2018.

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. HACKNEY CARRIAGE FARE CHANGE

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(Appendix A – page 17; Appendix B – page 20; Appendix C – page 21)

Summary: The report details the request for a Hackney Carriage Fare change and the subsequent consultation and proposed changes.

Conclusions: Following consultation an increase to the Hackney Carriage Fare has been proposed.

Recommendations: That Members agree the proposed fare change.

Cabinet Member(s) Councillor Richard Price – Portfolio Holder Councillor Simon Hester - Chair of the Licensing Committee	Ward(s) affected - All
Contact Officer, telephone number and email: Gemma Faircloth 01263 516139 gemma.faircloth@north-norfolk.gov.uk	

7. NEW ANIMAL WELFARE REGULATIONS – LICENSING

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Summary: To update members on the DRAFT Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 and advise on the key differences from the existing regime.

Conclusions: N.A

Recommendations: 1. That the report be noted for information

Cabinet Member(s) Councillor Hillary Cox – Portfolio Holder Councillor Simon Hester - Chair of the Licensing Committee	Ward(s) affected - All
Contact Officer, telephone number and email: Gemma Faircloth 01263 516139 gemma.faircloth@north-norfolk.gov.uk	

8. UPDATE ON GENERAL LICENSING ISSUES

To give an oral update on licensing issues.

9. UPDATE ON TASK & FINISH GROUPS

To give an oral update on task and finish groups.

10. 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.”

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

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

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 7 March 2018 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee Dr P Bütikofer (Chairman)
Mr J Rest
Mr S Shaw

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

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 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/180000174)

Present: Applicant

The Members of the Sub-Committee and Officers introduced themselves.

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

The Public Protection Manager presented the report. The applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk. There were historic matters on his DBS report which required consideration by the Sub-Committee. She suggested that Members might wish to question the applicant on the way he had completed section 8 of the application form.

The Chairman invited the applicant to put his case.

The applicant apologised for his failure to declare convictions at section 8 of the form. He stated that his convictions had been a long time ago and he had

since become a father and grandfather. He considered that he was a fit person to drive a taxi. He had been under the impression that his DBS would filter out his convictions and he would not have to reveal them. He had had an enhanced DBS for a number of years and had worked at a special school without any issues. He thought his convictions were in the past and forgotten about, but when he received his DBS for this application he realised they had not disappeared. He apologised again for filling out his application incorrectly. He did not wish to make any further representations.

The Public Protection Manager stated that the officer had mentioned the DBS at the initial interview with the applicant.

The applicant stated that he had already filled out the form prior to the interview and had not noticed note 14 (relating to the Rehabilitation of Offenders Act).

The Public Protection Manager confirmed that applicants were advised at their initial interview that any spent convictions would show up on the DBS. The offences had come to light when the DBS was received.

The Chairman asked the applicant who he would be working for if he received his licence.

The applicant explained that he wished to work as a sole trader. It was a coincidence that one of his referees was a taxi operator but this person was a friend and not an employer.

There were no further questions.

The Public Protection Manager summarised the case and outlined the options for determination.

The applicant did not wish to make a closing statement.

The Sub-Committee retired at 10.10 am and returned at 11.00 am.

RESOLVED

That the licence be granted.

The meeting closed at 11.05 am

Chairman

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 9 April 2018 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee Mrs A Claussen-Reynolds (Chairman)
Mr M Knowles
Mr P Moore

Officers in Attendance: Public Protection Manager, Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

1 APOLOGIES

An apology for absence was received from Councillor Mrs V Uprichard. Councillor P Moore attended the meeting as her substitute.

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 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/180006046)

Present: Applicant & Applicant's Employer

The Members of the Sub-Committee and Officers introduced themselves.

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

The Public Protection Manager presented the report. The applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk. Although he met all other requirements for the issue of a licence, he did not have three years' driving experience as required by the Council's Hackney Carriage and Private Hire Vehicles Policy and Handbook ("the Handbook"). He had challenged the requirement and requested that the Sub-Committee hear his case. Two references had now been received and were circulated to the Sub-Committee.

The Applicant's Employer referred to page 5 of the Handbook which stated that applicants had to be authorised to drive for at least 12 months.

The Public Protection Manager explained that this referred to the legal requirement to hold a DVLA driving licence for a minimum of 12 months, whereas NNDC policy required that the licence be held for three years.

The Chairman invited the applicant to put his case.

The Applicant's Employer put the case. He explained that his firm had a contract to provide transport for a school in the District. The pupils had very challenging behavioural issues and it was difficult to get drivers who were prepared to take on the work. The applicant currently worked as an escort for the children on school runs and had developed a good rapport with them. The firm was close to having to hand back the contract due to a shortage of drivers and the applicant had applied for a licence so he could help with the contract work.

The Chairman asked the Applicant about his driving experience.

The Applicant explained that he had driven long distances with his family and he loved driving. He considered that he was quite experienced.

In answer to a question by Councillor Moore, the Applicant's employer explained that some of the children were required to have escorts. In this role the applicant sat with the children, talking to them and calming them down.

Councillor P Moore asked if the authorities were aware of the behaviour experienced by the drivers.

The Applicant's Employer explained that CCTV and tracking equipment was fitted to the vehicles to protect both the drivers and the children, and to prove that drivers had been to collect the children and were not speeding. He added that journeys could be troubling and he had already had to hand back other school contracts because of drivers leaving the firm.

Councillor M Knowles asked if one additional driver would solve the problem.

The Applicant's Employer stated that one driver would not fully solve the problem but it would help. He gave details of the type of behaviour experienced by drivers on the school run.

The Applicant's Employer answered Members' questions regarding current staffing and other work carried out by the firm.

The Public Protection Manager asked the Applicant if he had an advanced driving qualification. The Applicant confirmed that he did not.

The Applicant and his Employer did not wish to make a closing statement.

The Public Protection Manager stated that the Applicant was six months away from meeting the three year requirement in the handbook. The law required a DVLA licence to be held for 12 months but the Council went beyond this requirement to ensure that drivers were sufficiently experienced. The

applicant had challenged this stance and it was a matter for the Sub-Committee to determine if the applicant was a fit and proper person to hold a taxi driver's licence in North Norfolk.

The Sub-Committee retired at 10.24 am and returned at 11.20 am.

The Chairman read the determination. She explained that the Council's policy and handbook was in place for a good reason in that it provided the framework to ensure that those who were licenced to drive were fit and proper to do so. Departing from the policy was never done lightly and the Council had to be satisfied that the circumstances were appropriate to do so. She stated that every case was fact sensitive.

In this case, having considered the written and oral evidence presented to it, the Sub-Committee had concluded that the applicant was a fit and proper person to hold a licence.

The Chairman emphasised that departing from policy was not done habitually, even when presented with a fit and proper person. In this case, given the social need it was

RESOLVED

That the licence be granted on the condition that the applicant drives solely for the purposes of the school contract until he has been driving for three years.

The meeting closed at 11.26 am

Chairman

Hackney Carriage Fare Change

Summary: The report details the request for a Hackney Carriage Fare change and the subsequent consultation and proposed changes.

Conclusions: Following consultation an increase to the Hackney Carriage Fare has been proposed.

Recommendations: That Members agree the proposed fare change.

Cabinet Member(s) Councillor Richard Price – Portfolio Holder Councillor Simon Hester - Chair of the Licensing Committee	Ward(s) affected - All
Contact Officer, telephone number and email: Gemma Faircloth 01263 516139 gemma.faircloth@north-norfolk.gov.uk	

1. Introduction

- 1.1 The Hackney Carriage Fares are set under the Local Government (Miscellaneous Provisions) Act 1976, Section 65.
- 1.2 This report has been produced in order to inform the Committee on the request made by the taxi trade to review and change the Hackney Carriage Fare and to secure agreement for the fares to be amended.
- 1.3 The Hackney Carriage Fare was last increased on 3 June 2013. Following a request from the trade a consultation took place in February to determine support for a fare increase and to allow the trade opportunity to suggest changes to the fare.

2. Consultation Process

- 2.1 The Consultation letter was sent to all Hackney Carriage Drivers, Hackney Carriage Proprietors and Private Hire Operators who have Hackney Carriages. See **Appendix A** for a copy of the letter.
- 2.2 A total of 74 letters were sent to Hackney Carriage Proprietors, Private Hire Operators with Hackney Carriages and Hackney Carriage Vehicle Proprietors. We received 21 responses, plus the response from the North Norfolk Private Hire and Taxi Forum (NNPHTF) on behalf of their members.

Giving a percentage response rate of 29.7%. The anonymised consultation responses can be seen in **Appendix C**.

- 2.3 Following the consultation average figures have been produced and are shown in the table at **Appendix B**.
- 2.4 The four highlighted boxes in the table at **Appendix B**, show where there is a difference between the average response and the NNPHTF response. Below is an explanation of the proposed fee change;
- 2.4.1 **Tariff 1**; The fee of £3.60 is a 10% increase on the current fee and has been selected following discussion with the Forum. The fee is divisible and needs to be set as a round number to ensure that the taxi meters can be properly set.
- 2.4.2 **Tariff 3**; The fee of £4.50 is time and a quarter of Tariff 1. The time and a quarter charge has been used to previously set fees. You will note that Tariff 2 is time and a half and Tariff 4 is double time of Tariff 1. So although the consultation response gave a figure of £4.80 the fee has to be increased in line with fees 1, 2, and 4.
- 2.4.3 **Tariff 4**; As above Tariff 4 represents double time of Tariff 1, so this has been set at £4.00 a slight increase from the consultation response of £3.90.
- 2.4.4 **Booking Fee**; The booking fee has been increased by 10% in line with changes to Tariff 1.
- 2.5 Changes to the other noted fees were consistent across the consultation responses.
- 2.6 There were figures that went above and below of the majority of responses and may account for some of the differences between the trade responses and those of the NNPHTF. The proposed fees seem to reflect the majority, save for those above for which an explanation has been provided.

3 Conclusion

- 3.1 For Members to agree the proposed Hackney Carriage Fare change as set out in Appendix B.

4 Implications and Recommendations

- 4.1 The proposals in this report are consistent with the Council fulfilling its statutory duty as a licensing authority and do not pose any additional risks to the council of the public.
- 4.2 Once agreed the fee change must be published in a local newspaper and deposited at the Council Offices giving 14 days for objections. If no objections are received, then the fares will take effect on 1 July 2018.
- 4.3 Any objections received must be considered and either come in to effect as above or modified to take account of the objections and be effective within two months of the original date.

5. Financial Implications and Risks

5.1 There are no identified issues relating to financial implications arising from this report.

6. Sustainability

6.1 There are no identified issues relating to sustainability arising from this report.

7. Equality and Diversity

7.1 There are no adverse impacts on any protected groups under the Equality Act. The impacts apply equally to everyone.

8. Section 17 Crime and Disorder considerations

8.1 The proposals are consistent with the Council fulfilling its statutory duties as licensing authority in the regulation of licensable activity.

10 January 2018

Name and address

Dear Operator/Driver

Re: Hackney Carriage Meter Charges

We have received a request from a member of the trade to increase the hackney carriage fare charges.

Whilst the Council has the power to set fares for all Hackney Carriage vehicles operating within the District, those best placed to decide what fares should be charged are the licence holders.

The last increase was effective from 3 June 2013 and there has been no increase since. The table below provides fare comparisons with neighbouring authorities.

	North Norfolk	Kings Lynn	Great Yarmouth	Breckland
Flag / 1 st mile	£3.30	£4.00	£3.80	£3.60
Per mile	£1.80	£1.76	£1.60	£2.00
5 miles	£10.50	£11.04	£10.20	£11.60
10 miles	£19.50	£19.84	£18.20	£21.60

The retail Price Index (RPI) and Consumer Price Index (CPI) figures published by the Office for National Statistics can be found at the following link:

<http://www.ons.gov.uk/ons/index.html> and are summarised in the table below for your information. The Government uses CPI as its main measure of inflation in the economy.

Average for period	RPI %	CPI %
January – December 2012	3.2	2.8
January – December 2013	3.0	2.6
January – December 2014	2.4	1.4
January – December 2015	1.0	0.0
January – December 2016	1.7	0.7
November 2017	3.9	2.8

Whether you would like an increase to the Hackney Carriage Fares or not, please indicate your preference on the attached page and return it to the Licensing team by 19 February 2018.

Please note that an additional box has been added below the current fare table on the attached page. It is proposed to remove the current excess carriage charge for additional passengers and to bring this in line with other Authorities by adding a charge of 50% when four or more passengers are carried in the vehicle. **Please indicate your preference by completing one box only, either the old or new.**

It is important to provide us with your view as the next fare increase (if any) will reflect what the majority would like.

Yours faithfully



On behalf of the Public Protection Team
Telephone 01263 516189
Email licensing@north-norfolk.gov.uk

Enclosure

NORTH NORFOLK DISTRICT COUNCIL FARES FOR HACKNEY CARRIAGE VEHICLES

Table to suggest proposed changes to Hackney Carriage Fares

MOTORISED HACKNEY CARRIAGES		Current Charge	Proposed Charge
Tariff 1	Day rate 7.00hrs to 23.00hrs		
	Flag off – Journey of up to 1.448 kilometres (⁹ / ₁₀ of mile)	£3.30	£
	Each 1.609 kilometres (1 mile) thereafter at the rate of	£1.80	£
Tariff 2	Night rate For hiring commenced between 23.00hrs and 7.00am		
	Flag off – Journey of up to 1.448 kilometres (⁹ / ₁₀ of mile)	£4.95	£
	Each 1.609 kilometres (1 mile) thereafter at the rate of	£2.70	£
Tariff 3	Sunday rate		
	For hiring commenced between 7.00am and 23.00hrs on Sunday		
	Flag off – Journey of up to 1.448 kilometres (⁹ / ₁₀ of mile)	£4.15	£
Tariff 4	Each 1.609 kilometres (1 mile) thereafter at the rate of	£2.25	£
	Christmas period For hiring commenced between 6.00pm 24 December and 6.00am on 27 December		
	New Year period For hiring commenced between 6.00pm 31 December and 6.00am on 2 January		
Tariff 4	All other Bank Holidays		
	Flag off – Journey of up to 1.448 kilometres (⁹ / ₁₀ of mile)	£6.60	£
	Each 1.609 kilometres (1 mile) thereafter at the rate of	£3.60	£
Waiting time	Per 2 minutes	£0.55	£
Extra Charges	Each article of luggage carried	£0.15	£
Excess Carriage Rates (also see below)	Up to 2 passengers	Nil	£
	For each additional passenger, per mile	£0.15	£
Booking Fee	For each hiring under Section 67 of the Local Government (Miscellaneous Provisions) Act 1976	£13.30	£
Soiling	For cleaning following the soiling of the interior of the vehicle, a charge not exceeding	£50.00	£

Proposed change to Excess Carriage Rates from that shown above; please indicate your preference by completing one or the other.

Excess Carriage Rates	For Hackney Carriages licensed to carry more than four passengers, an additional charge of 50% may be levied when more than four passengers are carried.		
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NOTES

All charges are inclusive of Value Added Tax (VAT)
All charges are the maximum permitted.

Name and Address

NORTH NORFOLK DISTRICT COUNCIL FARES FOR HACKNEY CARRIAGE VEHICLES



Table showing proposed changes to Hackney Carriage Fares

MOTORISED HACKNEY CARRIAGES		Current Charge	Proposed Charge	Consultation average	NNPHTF response
Tariff 1 (+ 10%)	Day rate 7.00hrs to 23.00hrs				
	Flag off – Journey of up to 1.448 kilometres (⁹ / ₁₀ of mile)	£3.30	£3.60	£3.75	£3.60
	Each 1.609 kilometres (1 mile) thereafter at the rate of	£1.80	£2.00	£2.00	£2.00
Tariff 2 (1.5 x T1)	Night rate For hiring commenced between 23.00hrs and 7.00am				
	Flag off – Journey of up to 1.448 kilometres (⁹ / ₁₀ of mile)	£4.95	£5.40	£5.40	£5.40
	Each 1.609 kilometres (1 mile) thereafter at the rate of	£2.70	£3.00	£3.00	£3.00
Tariff 3 (1.25 x T1)	Sunday rate For hiring commenced between 7.00am and 23.00hrs on Sunday				
	Flag off – Journey of up to 1.448 kilometres (⁹ / ₁₀ of mile)	£4.15	£4.50	£4.80	£4.50
	Each 1.609 kilometres (1 mile) thereafter at the rate of	£2.25	£2.50	£2.50	£2.50
Tariff 4 (2 x T1)	Christmas Period For hiring commenced between 6.00pm 24 December and 6.00am on 27 December New Year Period For hiring commenced between 6.00pm 31 December and 6.00am on 2 January All other Bank Holidays				
	Flag off – Journey of up to 1.448 kilometres (⁹ / ₁₀ of mile)	£6.60	£7.20	£7.20	£7.20
	Each 1.609 kilometres (1 mile) thereafter at the rate of	£3.60	£4.00	£3.90	£4.00
Waiting time	Per 2 minutes	£0.55	£0.60	£0.60	£0.60
Extra Charges	Each article of luggage carried	£0.15	£0.15	£0.15	£0.15
Excess Carriage Rates (also see below)	Up to 2 passengers	Nil	Nil	Nil	Nil
	For each additional passenger, per mile	£0.15	Nil	Nil	Nil
Booking Fee (+ 10%)	For each hiring under Section 67 of the Local Government (Miscellaneous Provisions) Act 1976	£13.30	£14.60	£13.00	£14.60
Soiling	For cleaning following the soiling of the interior of the vehicle, a charge not exceeding	£50.00	£66.00	£66.00	£66.00

Proposed change to Excess Carriage Rates from that shown above; please indicate your preference by completing one or the other.

Excess Carriage Rates	For Hackney Carriages licensed to carry more than four passengers, an additional charge of 50% may be levied when more than four passengers are carried.	New	Agreed	Agreed	Agreed
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NOTES

All charges are inclusive of Value Added Tax (VAT)
All charges are the maximum permitted.

	Tariff 1		Tariff 2		Tariff 3		Tariff 4		WT	XC	XCR		BF	S	XCR new
	FO	X	FO	X	FO	X	FO	X		Lug	2P	XP			
Current	3.30	1.80	4.95	2.70	4.15	2.25	6.60	3.60	0.55	0.15	0.00	0.15	13.30	50.00	Y/N
Avg	3.74	1.97	5.40	2.96	4.77	2.50	7.16	3.86	0.62	0.13	0.00	0.14	13.04	66.07	15
1	4.00	1.80	6.00	3.00	6.00	3.00	8.00	3.60	0.55	0.00	0.00	0.00	13.30	50.00	1
2	4.00	1.80	6.00	2.30	6.00	2.50	8.00	4.00	0.70	0.20	0.20	0.00	15.00	100.00	0
3	3.60	2.00	5.40	3.00	4.50	2.50	7.20	4.00	0.60	0.15	0.00	0.15	14.60	50.00	0
4	4.00	2.20	6.00	4.40	5.00	2.75	6.00	4.40	0.70	0.20	0.00	0.00	14.00	60.00	1
5	3.60	2.00	5.40	3.00	4.50	2.50	7.20	4.00	0.65	0.15	0.00	0.00	15.00	50.00	1
6	4.00	2.20	6.00	4.40	5.00	2.75	8.00	4.40	0.70	0.20	0.00	0.00	14.00	60.00	1
7	3.80	1.80	5.70	2.70	5.15	2.25	7.60	3.60	0.65	0.20	0.00	0.15	15.00	100.00	0
8	3.60	2.00	5.40	3.00	4.50	2.50	7.20	4.00	0.60	0.20	0.00	0.00	14.60	50.00	1
9	3.60	2.00	5.40	3.00	4.50	2.50	7.20	4.00	0.60	0.20	0.00	0.00	14.60	50.00	1
10	4.00	2.00	6.00	3.00	5.00	2.50	8.00	4.00	0.60	0.00	0.00	0.00	13.30	75.00	1
11	3.60	2.00	5.40	3.00	4.50	2.50	7.20	4.00	0.60	0.00	0.00	0.00	14.60	50.00	1
12	3.30	1.80	3.50	2.00	3.40	1.90	5.00	2.50	0.50	0.00	0.00	0.00	0.00	60.00	1
13	3.60	2.00	5.40	3.00	4.50	2.50	7.20	4.00	0.60	0.15	0.00	0.15	14.60	50.00	0
14	3.60	1.98	4.95	2.70	4.15	2.25	6.60	3.60	0.55	0.15	0.00	0.15	13.30	50.00	0
15	3.60	2.00	5.40	3.00	4.50	2.50	7.20	4.00	0.60	0.00	0.00	0.00	15.00	100.00	1
16	3.30	1.80	4.95	2.70	4.15	2.25	6.60	3.60	0.55	0.00	0.00	0.00	15.00	100.00	1
17	3.70	1.90	5.60	2.90	4.65	2.75	7.40	3.80	0.65	0.20	0.00	0.00	15.00	85.00	1
18	4.60	2.20	4.60	2.20	5.50	2.25	6.60	3.60	0.55	0.15	0.00	0.15	13.30	50.00	0
19	4.00	2.00	6.00	3.00	5.00	2.50	8.00	4.00	0.80	0.15	0.00	0.00	0.00	90.00	1
20	3.50	1.90	5.25	2.85	4.40	2.35	7.00	3.80	0.60	0.20	0.00	0.20	14.00	52.50	0
21	3.60	2.00	5.10	2.90	5.40	3.00	7.20	4.00	0.60	0.15	0.00	0.00	14.00	55.00	1
22	3.60	2.00	5.40	3.00	4.60	2.50	7.20	4.00	0.60	0.15	0.00	0.00	14.60	66.00	1

New Animal Welfare Regulations - Licensing

Summary: To update members on the DRAFT Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 and advise on the key differences from the existing regime.

Conclusions: N.A

Recommendations: 1. That the report be noted for information

Cabinet Member(s) Councillor Hillary Cox – Portfolio Holder Councillor Simon Hester - Chair of the Licensing Committee	Ward(s) affected - All
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1. Introduction

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

1.2 This report is to advise the Committee of the draft regulations which will change the existing licensing regime for animal establishments including animal boarding establishments, dog breeding establishments, pet shops and riding establishments. The report is based on the draft regulations, and whilst further significant changes are not anticipated, they may be subject to amendments.

1.3 DEFRA conducted a consultation which ran from 20th December 2015 until the 12th March 2016 on the introduction of new secondary legislation to introduce a single “Animal Establishment Licence”. The stated aim was to “relieve the administrative burden on local authorities, simplify the application and inspection process for businesses, as well as maintain and improve existing animal welfare standards by modernising the current animal licensing system in England.” DEFRA went on to write draft regulations made under the Animal Welfare Act 2006.

1.4 The government, the public, local authorities, welfare organisations and businesses have been calling for changes to legislation and robust enforcement. Current laws are decades old and difficult to adapt to the changing types of animal related businesses. The current process is also quite complex and burdensome in places. For example, some legislation currently limits licences to a calendar-year framework which arbitrarily focusses inspections at the end of the year, and forces some businesses with multiple functions to have more than one licence.

- 1.5 The new regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition. This replaces the requirement in England, to be registered under the Performing Animals (Regulation) act 1925 or to obtain a licence under the Pet Animals Act 1951; the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.
- 1.6 The Regulations provide for local authorities to be the licensing authorities. Any person wishing to carry on any of these activities in England must obtain a licence from their local authority. Carrying on any of these activities without a licence would commit an offence and that person would be liable to imprisonment for up to six months, a fine or both.
- 1.7 Part 2 of the Regulations set out how a person may apply for a licence and matters in respect of which a local authority must be satisfied when considering the grant or renewal of a licence. A local authority can charge fees to cover the costs of performing this function, as is the current situation. Officers will have powers to inspect premises and also to take samples from animals.
- 1.8 Part 3 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also makes it an offence to breach a condition or obstruct any inspector appointed for the purpose of enforcement of these regulations.
- 1.9 There is an appeal provision in Part 4 which can be made against licensing decisions by local authorities in relation to a refusal to grant or renew a licence, or a decision to revoke or vary a licence.
- 1.10 Key Changes:
 - 1.10.1 The Regulations implement a single Establishment Licence which covers the four activities: dog breeding, dog/cat boarding, selling pets, hiring out horses for riding, keeping or training animals for exhibition. Note the use of the term “activities” as opposed to “establishments” which emphasises that activities such as the online sale of pets are included.
 - 1.10.2 General and Specific conditions are laid out in the Regulations for each of the categories, as opposed to these being locally set or based on Chartered Institute of Environmental Health (CIEH) model conditions. The proposed conditions can be seen within the draft Regulations (see link below under Background Papers).
 - 1.10.3 The Regulations provide for a licence to be granted or renewed for a period of one, two or three years in respect of that activity. The local authority must have regard to Secretary of State guidance as may be issued, having regard to the following when determining the period of licence: the risk of an operator breaching any licence conditions; the impact on animal welfare on any such breaches; and whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions. It is anticipated that local authorities will be required to use a national risk-based assessment system.
 - 1.10.4 Legislation governing performing animals has previously fallen to the County Council. This will come under this Council’s remit under the new regulations and will go wider to cover animals that are exhibited, such as mobile animal

exhibits. It is anticipated that these will be low volume and so will have minimal impact on workload or income.

- 1.10.5 Local authorities will be required to submit an annual data return in electronic format to DEFRA on the number of licences and registrations held for the animal activities. The publishing of this information nationally should help to reduce the burden of Freedom of information requests which are common on animal welfare licensing.
- 1.10.6 Anyone breeding dogs and advertising a business of selling dogs, and/or breeding three or more litters of puppies in any 12-month period, are now covered by the Regulations
- 1.10.7 The regulations introduce specific requirements about advertisements for the sale of dogs, which will need to include: the licence number; the local authority that issued the licence; a recognisable photo of the dog being advertised, and the age of the dog being advertised.
- 1.10.8 The sale of puppies below eight weeks of age will be prohibited.

2. Expected Benefits

- 2.1 Animal welfare is a subject that Members are often asked about as it is always a matter of concern for the general public. This briefing will give members an understanding of the proposed changes to the licensing regime and how the team will implement these.

3. Stakeholders/Consultation/Timescales

- 3.1 Consultation has been carried out nationally in respect of the new legislation. The results of the DEFRA consultation were taken into account when preparing the draft Regulations.
- 3.2 The draft regulations are due to come into force on 1 October 2018. It is anticipated that any unexpired licences under the current legislation will continue in force for the remainder of the term.

4. Options

- 4.1 Members are asked to note the contents of this report

5 Implications and Recommendations

- 5.1 In preparing this report, the author has considered the likely implications of the decision, where there may be implications these are identified below under the headings below.
- 5.2 The report is for information to ensure that Committee members are aware of the draft Regulations which will be enforced by the local authority as the licensing authority.

6. Financial Implications and Risks

- 6.1 There will be an additional burden on the authority, in terms of officer time, in implementing the legislation and making the necessary changes to procedures, database, website, forms, officer training etc.
- 6.2 Work will be carried out to determine the new fee structure when the regulations have been finalised. We are also anticipating national guidance on fee setting. When we have this information the team will work with the finance team to ensure any impact on licensing income is considered.
- 6.3 Officers will receive training when this is made available nationally and will have access to all guidance and support material.

7. Sustainability

- 7.1 There are no identified issues relating to sustainability arising from this report.

8. Equality and Diversity / Human Rights

- 8.1 An impact assessment was carried out by DEFRA prior to the publication of the draft Regulations. It is the opinion of the report author that there will be no adverse effect on the equality, diversity or human rights of any individual.

9. Section 17 Crime and Disorder Considerations

- 9.1 The new Regulations will simplify the licensing framework for animal establishments and activities, and create criminal offences for breach of conditions and obstruction of officers.

10. Constitution & Legal

- 10.1 When the final Regulations are published the team will be properly authorised for the purposes of enforcement under the legislation. The Legal Services Manager has been consulted.

11. Corporate Priorities

- 11.1 The animal welfare licensing framework serves to ensure that the welfare and safety of animals and the public is maintained. It also ensures that there is a fair trading environment for businesses. The new licensing scheme will be implemented to ensure that it is customer friendly and digital where possible.

12 Acronyms

- 12.1 DEFRA – Department for Environment Food and Rural Affairs
- 12.2 CIEH - Chartered Institute of Environmental Health

13. Background Papers

13.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

http://www.legislation.gov.uk/ukdsi/2018/9780111165485/pdfs/ukdsi_9780111165485_en.pdf