

Licensing and Appeals Committee



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3 May 2017

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 **Monday 15 May 2017 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: Mr P Butikofer, Mrs A Claussen-Reynolds, Mr N Coppack, Mrs H Cox, Mrs P Grove-Jones, Mr B Hannah, Mr J Lee, Mr P Moore, Mr N Pearce, Mr P Rice, Mr S Shaw, Mr R Shepherd, Mr B Smith, Mr N 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

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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

(page 4)

To approve as a correct record, the minutes of the meeting of the Licensing and Appeals Committee held on 23 January 2017 and also the minutes of a meeting of the Licensing Sub-Committee held on 5 April 2017.

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. Report of Public Protection Workload

(page 10)

Summary: To present information to the Committee regarding licences issued and workloads of the Public Protection Team for the 2016 period (calendar year)

Conclusions: N/A

Recommendations: N/A

Cabinet Member(s) Councillor Richard Price – Portfolio Holder Councillor Hilary Cox - 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. UPDATE ON GENERAL LICENSING ISSUES

To give an oral update on licensing issues.

8. UPDATE ON TASK & FINISH GROUPS

To give an oral update on task and finish groups.

9. 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.”

10. 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 23 January 2017 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Dr P Butikofer	Mr B Smith
Mr S Shaw (Vice-Chairman, Chairing)	Mr N Smith
Mr R Shepherd	Mrs V Uprichard
Mr R Price (observing)	

Officers in attendance:

Public Protection Manager, Legal Advisor and Committee Officer
(Regulatory)

16 APOLOGIES FOR ABSENCE

Mrs H Cox, Mrs P Grove-Jones, Mr B Hannah, Mr P Moore and Mr N Pearce sent apologies. In the absence of the Chairman (Mrs H Cox), the Vice-Chairman chaired the meeting.

17 PUBLIC QUESTIONS

None received.

18 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 7 November 2016 were approved as a correct record and signed by the Chairman.

The minutes of a meeting of the Licensing Sub-Committee held on 9 December 2016 were approved as a correct record, subject to the final paragraph of the recommendation being amended to read "There are to be *no* more than 3 single day events ..." and signed by the Chairman.

19 ITEMS OF URGENT BUSINESS

None.

20 DECLARATIONS OF INTEREST

None.

21 ADOPTION OF CONDITIONS AND APPLICATION PROCESS FOR THE PERFORMANCE OF HYPNOTISM

The Public Protection Manager presented a report proposing the adoption of an application process for the performance of hypnotism, including proposed conditions to be attached to licences and application fee of £120.

Councillor N Smith expressed concern that hypnotism could affect people's minds.

The Public Protection Manager stated that the proposed conditions enabled control and placed the onus on the hypnotist not to cause a lasting impact.

RECOMMENDED

That the Council adopt the proposed application process for the performance of hypnotism, including the application fee of £120, with immediate effect and to authorise Officers to add, remove or otherwise modify the conditions as required on a case by case basis.

22 UPDATE ON GENERAL LICENSING ISSUES

Fees

A review of the fee structure was taking place. Some fees were set by statute and would not change, but others would rise in line with inflation.

Proposed changes to taxi fees will be advertised for consultation.

The Public Protection Manager reported that she had been working with a member of the Finance Team to produce a robust model for setting fees and charges.

Staffing

A member of the licensing staff who was currently on maternity leave was due to return in April. Another member of staff who was on long term absence was due to return shortly.

Caravan Site Licensing

All caravan site owners had now responded to a request for information regarding site details. It was hoped that all sites would be updated on the database, including full histories, by the end of March. New licences would be issued with reference to current legislation.

Member Training

Training for two new Members of the Committee would take place after this meeting.

Business Process Review (BPR)

The Environmental Health Service was currently undergoing BPR and it was likely to result in changes to the way the Licensing Team worked.

Scrap Metal Licensing

Scrap metal licences were reviewed every three years and a review had recently taken place. A workshop for scrap metal dealers had taken place to update operators on new legislation etc.

Councillor B Smith asked how effective the new legislation had been in dealing with thefts, particularly relating to lead from churches.

The Public Protection Manager stated that the Police had reported a reduction in the number of thefts since the legislation had been in force.

Councillor B Smith requested that arrangements be made for the Police to speak to Members, possibly at Overview and Scrutiny Committee.

Portfolio & Chairs meetings

The Portfolio Holder and Chairman of the Committee had agreed that a letter would be sent to the Licensing Portfolio Holders and Chairmen of other Norfolk Councils suggesting that County-wide meetings be set up.

23 UPDATE ON TASK AND FINISH GROUPS

Street Collections and Charitable Collections

The task and finish groups had met for these items and there was no further action at this time.

Taxi Policy & Handbook

The Public Protection Manager reported that the Taxi Policy and Handbook was being reviewed and that a meeting would shortly be arranged with the Task and Finish Group. Significant changes had been made to the style of the document to make information easy to find and to include additional information which was not currently stated in the policy. Following the initial meeting, consultation would commence with the taxi trade.

Councillor B Smith referred to a question he had asked at the previous meeting as to whether taxi drivers were legally entitled to charge for travel to collect a customer. The Public Protection Manager replied that taxi drivers were not allowed to charge for travel to the pick-up point. They could only commence charging from the time they informed the customer that they had arrived at the pick-up point, including any waiting time.

The meeting closed at 10.20 am.

Chairman

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 5 April 2017 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee Mr R Shepherd (Chairman)
Mr N Coppack
Dr P Butikofer

Officers in Attendance: Licensing Enforcement Officer, Legal Advisor and Committee 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/170003184)

Present: Applicant & Applicant's Employer

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

At the request of the Legal Advisor, the applicant and his employer confirmed their names to the Sub-Committee.

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

The Licensing Enforcement Officer presented the report. The applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk. There were issues on his DBS report which required further consideration. She informed the Sub-Committee that the applicant currently drove larger vehicles for his employer for which he held a badge issued by Norfolk County Council. The Sub-Committee would consider the applicant's suitability to hold a licence to drive taxis in North Norfolk on the basis of the information contained in his DBS report.

The applicant put his case. He explained the circumstances which had led to his drink-driving conviction, which had occurred ten years previously. He accepted that it was his fault and he should not have allowed himself to be influenced by others.

The Members and the Legal Advisor questioned the applicant about his offence, his current drinking habits, family circumstances and current employment.

The applicant confirmed that he would not drink and drive now. The Chairman reminded him to be careful about how much he drank if he intended to drive the following day. The applicant stated that he was happy in his job and could not afford to lose it. He had made a mistake once and would not take the risk again.

The Chairman invited the applicant's employer to speak.

The applicant's employer stated that he had known the applicant's family well for a number of years. He explained that the applicant was currently employed mainly on school transport work, where he was well-respected and popular with the children. The contract was coming to an end and he would find it difficult to keep the applicant employed if his application for a taxi driver's licence was unsuccessful as he was the last to join the firm.

The applicant did not wish to ask any questions or make a closing statement.

The Sub-Committee retired at 10.15 am and returned at 10.24 am.

RESOLVED

That the licence be granted.

6 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/170008023)

Present: Applicant

The Chairman, 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 Licensing Enforcement Officer presented the report. The applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk. There were issues on his DBS report which required further consideration. A second reference was still awaited.

At the request of the Chairman the applicant confirmed the nature of his driving convictions.

The applicant put his case. He explained that he had been self-employed as a handyman but now considered that taxi driving would be a good career change and an opportunity to make a decent living. He informed the Sub-Committee that his second referee had not yet responded as he had been in hospital.

The Sub-Committee questioned the applicant with regard to the driving offences he had declared on his application form and also a speeding offence which the applicant had mentioned when confirming the nature of his convictions.

The applicant explained that these related to having the incorrect class of business insurance, having a defective tyre and another construction and use offence which he could not recall. He had undertaken a speed awareness course in relation to the speeding offence.

The Sub-Committee and Legal Advisor questioned the applicant with regard to his family circumstances and the offences revealed on his DBS report.

The applicant stated that he was married with a child. He explained the background to his offences, which he acknowledged were stupid, and said that he regretted them.

There being no further questions, the Chairman invited the applicant to make a closing statement.

The applicant stated that the offences had occurred in 2014 which for him was a lifetime ago. He was not that person now. He had been going through a difficult time and had had a lot of issues to deal with. He should have dealt with it better.

The Legal Advisor stated that only one reference had been received and that two references were usually required. She advised the Sub-Committee that it could require two references but had the discretion to waive this requirement.

The Sub-Committee retired at 10.46 am and returned at 11.04 am.

RESOLVED

That the licence be granted subject to the receipt of a satisfactory second reference by 30 April 2017.

The meeting closed at 11.07 pm

Chairman

Report of Public Protection Workload

Summary: To present information to the Committee regarding licences issued and workloads of the Public Protection Team for the 2016 period (calendar year)

Conclusions: N/A

Recommendations: N/A

Cabinet Member(s) Councillor Richard Price – Portfolio Holder Councillor Hilary Cox - 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 and Background

- 1.1 This report has been produced in order to update the Committee on the Public Protection workload. It informs the Committee on the current licences issued by the team and the total numbers held.
- 1.2 The report also provides information on the licences processed each year, visits undertaken and the number of service requests/complaints investigated. This includes totals for the calendar year 2016.

2. Update on Public Protection Team workload for Licensing

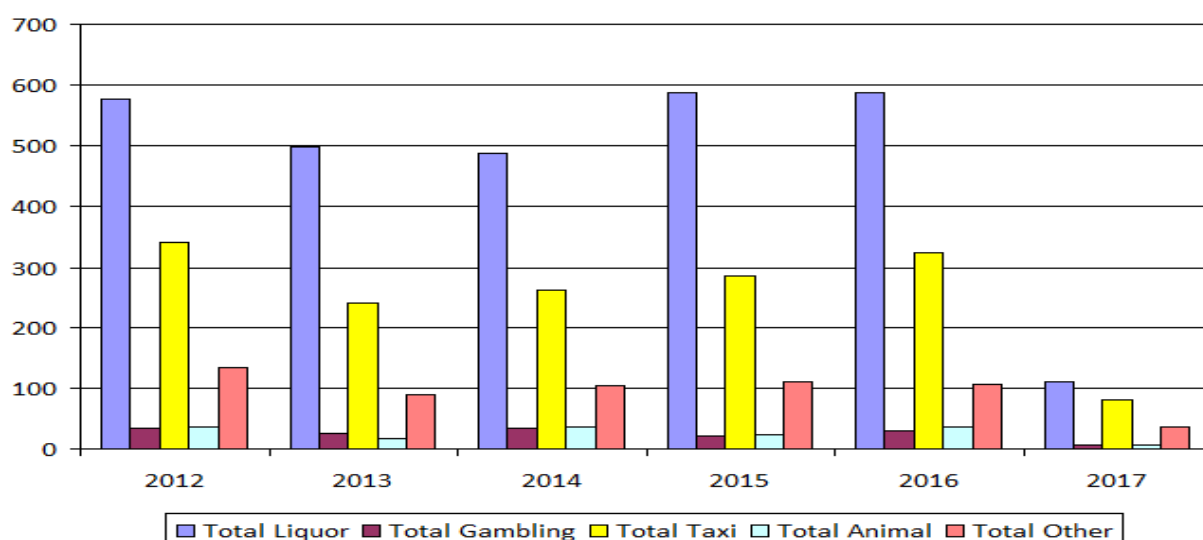
- 2.1 In order to enable effective monitoring of workload and issue of licences, a database has been set up and the following information is taken from the database. Recording of work prior to 2014 was more sporadic, and the codes currently used have been amended in order to better reflect work being done.
- 2.2 The table below shows total current licences (plus DBS applications processed); There has been a change in total numbers since the previous report and the figures in brackets indicate either the increase or decrease in licences held.

Licence Type	Licence Description	Current Total
LABO	Animal Boarding	18 (+1)
LAGC	Adult Gaming Centre	8
LATE	Cosmetic Skin Piercing	86 (+3)
LBNT	Betting Premises Non Track	6 (-1)
LBRG	Dog Breeding	3
LBTR	Betting Premises Track	1
LCAM	Camping Site	2
LCLB	Club Premises	40
LCRB	Disclosure Barring Service (DSB)	267 (-7)
LCVN	Caravan Site	190 (70 on database (+41))
LCEX	Caravan Site [exempt]	New code
LDD3	Taxi Driver - 3 Years	266 (+3)
LDWA	Dangerous Wild Animals	0 (-1)
LFCP	Gaming Permit - FEC	20 (+1)
LFEC	Family Entertainment Centre	2
LGCB	Gambling Club Gaming Permit	4
LGCM	Gambling Club Machine Permit	7
LGPN	Gambling Premises Notification	77 (-3)
LHCO	Hackney Carriage Operator	37 (+2)
LHCV	Hackney Carriage Vehicle	166 (-7)
LHHC	House to House Collection	34 (-1)
LIND	Personal Licence; Sale of Alcohol	1600 (+49)
LNOI	Notification Of Interest	1
LPHO	Private Hire Operator	52 (-4)
LPHV	Private Hire Vehicle	72 (-1)
LPRM	Alcohol & Entertainment	517 (-15)
LPS	Pet Shop	5 (-1)
LPSK	Premises - Skin Piercing	37 (+1)
LRE	Riding Establishment	4 (-1)
LSC	Street Collections	170

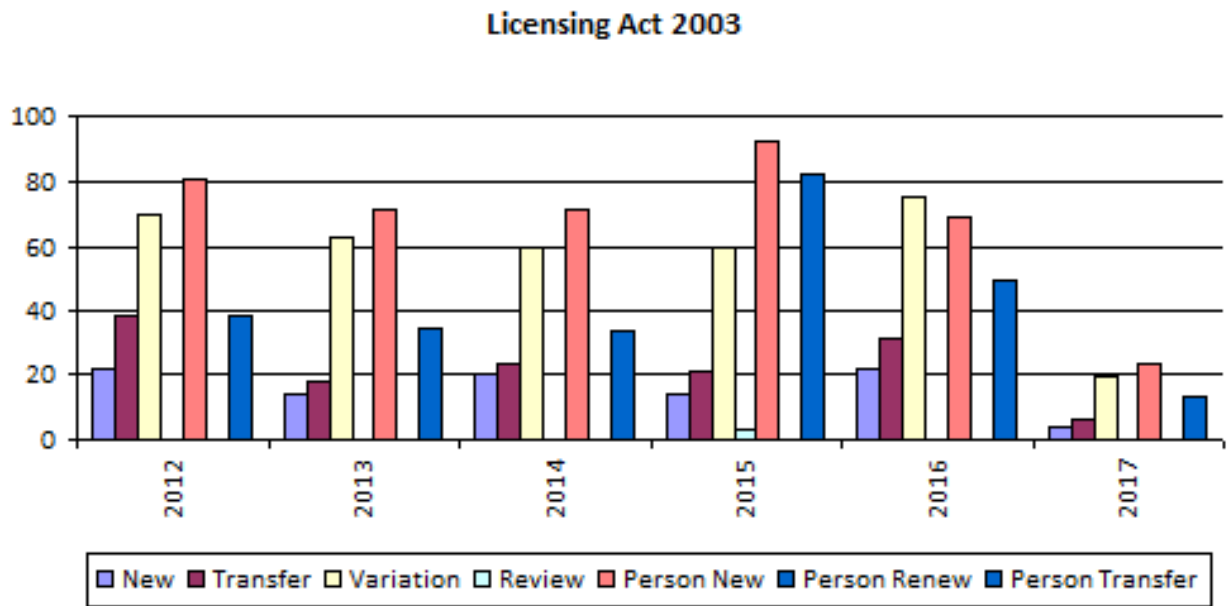
Licence Type	Licence Description	Current Total
LSLA	Lottery - Small Premises	103 (-8)
LSMC	Scrap Metal Dealer - Collector	12 (-6)
LSMS	Scrap Metal Dealer - Site	7
LZOO	Zoo	2

- 2.3 DBS applications are processed every three years, the zoo licences have a either a 4 or 6 year licence (both are currently 6 years). Skin piercing registrations are issued once.
- 2.4 There have been some changes to the total number of licences as indicated in the table above, a note has been added to show if figures have increased or decreased. The code LCEX is new and has been added as part of the continuing caravan project where sites are exempt of licensing requirements. The code will enable an annual check to be made on these exempt sites to confirm that they still meet the provisions allowing them the exempt status. This work is ongoing and therefore the figures are not complete at this time.
- 2.5 There was a change in legislation for renewal of Personal Licences on 1st April 2015, which removed the requirement to renew the licence after ten years. We wrote to all our licence holders informing of this change in 2014 and requested confirmation that details were correct. The increase in figures for personal licences in 2016 may be due to the fact that if no response was received the record was temporarily closed. It might be that those individuals have subsequently contacted us to update their licence details, such as address to be change, and so have been reinstated.
- 2.6 The number of licences issued each year can be seen in the following graph; taxi licences were introduced as 3 year licences in 2012 which may account for the apparent drop in licences issued per year. The 'other' category includes; piercing, scrap metal, street and house to house collections and caravan sites. A further breakdown has been given in the subsequent three graphs for Liquor, taxi licences and Temporary Event Notices.

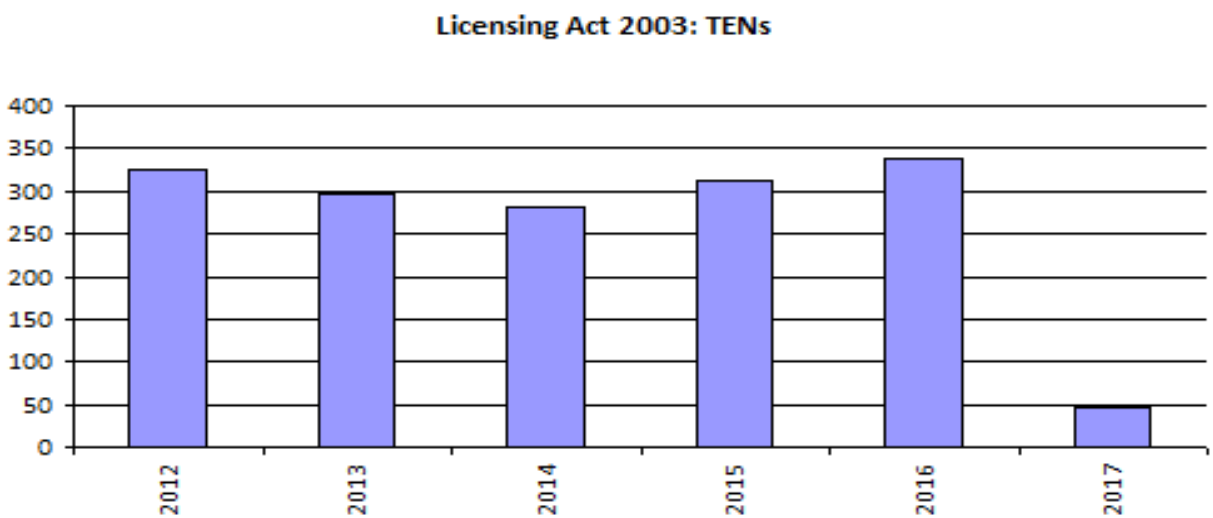
Licences Issued (Graph 1)



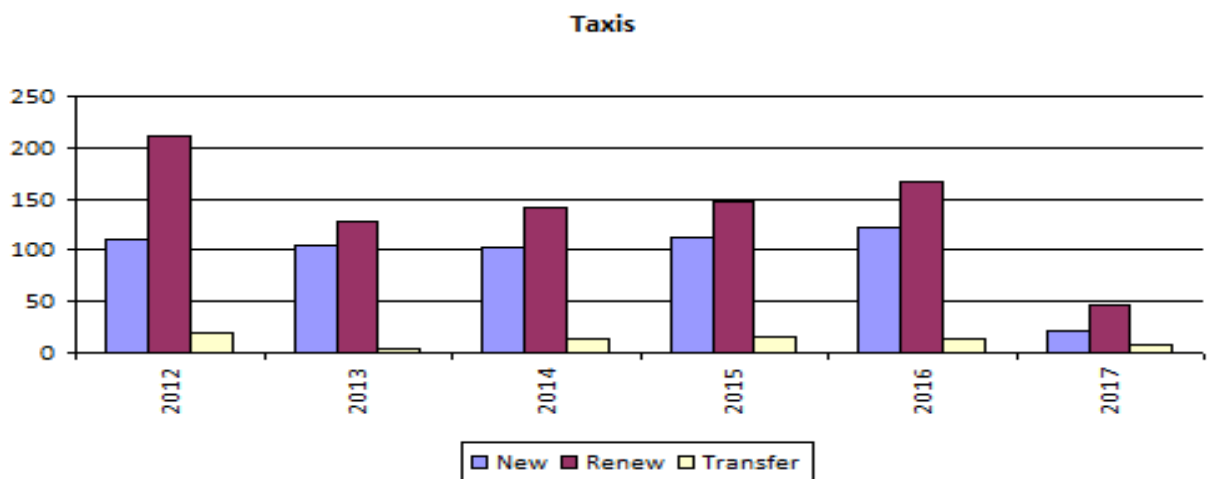
Breakdown of Licences Issued under the Licensing Act 2003 (excluding TENS)
(Graph 2)



Breakdown of Temporary Event Notices (TENS) (Graph 3)

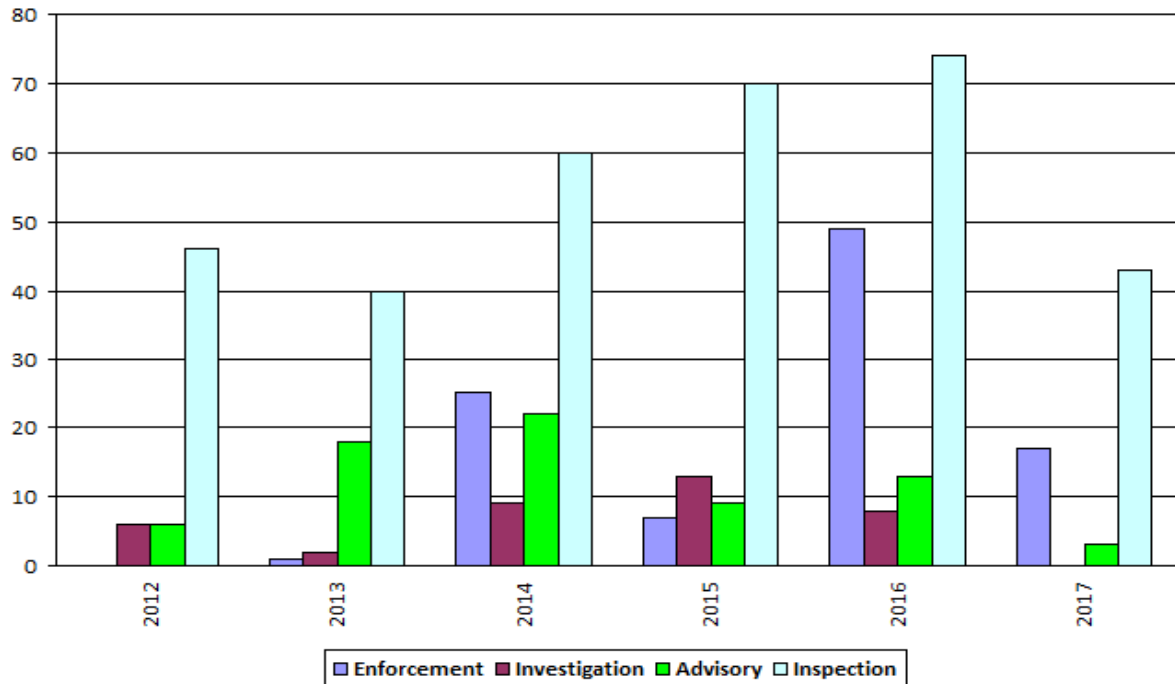


Breakdown of Licences Issued for taxis, including vehicles, drivers, operators (Graph 4)



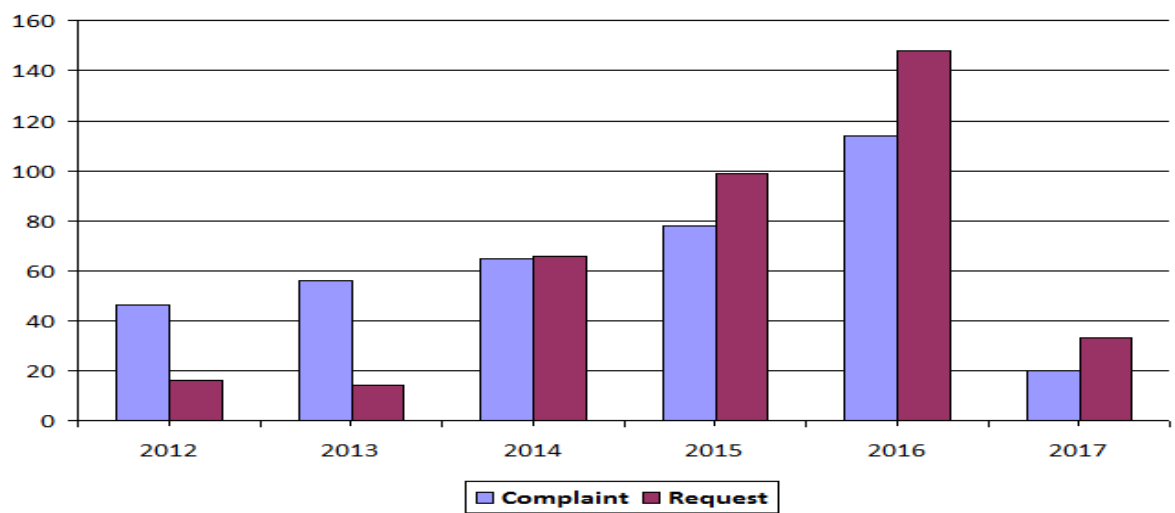
2.7 The following graph shows the number and type of visits per year. Following the restructure of the Environmental Health Service in 2014, the Public Protection Team was created and a Licensing Enforcement Officer was appointed. Consequently enforcement visits have increased and this is reflected in the numbers below. Proactive inspections and advisory visits are also being programmed more consistently and the figures for 2016 show the continued increase as more proactive inspection programmes are being developed by the team.

Visits per year (Graph 5)



2.8 As previously reported we have worked hard to ensure that complaints and service requests have been recorded more thoroughly on the Environmental Health database to enable accurate records to be produced. The total figures for 2016 clearly show that work is being recorded more accurately and this may continue to increase in 2017. The following graph shows totals received per year of complaints /requests which are investigated by the team.

Service Requests/Complaints (Graph 5)



- 2.9 In addition to the above we also monitor incident records provided by the Police in order to target our enforcement and advisory visits effectively to those licensed premises that have a high number of incidents or that are serious.
- 2.10 Accurate recording of work is vital and the team are reminded regularly to ensure that work is recorded. The information above can be further drilled down to provide information to allow effective day to day management of workloads and to determine where we may experience peaks and troughs to allow for better prioritisation proactive and project/focused work.

3 Implications and Recommendations

N/A

4. Financial Implications and Risks

- 4.1 Not Applicable to this report.

5. Sustainability

- 5.1 Not Applicable to this report.

6. Equality and Diversity

- 6.1 Not Applicable to this report.

7. Section 17 Crime and Disorder considerations

- 7.1 Not Applicable to this report.