

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 16 January 2019** at **9:30am** when there were present:

Mrs S C Gurney – Chairman

Mrs J K Copplestone  
Mr I N Moncur

Mr R J Knowles  
Mrs B H Rix

Mr K G Leggett MBE

Also in attendance were the Food, Safety and Licensing Team Manager, the Senior Environmental Health Officer (Safety and Licensing), the Technical Officer (Licensing Enforcement) and the Committee Officer (DM).

### **34 APOLOGY FOR ABSENCE**

An apology for absence was received from Mrs C H Bannock. The Chairman expressed concerns that a number of Members of the committee were not in attendance and had not offered their apologies and asked that they be contacted and advised of her concern.

### **35 MINUTES**

The Minutes of the meeting held on 12 December 2018 were confirmed as a correct record and signed by the Chairman.

*Minute no 33 – Minutes (29)*

Members noted that the driver referred to in Minute no 33 (Minute 29) had now appealed the decision and a preliminary hearing for dealing with administrative matters relating to the appeal would be held on 21 February 2019. The Food, Safety and Licensing Team Manager would be representing the Council together with a legal advisor from NPLaw.

### **36 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PRIVATE HIRE VEHICLE LICENSING**

Arising from consideration of the Minutes of the meeting on 12 December 2018, Members were invited to consider if they wished to provide an exemption to Private Hire Vehicle and Hackney Carriage Policy and Conditions (PHVHCPC) section 7 for all electrically powered vehicles providing:

- (1) the vehicle was able to comply with the requirements of all other

private hire vehicle licensing specification conditions;

- (2) the vehicle had a mileage range between battery charges which made it feasible and viable to operate as a private hire vehicle;
- (3) the owner and or operator of the vehicle had ready access to suitable battery charging points to facilitate the satisfactory operation of an electrically powered vehicle.

The Committee of three Members had agreed on 12 December to a request to allow an exception to Private Hire Vehicle and Hackney Carriage Policy and Conditions section 7 in order to licence a Hyundai Ioniq electrically powered vehicle as a private hire vehicle. The full committee was however required to consider a proposal to change the Policy in respect of all electrically powered vehicles.

Members expressed their support for an amendment to the Policy, noting that more advanced electric cars were being developed with much longer journey times and the availability of charging points was increasing. It was, accordingly

### **RESOLVED:**

to allow an exception to PHVHCPC section 7 for all electrically powered vehicles providing:

- (1) the vehicle is able to comply with the requirements of all other private hire vehicle licensing specification conditions;
- (2) the vehicle has a mileage range between battery charges which makes it feasible and viable to operate as a private hire vehicle;
- (3) the owner and or operator of the vehicle has ready access to suitable battery charging points to facilitate the satisfactory operation of an electrically powered vehicle.

### **37 THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

Members considered the report setting out details of the new regulations relating to the licensing of activities involving animals and inviting the Committee to update the licensing regime to comply with the new Regulations.

The Food, Safety and Licensing Team Manager highlighted the main issues

raised in the report.

Animal welfare matters, which were historically the responsibility of the local authority under separate pieces of legislation, were now being grouped under one piece of legislation. Applicants would now be able to apply for one licence to cover one or a number of activities. Licences could be issued for 1, 2 or 3 years based on a risk assessment for each licensable activity which created an incentive to meet the required standards. The introduction of a star rating system similar to the current food premises star rating system would be introduced which would provide useful and easily accessible quality checks for customers. The first tier tribunal for appeals against any refusal to grant a license would be the General Regulatory Chamber in Leicestershire. The new regulations were set and applied nationally with no option for local adaptation. Officers had been working with existing operators and people involved with the keeping/training/breeding of animals not currently covered by any legislation. An assessment of the impact of the new regulations on staffing resources had been carried out and it was estimated there would be an additional demand on resources of approximately 2 days per week. It was likely that South Norfolk would be facing a similar demand on its resources and, having regard to collaboration work, discussions would take place with South Norfolk regarding the potential for the appointment of a joint post to work over both authorities. Increased staffing costs would be offset by way of income from fees for applications under the new regulations. A workshop was taking place with South Norfolk in the near future to progress collaborative working in relation to the licensing and regulatory function.

A concern was expressed about work being undertaken to move forward with a common service and a shared workforce in respect of licensing and regulatory matters. Officers reminded Members that the licensing and regulatory functions had been identified as part of the initial feasibility study in July 2018 as one of the early areas of opportunity to progress collaborative working and work had been ongoing since that time. Areas which were being explored included common fees and charges, application forms, policies and conditions etc.

A concern was also raised that the new regulations were very onerous, particularly for small businesses, and a local pet shop in the district had been faced with closure as they felt unable to meet the extensive requirements of the regulations, particularly in relation to their not being able to satisfy the requirements regarding the space needed to house animals because of the limited size of their premises.

Officers reiterated that the new regulations were set nationally and there was no scope for local application of the regulations. Officers were however mindful of the potential impact of the regulations on small businesses and were keen to avoid the loss of any businesses. They had been offering advice and guidance to local businesses to help them prepare for the new regulations and give them time to comply with the requirements. The

Council's Economic Development Service was also able to offer support and guidance and potentially, financial support, to help small businesses to comply with the regulations.

Members generally welcomed the new regulations as a means of preserving animal welfare and welcomed the levels of help and support being offered to those needing to comply with the regulations. They also supported continued liaison with South Norfolk regarding options for provision of officer support for implementation of the new regulations.

**RESOLVED to RECOMMEND** Council to:

- (1) delegate authority to the Head of Housing and Environmental Services to appoint authorised inspectors under the Animal Welfare Act 2006;
- (2) delegate authority to the Head of Housing and Environmental Services to consider appeals against Star Ratings;
- (3) authorise the Head of Democratic Services and Monitoring Officer to make the consequential amendments to the Constitution;

and

**RESOLVED** to:

- (1) agree the table of fees for Animal Welfare Licences as detailed at Appendix 1 to the signed copy of these Minutes;
- (2) note the resource implications detailed at paragraph 5.1 and the proposals discussed at paragraph 5.2 of the report.

Members thanked the officers for their efforts in preparing for the implementation of the new regulations and asked for feedback to be included in the next annual report.

*The meeting closed at 11:50 am*