

Licensing & Regulatory Committee

Agenda

The following 3 Members ONLY
are needed to attend

Mrs S Gurney (Chairman)
Mr S Dunn
Mr R J Knowles

Date

Tuesday 26 February 2019

Time

9:30 am

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Contact

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If any member wishes to clarify details relating
to any matter on the agenda they are requested
to contact the relevant Head of Service.



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The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to
film / record this meeting**

A G E N D A

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of the meeting held on 16 January 2019</u> | 3 – 6 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Exclusion of the Press and public | |
| <p>The Chairman will move that the Press and public be excluded from the meeting for the remaining business because otherwise, information which is exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.</p> | | |
| 6 | <u>(9:30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</u> | 9 – 18 |
| <p>To consider an application for a private hire vehicle driver's licence</p> <p>A copy of the <u>procedure to be followed</u> is attached</p> | | |
| 7 | <u>(11:00am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</u> | 19 – 27 |
| <p>To consider an application for a private hire vehicle driver's licence</p> <p>A copy of the <u>procedure to be followed</u> is attached</p> | | |

Trevor Holden
Managing Director

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

Quasi-judicial procedure rules - Applications for a Private Hire Vehicle/Operator/Driver's Licence

The Committee comprises 3 district councillors, at least two of which must be present at each hearing.

When dealing with applications, the rules of natural justice must be seen to be applied, in that the applicant must be afforded an opportunity to present their case. Thus, when determining an application, the Committee will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules.

1 Opening remarks by the Chairman of the Committee

- 1.1 The Chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
- 1.2 The Chairman will give a brief outline of the matter to be considered.

2 The Council's case

- 2.1 The Council's representative will present its case.
- 2.2 The Council's representative may then be questioned by the following in the order shown:
 - (1) the applicant or his representative;
 - (2) the Council's legal representative;
 - (3) the representatives of statutory consultees (eg police, general practitioner)
 - (4) the members of the Committee.

3 The applicant's case

- 3.1 The applicant or representative will present his case.
- 3.2 The applicant or representative may then be questioned by the following in the order shown:
 - (1) the Council's representative and / or legal representative;
 - (2) the representatives of any consultees (eg police, general practitioner),
 - (3) the members of the Committee.

4 Representatives / consultees

- 4.1 The representatives of any consultees present shall then each present their case.

4.2 The representatives of any statutory consultees present may then each be questioned by the following in the order shown:

- (1) the applicant or his representative;
- (2) the Council's representative and / or legal representative;
- (3) the representative of any other statutory consultee, and
- (4) the members of the Committee.

5 Closing statements

5.1 Closing statements will then be made in the following order:

- (1) The Council's representative and / or legal representative;
- (2) The representative of each of the statutory consultees, and
- (3) The applicant or his representative.

5.2 All persons present, with the exception of the members of the Committee, the advisor and the clerk, will then leave the meeting.

6 The Committee's decision

6.1 The Committee will discuss and then vote on the application.

6.2 In the event of an equality of votes, the Chairman has a second or casting vote.

6.3 During the decision making process, the Committee may seek the advice and guidance of its clerk and advisor.

6.4 All persons referred to in paragraph 5.2 above will be asked to re-join the meeting. The Chairman will announce the Committee's decision with a summary of the reasons why if the application is refused or special conditions are added.

6.5 The applicant will be provided with a full written copy of the Committee's decision within 5 working days of the hearing.

6.6 If the application is refused, the decision must state clearly the reasons why.

6.7 Where an application is granted, the Committee should, where applicable, advise the applicant if any special conditions are imposed.

6.8 Where an application is refused or the grant of a licence is subject to the imposition of any special term, condition or restriction, the applicant should be advised that he has a right of appeal to the Magistrates' Court within 21 days of receiving the written decision.

Pages 9 to 27
are not available to the public because the
information is confidential.

They will be provided separately to
Members of the Committee.