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LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Monday 24 October 2016 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Jean Monks - In the Chair

Councillors Tom Donnelly, Graham Elliott, Helen Froggatt, Angus Jenkins, Joyce Pawley and John Tibenham.

Tim Braund (Head of Regulatory Services), Eileen Tierney (Licensing Manager) and Jackie Cullen (Committee Assistant).

4 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Steve Flitter and Tony Millward, BEM.

218/16 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Messrs Brian Masters, Michael Fox, Rahim Dad and Rehmet Khan supported a petition from 24 taxi drivers in response to the earlier consultation regarding Agenda Item 8: Review of Taxi Licensing Policy. The petition primarily sought a relaxation of the current 10-year maximum age limit of vehicles that the Council would licence as taxis or private hire vehicles on the basis that some vehicles currently in operation were still in very good condition and perceived as fit for further use. Messrs Masters and Fox then addressed the meeting and answered questions from the Chairman.

219/16 – MINUTES

It was moved by Councillor Tom Donnelly, seconded by Councillor John Tibenham, and

RESOLVED
(unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 19 July 2016 be approved as a correct record.

The Minutes were signed by the Chairman.

The Chairman agreed to vary the order of the meeting and brought forward item 8 on the Agenda to accommodate the members of public who had attended for this item.

220/16 – REVIEW OF TAXI LICENSING POLICY

The Committee considered a report that presented a further update on the review of the District Council's Taxi and Private Hire Licensing Policy, and that informed the Committee of a petition that had been received from 24 licensed drivers (mainly operating in the Matlock/Bakewell area) as a response to the earlier consultation. The petition sought a relaxation of the maximum age limit of vehicles that the Council would licence as taxis or private hire vehicles (currently no more than 10 years old) and also requested that alternative vehicle testing arrangements were considered during the review of the Policy.

The report also drew Members' attention to a countywide project to consider common themes for Taxi Licensing Policies and recommended that this work was taken into account in the development of the final Policy.

A review of the Council's Taxi and Private Hire Licensing Policy was first considered in November 2013, as a number of issues had been raised by the taxi trade since the Policy was approved and implemented in February 2009. Members were reminded that although the consultation process on our local policy was started in 2014 with meetings with the taxi trade, this was done on the understanding that major changes to the policy would not be introduced while confirmation of the national proposals was still awaited. That report was still awaited.

More recently some interim changes were introduced by Government, as set out in the report. Furthermore, during the last few months the Derbyshire Chief Executives' Group had agreed that the Chief Executive of the North East Derbyshire and Bolsover Alliance would undertake a review of taxi driver licensing policies across the region, with a view to a Derbyshire-wide Policy being developed. The aim of this review therefore was to ensure that there was a consistency of approach to the licensing of taxi drivers in particular, and that each Council's policies were sufficiently robust to ensure that the public, particularly young people and vulnerable adults, were protected when using taxis, and to consider how well licensing authorities were using data and intelligence.

In Derbyshire Dales, following receipt of the abovementioned petition, the Head of Regulatory Services and the Licensing Manager held two evening meetings to discuss the drivers' concerns, as well as considering the existing Taxi and Private Hire Licensing Policy. Several issues had been raised which officers felt needed to be more robustly detailed in any revised version of the existing policy. The proposals were detailed in Appendix 1 to the report for Members to consider whether they should be included in the draft Taxi and Private Hire Licensing Policy which was approved for a full consultation exercise at the March 2016 meeting of this Committee.

The following amendments were put forward:

Maximum Age of Vehicles: Consider retaining the 10 year maximum age limit, but not as a cut-off point; instead, use this as a trigger for increased frequency of testing to ensure the quality of the fleet remained of a high standard (proposed 4-monthly).

Knowledge Test Requirements: The Committee agreed on The Knowledge Test being attempted 3 times, following which the applicant should be referred to a meeting of the Licensing and Appeals Sub-Committee.

Fees for 3-yearly driver's licences or 5-yearly Operator's licence: The Committee agreed that Officers should investigate the feasibility of offering a shorter licence period if appropriate.

It was moved by Councillor Graham Elliott, seconded by Councillor Joyce Pawley and

RESOLVED
(unanimously)

- 1) That a 12-week consultation exercise is carried out from 14 November 2016 on the draft Taxi and Private Hire Licensing Policy approved at the March 2016 meeting of this Committee, including additional proposals detailed in Appendix 1 of this report, as amended above.
- 2) That any comments received during the consultation exercise will be taken into account, and the draft Taxi and Private Hire Licensing Policy be updated for final consideration at a future meeting of this Committee.
- 3) That the final draft Taxi and Private Hire Licensing Policy also takes account of the work being undertaken to develop common themes for such Policies across Derbyshire.

221/16 - SCRAP METAL LICENSING POLICY - REVIEW

The Committee considered a report that proposed revisions to the District Council's Scrap Metal Dealer Licensing Policy and Guidance document, first introduced in November 2013 and updated in March 2014, offering clear guidance to the Trade and to residents on how the District Council would deal with applications and enforcement issues, in line with good practice.

Changes were proposed to the current policy and guidance document, to take account of the 3-yearly renewal process and the possible delays in applicants obtaining criminal record check certificates and other information required as part of the renewal process within the required timescale. The current document did not provide advice about the licence renewal process and it was therefore proposed that the policy document was amended to deal with this issue. The suggested amendments were set out section 12a on page 9 of the draft revised policy produced in Appendix 1 to the report. If the revisions were agreed, the revised document should be made available to all previous consultees and to existing licence holders and any new applicants for licences. It would also be published on the District Council's website.

The Licensing Manager drew Members' attention to an amendment to paragraph 12a on page 13 of the document: the first paragraph should read as follows:

'Dealers will need to apply to renew a licence before the expiry date of the 3-year licence. The renewal application must be accompanied by the appropriate fee and a current Basic Disclosure Certificate. The disclosure certificate should generally not be more than 3 months old at the time an application is made for a scrap metal dealer's licence.'

It was moved by Councillor Angus Jenkins, seconded by Councillor Helen Froggatt and

RESOLVED
(unanimously)

- 1) That the proposed revisions to the Scrap Metal Dealer Licensing Policy and Guidance document are approved with effect from 1st November 2016.
- 2) That the approved Policy document is made available on the District Council's website, to consultees on the original Policy, all existing licence holders and any new applicants for licences.

222/16 – REVIEW OF ANIMAL ESTABLISHMENTS LICENSING

The Committee considered a report presenting a summary of responses received by the Department for Environment, Food and Rural Affairs (DEFRA), following a consultation on a proposed review of animal establishments licensing in England.

The consultation covered proposals to introduce new secondary legislation under the Animal Welfare Act 2006, as had been anticipated when the Act was originally enacted, which would introduce a single 'Animal Establishment Licence' for animal boarding establishments, pet shops, riding establishments, and dog breeding. A response to the consultation was submitted by Officers following the March 2016 meeting of this Committee.

DEFRA had reported that overall the responses were positive about updating the licensing system for animal establishments and over the next few months regulations would be drafted, taking into account the specific proposals and responses received. The consultation document had outlined how the current laws, and their specific requirements (often decades old), were difficult to adapt to the changing types of animal-related businesses, and to new standards of good practice in animal welfare, as outlined in the report.

DEFRA suggested changes that could 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.

The Chartered Institute of Environmental Health (CIEH) also submitted a response to the consultation and in general supported the proposal for a single "Animal Establishment Licence" issued via newly created secondary legislation made under the Animal Welfare Act 2006. The key points of the Institute's response were set out in the report, and its full response could be accessed via the following link:

http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUKEwib3LrkmNfPAhVHJ8AKHbhdAuQQFghQMAg&url=http%3A%2F%2Fwww.cieh.org%2FWorkArea%2FDownloadAsset.aspx%3Fid%3D58981&usq=AFQjCNHtGilKYa4EpLuOO_qFwL_O64laiQ

In September 2016 DEFRA produced a summary of the responses received to the consultation, providing details and an analysis of the responses received in respect of each of these questions. The complete document could be viewed at:

<https://www.gov.uk/government/consultations/animal-welfare-reviewing-animal-establishments-licensing-in-england>

The report concluded that DEFRA would be drafting regulations over the next few months taking into account the specific proposals and responses received. It was suggested that once notice had been received that the regulations were to be laid before Parliament and the content and legal requirements for the District Council were known, a further report should be brought to a future meeting of this Committee.

It was moved by Councillor Joyce Pawley, seconded by Councillor Helen Froggatt and

RESOLVED That the report be noted.
(unanimously)

223/16 – HOME OFFICE AND DCMS STATISTICS – ALCOHOL AND LATE NIGHT REFRESHMENT LICENSING 2015/16 AND ENTERTAINMENT LICENSING 2015/16

The Committee considered a report that set out details of the Home Office's report published on 29 September, and included the 2015-2016 national statistics on alcohol and late night refreshment licensing. A report detailing the entertainment licensing statistics was still to be produced by The Department for Culture, Media and Sport (DCMS) and should be available from 23 November 2016.

The Home Office's report contained statistics from Licensing Authorities (LAs) across England and Wales on various authorisations and licensing authority powers under the Licensing Act 2003, as listed in the report.

The return submitted for the District Council was attached as Appendix 1 to the report for information and comparison to the national data which was contained in Home Office document. This could be accessed via the following link:

<https://www.gov.uk/government/statistics/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2016>

It was moved by Councillor Angus Jenkins, seconded by Councillor Graham Elliott and

RESOLVED 1) That the report be noted.
(unanimously) 2) That the when the entertainment licensing statistics are received from DCMS, they are circulated to Members of the Committee.

224/16 – LICENSING SERVICE PLANNING 2017/18

The Committee considered a report that provided details of the Licensing Service Plan targets for 2016-2017, and suggested priorities for 2017-2018 for consideration and comment.

At a previous meeting of this Committee it was agreed that the Licensing Service Plan would be reported each year to obtain the Committee's views in relation to the proposed priority areas and specific actions.

The service plan for 2016-17 was attached as Appendix 1 to the report. A verbal update given at the meeting informed Members that Service Action Nos. LIC2 and LIC33 were at present slightly behind target but were expected to reach target within the specified timescale, and Service Action No. LIC4 was progressing well, particularly with regard to new applications.

Officers suggested that priorities for 2017-18 should include:

- Undertake licensing awareness visits to alcohol, entertainment, late night refreshment, scrap metal and gambling premises;
- Participate in the roll out of the 'Intoxicated – No Sale' Campaign;
- Undertake taxi operations;
- Enable on-line applications and payments through Assure Software.

It was moved by Councillor Tom Donnelly, seconded by Councillor John Tibenham and

RESOLVED
(unanimously)

- 1) That the progress is noted.
- 2) That the Licensing Service Plan priorities are set for 2017-18 as set out in the report.

225/16 – LICENSING SERVICE REVIEW – PROGRESS REPORT

The Committee considered a report on the progress of the Licensing Service Review, and specifically on the potential for a shared service with other local authorities within Derbyshire.

The Council's review of its Licensing Service commenced in September 2015 with a scoping report to the Community and Environment Committee. The major recommendation identified was to investigate the potential for a shared service across the Derbyshire authorities.

In April 2016 a report was presented to the Derbyshire Chief Executives' Group where it was agreed that all of the licensing authorities would participate in an information gathering exercise to look at similarities and differences between the authorities. At this stage there was no commitment from any authority to move beyond the information gathering stage.

To progress the project Officers produced a standardised spreadsheet and circulated it to all the authorities to obtain relevant information, as listed in the report. A copy of the spreadsheet only including the information relating to Derbyshire Dales District Council was attached as Appendix 1 to the report.

All of the authorities had returned some information. However, several of the authorities had not yet returned all of the information required and this was being followed-up.

Members were advised that the District Council had obtained funding of £50,000 from the Transformation Challenge Award Fund held by Derbyshire County Council, which would be used to finance further work in this area if there was an appetite to progress the project.

Whilst this County-Wide work was progressing, officers were continuing to identify service improvements and efficiencies, as set out in the report, with the view that if it were established that there was no scope to progress the shared service option, then efforts would be channelled into investigating any other in-service efficiencies.

It was moved by Councillor Tom Donnelly, seconded by Councillor Graham Elliott and

RESOLVED That the Licensing Manager and the Head of Regulatory Services
(unanimously) continue to work with Derbyshire authorities to explore the potential for a shared licensing service.

MEETING CLOSED 8.19PM

CHAIRMAN