



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 27th March 2019 at 9:30am.

PRESENT

Councillor Elaine Griffin-Singh (Chairman)
Councillor Neil Hitchin
Councillor Julia Huffer
Councillor Chris Morris
Councillor Alan Sharp
Councillor Stuart Smith

OTHERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer

33. **APOLOGIES**

Apologies for absence were received from Councillors Michael Allan, Sue Austen, Paul Cox and Carol Sennitt.

34. **DECLARATIONS OF INTEREST**

There were no interests declared.

35. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 10th October 2018, as amended, be confirmed as a correct record and be signed by the Chairman.

36. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that she would not be standing for re-election at the upcoming elections and thanked the Senior Licensing Officer regarding his work in the Licensing Department.

37. **TAXI AND PRIVATE HIRE – DfT CONSULTATION**

The Committee considered a report, T226 previously circulated, that informed Members of the current Department for Transport (DfT) “Taxi and Private Hire Vehicle Licensing: Protecting Users” consultation document.

The Senior Licensing Officer advised the Committee that the Secretary of State had been given the power to issue statutory guidance on this issue and the DfT had produced a document and sought to elicit opinions from all interested parties. The Appendix to the report detailed the Officer’s proposed response and Members were asked to consider it and amend it if required before it was returned. This was an important exercise, as taxis constituted a large part of the work undertaken by the Licensing Department.

Councillor Alan Sharp enquired as to whether the Council could obtain updates from the Disclosure and Barring Services (DBS) directly, so it could keep updated about relevant licence holders. If annual checks were changed to six-monthly would this have a financial implication for the Council? Would the establishment of multi-agency safeguarding hubs (MASH) be problematic due to the practicalities? He asked for clarification on sections 23 and 24, as it was not clear what was meant.

The Senior Licensing Officer explained that the DBS did not provide updates directly but ‘book’ uploads were being rolled out so local authorities could check on offences en masse rather than one at a time. The drivers licensed in this area did use the update service, as it was easier for them, and the Council could use it to complete live checks. There was a problem of people dropping off the system if their credit card (use to pay) expired or if they moved address. In these cases re-applications via this Council would have to be made. Access to the live system did not currently have any cost implications for the Council other than officer time taken to complete the checks.

The annual checks were deemed sufficient and six-monthly ones would be unnecessarily excessive. A MASH existed in Godmanchester, so it would be needless to have others in the area. Any safeguarding issues would be passed over to the responsible officer of the Council who would then pass it to the relevant department to handle.

Section 23 was linked to section 22 and related to a list of offences for new applicants. The Committee was asked whether there was anything missing that could identify people who had offended but had no convictions.

Councillor Julia Huffer felt this should be addressed as currently a driver excluded from driving in one area could apply, and receive, a licence in another as information about any offences was not shared. The Senior Licensing Officer explained that the suggestion in section 23 would help with this, but was not sure of the reason for asking the question in section 24.

Councillor Elaine Griffin-Singh thought that it was common for certain people to go abroad for more than 3 months at a time and become taxi drivers as this gave them flexibility to do so. As this happened more often than expected the suggested 3 month period should be amended to 6 months. This suggestion

was agreed by the Committee. Members also asked the Senior Licensing Officer to seek clarification via the response as to whether this would be required of new and existing drivers, or just new drivers.

It was resolved:

That the proposed response be approved subject to the amendment to the response to question 11, amending “3 months” to “6 months” relating to offences shown on the DBS, and that the Senior Licensing Officer seeks clarification as to who would be affected.

38. MISCELLANEOUS LICENSING POLICY AMENDMENTS

The Committee considered a report, T227 previously circulated, that informed Members about the creation of a Scrap Metal Dealers Act 2013 policy and guidance document and set out minor amendments to the Private Hire and Hackney Carriage Licensing Policy and to the existing animal licensing fees schedule.

Scrap Metal Dealers Act 2013 Policy

The Senior Licensing Officer informed the Committee that a new policy had been created in response to the Committee’s decision in October 2013, and subsequent passing of the responsibility to the Licensing Department in 2016, relating to the Scrap Metal Dealers Act. There was no statutory guidance requiring a policy but it was considered beneficial to have a policy and guidance document. When an application was rejected the applicant could submit a representation to an adjudication panel consisting of 1 Councillor from the Licensing Committee and 2 licensing officers, as there was no obligation to convene a Licensing Sub-Committee. There was no need for the policy to go to full Council for approval.

Councillor Alan Sharp asked whether there was much evidence of people acting illegally when dealing with scrap metal in the area. The Senior Licensing Officer stated that there was 1 person trading, who was being dealt with in liaison with Environmental Health. The Environmental Services Manager thought residents also had a ‘duty of care’ to gain proof that the people they dealt with were properly licenced.

Private Hire and Hackney Carriage Licensing Policy

The Senior Licensing Officer reminded Members that the Policy had been approved in 2017 and had proved very effective. However, a few minor amendments were needed to clarify certain aspects and tidy the document up. This included the following amendments:

- clarifying the requirement for a medical report;
- adding vaping and the use of other apparatus as definitions of ‘smoking’;
- ensuring authorisation is obtained for displaying signage and adverts;
- rewording of the drink and/or drug driving section and the dishonesty section relating to existing drivers;
- minor amendments to ensure consistency;

- some item re-numbering.

An email would be sent to relevant licence holders once the Policy was amended. The amendments would have no adverse impact on the trade and were recommended to provide consistency, transparency and clarity.

Animal Licensing Fees

The Senior Licensing Officer reminded the Committee that it had approved the fees in 2018 and 43 licences had been issued since the updated legislation. However, the fees needed amending due to the clarification of some activities. Currently the fees did not properly account for people who were involved with dog breeding in their own homes. They currently fell into the same category as professional dog breeding businesses, although they usually only bred one litter per year. So a new category had been designed for them with slightly lower fees than those paid by commercial breeders.

Some people arranged to board dogs at 'host' venues, the majority of which involved retired people. The Licensing Department dealt with these 'arrangers', from a licensing point of view but also audited the 'hosts'. Currently fees did not cover this work. The Department for the Environment, Food and Rural Affairs had issued guidance, which meant that the 'arrangers' would have to have a licence for every area where it had a 'host' and that could potentially be very expensive. The current fees structure asked for fees for each 'host' in our area but this was not working in practice due to frequent changes in the numbers of 'hosts'. It was tricky attempting to assess the resources needed to cover the related work and get a consistent approach.

Page 6 of the report set out the new table of charges with the main change being the new section for arranging boarding, where there would be an initial rating fee plus a 'host' fee. 'Arrangers' themselves would also be rated. There would also be the introduction of a domestic dog breeding charge.

Overall there would be no implications for those currently licensed and it should make the process easier for them. The fees set reflected the licensing work involved.

Councillor Alan Sharp thought there was a lot of ignorance about the licensing requirements and he asked whether the Kennel Club checked that people they dealt with were properly licensed. The Committee was informed that anyone wishing to advertise the selling of dogs were required to be licensed and the Kennel Club, or any of the bigger associated websites, would not permit anyone unlicensed to do so. The concern was that this could push this activity 'underground', which would be incredibly difficult to ascertain if this was happening.

The Environmental Services Manager thought that the message had to be given to dog owners about the 'host' star ratings. This would take time but people would eventually start to take notice.

It was resolved:

- (i) That the new Scrap Metal Dealers Act 2013 policy and guidance document be noted;
- (ii) That the minor amendments to the Private Hire and Hackney Carriage Licensing Policy be approved, to come into immediate effect;
- (iii) That the minor amendments to the Animal Licensing fees schedule be approved, to come into effect immediately.

39. **LICENSING OFFICERS YEAR END UPDATE**

The Committee considered a report, T228 previously circulated, that updated Members on the work of officers in the 2018/2019 period.

The Senior Licensing Officer advised the Committee that officers had responded to the new animal welfare regulations to ensure everything was in place. All necessary inspections and licence issues were completed within the required timeframe.

The largest ever inspection schedule had been undertaken during the year. This included checking the exterior and interior of a large number of taxi vehicles, which were found to be of a high standard.

Councillor Elaine Griffin-Singh stated that the first two to three years that the Senior Licensing Officer had been in post had been spent putting procedures into place, meaning that more time could now be spent in improvements to the service.

The Senior Licensing Officer accepted that more compliance work was being undertaken but warned that there were potential changes to the taxi regime on the horizon. 95% of all taxi drivers had completed safeguard training, though some had not been able to attend. Sessions would be continued every couple of months and any driver continually avoiding the sessions could be suspended.

More applications were available online and this was being promoted with good uptake. The Department was continuing to scan all its files and removing the paper versions. The taxi procedures had been audited and found to be 'good'. A table was included in the report showing the numbers of applications dealt with during the year, and compared to the previous year.

Councillor Elaine Griffin-Singh questioned the progress of the points-based taxi system. If drivers became used to this system it was hoped that the number of incidents would reduce. Was the system used to decide whether to issue points or not too lenient, overly harsh or about right? The Senior Licensing Officer disclosed that points were being issued, mostly for low-level or minor misdemeanours. There was no major concerns about the numbers being issued at the moment and the number of such events appeared to show the level of tolerance was about right. There was an appeal mechanism in place for any driver to use but this had only been used once and that appeal had been rejected.

Any points given stayed on a licence for 3 years and a maximum of 12 was allowed. Anyone exceeding that upper limit would be brought before the Committee to decide about their licence.

40. **LICENSING COMMITTEE FORWARD AGENDA PLAN**

The Committee noted its forward agenda plan. The Senior Licensing Officer stated that there was nothing likely to be reported until the September meeting.

The meeting closed at 10:44am.