

# Public Document Pack

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**Please Note:** this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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## MID DEVON DISTRICT COUNCIL

### REGULATORY COMMITTEE

**A MEETING** of the **REGULATORY COMMITTEE** will be held at Phoenix Chambers, Phoenix House, Tiverton on Friday, 30 June 2023 at 11.00 am

#### STEPHEN WALFORD

Chief Executive

22 June 2023

**Councillors:** C Adcock, D Broom, J Cairney, S Chenore, L J Cruwys, A Cuddy, J M Downes, M Farrell, J Frost, L G J Kennedy, P Colthorpe and G Westcott

## A G E N D A

**MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE**

- 1 **ELECTION OF CHAIRMAN**  
To elect a Chairman of the Regulatory Committee for the municipal year 2023/2024.
- 2 **ELECTION OF VICE CHAIRMAN**  
To elect a Vice Chairman of the Regulatory Committee for the municipal year 2023/2024.
- 3 **START TIME OF MEETINGS**  
To agree a start time for the Regulatory Committee for the municipal year 2023/2024.
- 4 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of Substitute Members (if any).

- 5      **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**  
To record any interests on agenda matters.
  
- 6      **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
  
- 7      **MINUTES OF THE PREVIOUS MEETING** *(Pages 3 - 4)*  
To consider whether to approve the minutes as a correct record of the meeting held on 26 August 2022.
  
- 8      **SERVICE UPDATE** *(Pages 5 - 10)*  
To receive an update from the Corporate Manager for Public Health, Regulation and Housing.

## Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Member Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact Angie Howell on: E-Mail: [ahowell@middevon.gov.uk](mailto:ahowell@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **REGULATORY COMMITTEE** held on 26 August 2022 at 10.30 am (on the rising of the Licensing Committee)

### **Present**

#### **Councillors**

J Cairney (Chairman)  
J Bartlett, D R Coren, J M Downes,  
Miss J Norton and Mrs E J Slade

### **Apologies**

#### **Councillor(s)**

Mrs F J Colthorpe, R J Chesterton, D J Knowles and  
L D Taylor

### **Also Present**

#### **Councillor(s)**

A Wilce and R J Dolley

### **Also Present**

#### **Officer(s):**

Tanya Wenham (Operations Manager for Public Health and Housing Options), Deborah Sharpley (Solicitor), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

## **1 ELECTION OF CHAIRMAN (VICE CHAIRMAN OF COUNCIL IN THE CHAIR)**

Cllr J Cairney was duly elected Chairman of the Licensing Committee for the municipal year 2022-2023

## **2 ELECTION OF VICE CHAIRMAN (0.04.00)**

Cllr Mrs E J Slade was duly elected Vice Chairman of the Licensing Committee for the municipal year 2022-2023

## **3 APOLOGIES AND SUBSTITUTE MEMBERS (0.04.57)**

Apologies were received from Cllrs Mrs F J Colthorpe, R J Chesterton, D J Knowles and L D Taylor.

Cllr A Wilce attended via ZOOM.

## **4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.05.22)**

Members were reminded of the need to make declarations where appropriate

## **5 PUBLIC QUESTION TIME (0.05.31)**

There were no members of the public present

## **6 MINUTES (0.06.13)**

The minutes of the meeting held on 3<sup>rd</sup> December 2021 were agreed as a true record and duly **SIGNED** by the Chairman.

## 7 **ENFORCEMENT UPDATE (0.06.28)**

The Operations Manager for Public Health & Housing Options gave an overview of the service and noted that:

- There were 2 enforcement issues with both having driver licences suspended. There were Police investigations on both. The first driver had chosen to retire and the second had subsequently proved to be innocent and was reapplying for his licence
- New driver applications appeared to be on the increase in Mid Devon District Council
- The Taxi Licensing Policy was under review and was due to be updated

(The meeting ended at 10.40 am)

**CHAIRMAN**



**Report for: Regulatory Committee**

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Date of Meeting:	30 June 2023
Subject:	Licensing Update Report
Cabinet Member:	Cllr David Wulff Cabinet Member for Community & Leisure
Responsible Officer:	Simon Newcombe Corporate Manager for Public Health, Regulation and Housing
Exempt:	No
Wards Affected:	All wards
Enclosures:	None

**Section 1 – Summary and Recommendation(s)**

To provide the Committee with an overview of the regulatory activity undertaken by the Licensing Team.

**Recommendation(s):**

- 1. To note the contents of the report**
- 2. To provide feedback on the report and the type of information the Committee would like to be included going forward**

**Section 2 – Report**

**1.0 Introduction**

1.1 This report provides an outline of the functions covered by the Regulatory Committee. It also provides an overview of the activity carried out by the licensing team in respect of the following: hackney carriage and private hire licensing; the animal licences such as animal boarding, pet shops, riding establishments, dangerous wild animals; street and house to house collections; caravan sites; and the registration of acupuncturists, tattooists etc.

## 2.0 Service Delivery

### 2.1 Context

2.1.1 In order to provide some context for the activity of the Licensing team the information below details the types and number of licences covered by this committee.

2.1.2 There are a range of licences relating to Hackney Carriage and Private Hire vehicles, drivers and/or operators, we commonly refer to these vehicles as taxis but the below provides the formal definitions used in legislation and policy;

- Hackney Carriage and Private Hire Drivers; those licensed to drive Hackney Carriage and Private Hire vehicles licensed with Mid Devon District Council
- Hackney Carriages; being a vehicle licensed to carry no more than 8 passengers which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public and undertake pre-booked work
- Private Hire vehicles; being a vehicle licensed to carry no more than 8 passengers, which must be booked in advance by customers through an operator. They cannot stand at ranks or ply for hire / be hailed in the street
- Private Hire Operators; being an operator who wishes to take bookings for a private hire vehicle.

2.1.3 In 2022/23 the team dealt the licensing applications as detailed below:

	Total number of licences as at 1/4/2023	Number of new applications and renewals processed in 2022/23	Number of cancelled or surrendered licenses in 2022/23
Hackney Carriage Vehicle licence	64	64	10
Private Hire Vehicle licence	61	61	9
Private Hire Operator licence	12	7	0
Combined Hackney Carriage and Private Hire Driver licence	129	60	0

2.1.4 The team are also responsible for licencing animal related establishments. This can range from dog breeding through to zoos. There are 43 animal related licenses in total that relate to the following activities:

Type of activity	Number of licences
Cat/dog boarding	10
Home boarding	7
Day care	3
Dog breeding	15

Type of activity	Number of licences
Horses	4
Pet shops	3
Exhibition of animals	1
	43

2.1.5 In 2022/23 the team processed 22 new and/or renewal applications which included an inspection of the establishment to check animal welfare and adherence to licence conditions. Inspections of dog breeding establishments and horse riding establishments are delivered in conjunction with a veterinary surgeon, who looks at the condition, welfare and suitability of the animals

2.1.6 The team are also responsible for the licensing of scrap metal collections and storage. There are currently 21 businesses licensed for house-to-house collections and 20 for street collections all with relevant conditions.

2.1.7 Mobile Homes and Caravan site licensing is also covered by the team. There are 45 sites across Mid Devon, 30 of which are touring sites. New legislation was introduced in 2021 regarding fit and proper persons to manage sites where there are permanent residential pitches. In the past year, 3 of these licences have been amended and 1 premises has been inspected.

2.1.8 Specified beauty treatments are covered by the Local Government (Miscellaneous Provisions) Act 1982, including tattooing, piercing, electrolysis and acupuncture. Officers from Licensing work closely with officers from the Food and Health and Safety team to administer these licences. This is due to the risks associated with these activities and the need for health and safety and infectious disease considerations.

	Total	New in 2022/2023
Acupuncture premises	15	2
Acupuncture personal	11	3
Piercing premises	29	1
Piercing personal	12	4
Micro needling	1	1
Electrolysis premises	9	0
Electrolysis personal	2	0
Tattooing premises	33	2
Tattooing personal	23	3
Total	134	16

### 3.0 Enforcement and Hearings

3.1 One sub-committee hearing was conducted in the last year, this was to consider a new driver application who had 2 speeding convictions. The licence was issued following consideration by the sub-committee.

- 3.2 When complaints or requests for variations are received about licenced animal premises, an inspection is carried out to check compliance with the conditions of the licence. 4 such inspections were carried out last year.
- 3.3 The team carries out vehicle inspections of licenced vehicles, against a number of licence conditions. During the last year 69 vehicle inspections were carried out.
- 4.0 **Legislative and Policy updates**
- 4.1 Review of the Mid Devon District Council Hackney carriage and Private Hire Vehicle Policy is currently underway. The revised policy will be available for consultation in September 2023.
- 4.2 Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. The 2022 Act amends the Equality Act 2010 to place duties on taxi drivers and PHV drivers and operators, so any disabled person has specific rights and protections to be transported and receive assistance when using a taxi or PHV without being charged extra.
- 4.3 The new Health and Care Act 2022 gives Secretary of State for Health and Social Care powers to introduce a licensing scheme for aesthetic non-surgical cosmetic procedures in England. Work is now underway to decide what the licensing scheme will look like and be introduced via secondary legislation. The timescale for this is yet to be outlined, but it will have significant implications for the Licensing team.
- 4.4 The Mobile Homes Fit and Proper Person Fee Policy is also due to be reviewed and will be presented to the Committee in due course.

**Financial Implications:** All licences for the areas mentioned above have a charge associated with them. As opposed to licensing functions that come under Licensing Act 2003/Gambling Act 2005 (Licensing Committee), these charges are set locally, most recently in 2022 and reviewed on an annual basis. In some cases these subject to statutory consultation processes. These must all be calculated based on the resource required to meet statutory obligations in issuing the license and regulating the licenced activity on a non-profit basis. The income from the licences is therefore used to offset the running of the service. The service is not self-funding overall as some of the fees are set at a national level (Licensing Act and Gambling Act) and therefore do not fully cover costs but makes a significant contribution towards its costs within the general fund.

**Legal Implications:** There are various regulations that govern the range of applications administered by the licensing team. These detail a range of duties and statutory deadlines, as well as policy and procedural requirements.

**Risk Assessment:** Provision of the licensing service is statutory obligation. If resources for the team are not available there is a risk that the council is unable to meet its statutory duties in relation to licensed activities. This would put the health and safety of residents at risk if they accessed a service that did not meet licensing



standards. This is a particular concern in respect of taxis and the beauty industry. Animal welfare is also at risk if the council was unable to conduct regular checks of these establishments.

**Impact on Climate Change:** There is no direct impact on climate change as a result of this report.

**Equalities Impact Assessment:** An equality impact assessment is not required in respect of this update report.

**Relationship to Corporate Plan:** This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151  
**Date:** 20 Jun 2023

**Statutory Officer:** Maria de Leiburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 20 Jun 2023

**Chief Officer:** Simon Newcombe  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 19 June 2023

**Performance and risk:**  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 20/06/2023

**Cabinet member notified:** Yes

### **Section 4 - Contact Details and Background Papers**

**Contact:**

Name: Harriet Said - Commercial Team Leader, Public Health and Housing Options

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Name: Tanya Wenham - Operations Manager for Public Health and Housing Options

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**Background papers:** None

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