

# Public Document Pack

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## MID DEVON DISTRICT COUNCIL

### REGULATORY COMMITTEE

**A MEETING** of the **REGULATORY COMMITTEE** will be held in the Mayoralty Room, Tiverton Town Hall on Thursday, 18 December 2014 at 11.00 am

#### **KEVIN FINAN**

Chief Executive  
10 December 2014

***This meeting will be audio recorded***

**Councillors:** Mrs E M Andrews, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, R Evans, A V G Griffiths, P H D Hare-Scott, T G Hughes, D J Knowles, M R Lee, M A Lucas, E G Luxton, D F Pugsley and P F Williams

### **A G E N D A**

**MEMBES 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 for the municipal year 2014/15.
- 2      **ELECTION OF VICE CHAIRMAN**  
To elect a Vice-Chairman for the municipal year 2014/15.
- 3      **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 4      **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 5      **MINUTES** (*Pages 3 - 6*)  
To approve the minutes of 10 April 2014 (copy attached).
- 6      **REGULATORY PERFORMANCE** (*Pages 7 - 12*)  
To receive a report from the Head of Human Resources and Development providing the annual Regulatory performance report.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Mayoralty Room on the first floor of the Town Hall or the Exe Room in Phoenix House is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on:

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **REGULATORY COMMITTEE** held on Thursday 10 April 2014 at 11.20am

### **Present**

**Councillors:** T G Hughes (Chairman), Mrs E M Andrews, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, A V G Griffiths, D J Knowles, M R Lee, M A Lucas and E G Luxton

### **Apology**

**Councillor:** P F Williams

### **Also Present**

**Councillor:** R M Deed

### **Also Present**

**Officers:** M Parish (Licensing and Community Safety Manager), T Keating (Licensing Officer) and S Lees (Member Services Officer)

## 10. **PUBLIC QUESTION TIME**

There were no members of the public present.

## 11. **MINUTES OF THE PREVIOUS MEETING – 23 SEPTEMBER 2013**

The Minutes of the meeting held on 23 September 2013 were approved as a correct record and **SIGNED** by the Chairman.

## 12. **FEE SETTING POLICY FOR LICENSING (Recording 1 minute and 40 seconds)**

The Committee had before it a report \* from the Head of Environmental Services. This explained that the Council was responsible for a range of licences and registrations and was, in most cases, able to set fees to recover the costs of the function. As fee setting had come under more scrutiny across the country in recent years it was viewed as helpful if this Council had a policy in place which set out how this would be done and the principles on which it was based.

**RESOLVED** that the policy be adopted as a guide to setting fees for licences and registrations administered by the Council subject to an additional bullet point being added under section one, entitled 'Full Cost Recovery' to read as follows: 'Any other costs relevant to the Licensing function'.

(Proposed by Cllr A V G Griffiths and seconded by  
Cllr Mrs F J Colthorpe)

Note: \* Report previously circulated; copy attached to the signed Minutes.

13. **TO ADOPT NEW CONDITIONS FOR CATTERIES, DOG BREEDING, DOG CRECHES AND PET VENDING (Recording 16 minutes and 45 seconds)**

The Committee had before it a report \* from the Head of Environmental Services. The Council had a number of animal licensing responsibilities and licences were issued with conditions. Over time these were reviewed and updated and this report sought adoption of the latest model conditions for catteries, dog breeding and pet vending. The report also proposed conditions for dog crèches.

Discussion took place regarding:

- The difference between a dog crèche and a boarding kennel;
- The advantages to a premises of having both a boarding kennel licence and a dog crèche licence.

**RESOLVED** that this Council adopts:

- a) The Model Licence Conditions and Guidance for Cat Boarding Establishments November 2013;
- b) The Model Licence Conditions and Guidance for Dog Breeding Establishments January 2014;
- c) The Model Licence Conditions for Pet Vending Licensing September 2013;
- d) The proposed conditions for Dog Creches in order to enable such businesses to be licensed; and
- e) Applicants for new dog boarding (to include dog crèches), cattery, pet shop and dog breeder licences are recharged the veterinary surgeon's fee for the first full inspection.

(Proposed by Cllr M A Lucas and seconded  
by Cllr D J Knowles)

Note: \* Report previously circulated; copy attached to the signed Minutes.

14. **REVISION TO HACKNEY CARRIAGE/PRIVATE HIRE DRIVER POLICY AND DELEGATED AUTHORITY TO SUSPEND OR REVOKE A LICENCE (Recording 25 minutes and 30 seconds)**

The Committee had before it a report \* from the Head of Environmental Services providing information in relation to a recent High Court decision which had implications on the process the Council followed when suspending or revoking a Hackney carriage / Private Hire driver's licence. The report set out how the Council would act in accordance with this decision.

Discussion took place regarding:

- The apparent unfairness of a system that treated somebody as 'Guilty until proven innocent'; however, it was stated that the impending new legislation may make the separation in the meaning of 'suspension' or 'revocation' a lot clearer;
- Sometimes a licence was suspended if a person was medically unfit to drive.

**RESOLVED** that the process and policy amendments as set out in the report be adopted.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr M A Lucas)

Note: \* Report previously circulated; copy attached to the signed Minutes.

(The meeting ended at 12.00pm)

**CHAIRMAN**

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## REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

### REGULATORY PERFORMANCE

#### REASON FOR REPORT

1. Effective performance management requires that performance is reported on a regular basis. For the Licensing Service this is annually to the Licensing and Regulatory Committee.

#### RECOMMENDATIONS

1. That the content of this report is noted
2. That the target for the issuing of licences is amended

#### RELATIONSHIP TO CORPORATE PLAN

1. Thriving Economy & Empowering our Communities

#### FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

<b>Financial</b>	Managing performance includes budget management
<b>Legal</b>	There are statutory deadlines to be met
<b>Risk Assessment</b>	Failure to meet statutory deadlines could lead to legal challenges

### 1.0 INTRODUCTION

- 1.1 This report is one of two looking at the performance of the Licensing Service. This report for the Regulatory Committee looks at those areas of licensing that are not covered by the Licensing Act 2003 or the Gambling Act 2005 and is, effectively, 'the rest'. It is mainly dealing with hackney carriage and private hire licensing plus all of the others including 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. Annexe 1 lists the current licences and registrations that we have as of 25 November 2014.

- 1.2 Some of the relevant information is already contained in the report to the Licensing Committee and reference will be made back to that report and its annexes through the course of this report.

## **2.0 SERVICE STANDARDS**

- 2.1 The service standards that we have developed are attached to the Licensing Performance report as Annexe 2.

- 2.2 Our latest Hackney Carriage and Private Hire Policy came into effect April 2013. The main changes this brought about were to implement a stricter vehicle test, increase the test frequency to every six months once a vehicle was 3 years old (as opposed to once a year) and from April 2014, introduce a rolling five year age limit on new vehicles.

- 2.3 We do not have a risk-assessed inspection programme for taxis but we do work closely with our authorised garages. They carry out our vehicle tests and since the introduction of our new policy they now notify us immediately if a vehicle fails a test, allowing us to take action. This has worked well so far and we will also look to arrange another compliance day alongside VOSA and the Police before April 2015.

## **3.0 TARGETS AND ACTUALS**

- 3.1 The performance information referred to in the first report is applicable for the Regulatory Committee also (see Annexe 3 of the Licensing Committee report).

- 3.2 From a Regulatory Committee perspective, the target of issuing a licence within three working days for Pet Shops was the only one not achieved. In reality this meant that one licence was sent out late but this did not prevent the premises from trading.

- 3.3 As stated within the Licensing Committee report, we are recommending that we increase the current three working day turnaround to five working days for the 2015/16 year and increase the actual target from 95% to 97%.

- 3.4 In terms of budget we finished the year £9,407.45 over the estimated income of £110,440.

- 3.5 Some of the licences and registrations we administer do not attract a fee, such as caravan sites and charitable collections (street and house to house collections) and the Council is expected to provide the service out of 'the general fund'.

## **4.0 HEARINGS HELD DURING 2013/14**

- 4.1 There was one hearing held during the course of the year and this concerned the fitness of a new taxi driver. The Sub Committee decided he was fit to hold a licence and it was subsequently granted.

## 5.0 SCRAP METAL DEALERS ACT

The Government introduced the Scrap Metal Dealers Act in October 2013. This repealed the Scrap metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 and brought about a revised regulatory regime for scrap metal dealing and vehicle dismantling. This process (i.e. the related administration and associated charges) was overseen and implemented by the licensing team and we now licence six scrap metal sites and eighteen mobile collectors.

## 6.0 CURRENT YEAR

- 6.1 At a Regulatory meeting in April 2014 it was decided to adopt new standard conditions for catteries, dog breeders and pet shops. Furthermore, it was agreed to authorise a veterinary surgeon to inspect all new animal boarding establishments, dog breeding establishments and pet shops.
- 6.2 Since then we have received new applications for a cattery, kennel and dog breeding establishment. At the time of writing two of these had been inspected by a vet and compliance has been set against the new model conditions. This seems to have worked well and we will now work with those already licensed to meet the new requirements.
- 6.3 Work is on-going with reference to reviewing licensing fees for those areas we have discretion to levy a charge. This work will be the subject of a future Regulatory meeting.

## 7.0 RECOMMENDATION

- 7.1 It is recommended that we increase the current three working day turnaround for licences to five working days for the 2015/16 year and subsequently increase the actual target from 95% to 97%. This will allow us additional time to check the quality of licences before issuing. We will of course endeavour to get licences out as quickly as possible but this will allow us more time should we need it.
- 7.2 All of the data provided within this report is auditable and it is recommended that Members note the contents.

<b>Author</b>	Mr Tom Keating – Lead Licensing Officer
<b>Contact for any more information</b>	Mr Tom Keating (01884) 244618
<b>Background Papers</b>	Licensing Performance info, Reg Sub Cttee reports and minutes, MDDC budget
<b>File Reference</b>	Licensing/Performance Information
<b>Circulation of the Report</b>	Licensing and Regulatory Committees

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## Regulatory Committee

### Licences and Registrations to date – 25 November 2014

#### **Hackney and Private Hire**

- Hackney carriages - 58
- Private hire vehicles - 53
- Private hire operators - 19
- Hackney carriage/private hire drivers (joint) - 124

#### **Animals**

- Boarding kennels and catteries - 13
- Dangerous wild animals - 2
- Riding establishments - 3
- Zoo - 1

#### **Charities**

- House-to-house collections (1 April 2013 – 31 March 2014) - 18
- Street collections (1 April 2013 – 31 March 2014) - 63

#### **Miscellaneous**

- Scrap metal dealer (site) - 6
- Scrap metal dealer (mobile collector) - 18
- Caravan sites (does not include a number of single sites) - 25
- Beauty (piercing, tattooing, Acupuncture, electrolysis) - 51

#### **Hearings**

- Hearings (1 April 2013 – 31 March 2014) - 1

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