

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 21 March 2017 at 10.55 am

Present

Councillors

D R Coren (Chairman)
R J Chesterton, Mrs F J Colthorpe,
Mrs G Doe, C J Eginton, P H D Hare-Scott,
D J Knowles and L D Taylor

Apologies

Councillor(s)

K Busch, T G Hughes, J L Smith and R Wright

Also Present

Officer(s):

Simon Newcombe (Public Health and Professional Services Manager), Thomas Keating (Lead Licensing Officer), Philip Langdon (Solicitor) and Julia Stuckey (Member Services Officer)

17 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs T G Hughes, J L Smith and R Wright.

18 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

19 **MINUTES**

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

20 **PRE-APPLICATION ADVICE AND CHARGING FOR LICENSING APPLICATIONS**

The Committee had before it a report * from the Public Health and Professional Services Manager which set out proposals for the introduction of a discretionary chargeable service for the provision of pre-application advice for licence applications.

It was **AGREED** that minor changes to the application form which included examples being provided at 5, changes to wording at 6 and simplification of the sentence at 8 be made. Officers would liaise with the legal service regarding this; and that the recommendation within the report should refer to 'this committee' and not 'these committees'.

It was **RECOMMENDED** that Council:

- a) Approve the introduction of the discretionary chargeable service for the provision of pre-application advice for relevant licensing applications as set out in Section 2 and Annex 1 of the report.

and

- b) That the Scheme of Delegation for the Regulatory Committee be updated within the Constitution to include the Localism Act 2011 to enable consequential reviews and updates to scheme charges to be made by this committee.

(Proposed by the Chairman)

Note: Report * previously circulated and attached to Minutes.

21 **HACKNEY CARRIAGE AND PRIVATE HIRE FEES**

The Committee had before it a report * from the Lead Licensing Officer recommending the adoption of licence fees.

The officer outlined the contents of the report, explaining that Mid Devon District Council had statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. Many of these schemes allowed the Council to charge a fee, payable by an applicant for a licence, in order to cover the costs (or a proportion of the costs) of the administration of those licence types. In some cases, costs could include other aspects of providing the regulatory scheme, such as monitoring compliance.

The officer explained that the general principle in setting these fees was to ensure full cost recovery, or as close to this as possible. A number of legal cases over the years had confirmed that licensing fees could not be used to generate a profit for Councils, and that fees should be reviewed regularly to ensure they remained accurate. Additionally, it had become increasingly clear that authorities must be able to demonstrate how fees have been calculated.

Some application fees were set nationally (i.e. fees under the Licensing Act) so the local authority had no discretion on what it charged. Others were set by the Council themselves and these included fees for:

- Hackney carriage and private hire licences
- Animal related licences
- Scrap metal licences
- Acupuncture, tattooing, ear-piercing and electrolysis registrations.

The officer informed Members that a fee spreadsheet had been introduced on the basis that it would provide greater detail on the cost of each individual application and the associated processes. It would also make it simpler to review and amend specific fees in the future.

The officer described the spreadsheet to Members, explaining that it could be used to clarify charges if a request for information was received. He explained that the spreadsheet contained:

- An introductory tab that provided a brief overview of the relevant legislation along with an explanation of how the spreadsheet itself worked.

- A 'base' cost tab which contained a number of details, including staff hourly rates (with certain on-costs) and the cost of specialist materials / software. It also included the number of applications received in previous years which provided an average for the number of applications to expect in the future.
- A 'fee' tab which provided an overview of the total final cost of each application, adding together the base cost, administration cost, monitoring compliance cost (if applicable) and the specific application process cost.
- An 'administration' tab which outlined the general time and costs allocated year on year to the maintenance of the regime (not specific to the processing of an individual application). This included things like general administration, updating web pages, staff training and policy and procedural amendments / developments.
- A 'monitoring compliance' tab that outlined the time spent dealing with complaints, pro-active monitoring and joint operations with partner agencies. These costs were applied to vehicle applications only.
- Separate individual tabs for each application which showed the approximate average time it took to administer, from initial enquiry to the issuing of a licence.

Discussion took place regarding:

- The importance of being transparent regarding how fees were set in case of challenge;
- Some processes, such as checking MOT information on line had become cheaper but other areas, such as additional hearings for new drivers, had become more expensive;
- The aim to be cost neutral over the year and the small deficit from the previous year;
- Comparison with fees charged by other authorities.

It was **RESOLVED** that

- a) The fees set out in the report be approved and be introduced as soon as possible, in compliance with the requirement to advertise and consider objections.
- b) If there were objections to the fees when they were advertised then delegated authority be given to the Public Health and Professional Services Manager, in conjunction with the Chair of the Regulatory Committee, to consider the objection(s) and set a further date, not later than two months after the first specified date on which the variation will come into force, with or without modification.

(Proposed by the Chairman)

Note: - Report * previously circulated and attached to the Minutes.

22 ANIMAL LICENSING UPDATE

The Lead Licensing Officer informed the Committee that following consultation in 2015 he had recently received information regarding Animal Licensing.

The officer explained that there had previously been a number of different licenses for animal activities but these were being amalgamated into an Animal Activity Licence. This did not include zoos or dangerous animals. These licences would last for three years, although a shorter licence could be issued if there were concerns. Licences would not be transferable so a new owner would have to apply for a licence in their own name.

The officer informed Members that fees would continue to be set at cost recovery. Conditions currently differed across the country so the aim was to standardise a set of model conditions that could be tailored if required.

Changes proposed included dog breeding and the number of litters that a breeder could sell in a year without licence and the age that puppies could be sold at.

It was suggested that a press release be issued, possibly by all Devon Authorities, to publicise these changes.

Discussion took place regarding:

- Pet shops would need to provide guidance on how to care for the animal;
- Fixed penalty notices could be issued as an option for enforcement;
- Dog walking did not require a licence but home boarding did;
- Breeders would have to display their licence number when advertising puppies for sale;
- Some websites which had previously provided information to the authority regarding advertisers now looked to charge for this information.

The officer informed Members that he would provide a further update when more information became available.

23 ENFORCEMENT UPDATE

The Lead Licensing Officer informed Members that since November one licensee had been interviewed under caution and four hearings had taken place. Two of these had been for new driver applications where they had failed to declare items that had subsequently shown up on DBS forms and both were refused a licence. One was for a driver that was late providing documents, who had since shown improvement and one for a proprietor where there had been queries regarding the maintenance of vehicles, MOT issues and possibly using an unlicensed vehicle.

(The meeting ended at 11.40 am)

CHAIRMAN