

NORTH DEVON COUNCIL

Minutes of a meeting of the Licensing and Community Safety Committee held in the Barum Room - Brynsworthy on Tuesday, 11th October, 2022 at 6.30 pm

PRESENT: Members:

Councillor York (Chair)

Councillors Biederman, Bulled, Cann, Gubb, Henderson, Hunt and Pearson

Officers:

Solicitor and Public Protection Manager and Environmental Health and Licensing Practitioner

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Campbell, Chesters, D. Spear, L. Spear, Tucker, Walker and Yabsley.

28. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 22 SEPTEMBER 2022

RESOLVED that the minutes of the meeting held on 22 September 2022 (circulated previously), be approved as a correct record and signed by the Chair.

29. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

30. DRAFT ANIMAL LICENSING POLICY PROPOSED AMENDMENTS

The Committee considered a report in respect of the draft Animal Licensing Policy proposed amendments (circulated previously) by the Public Protection Manager.

The Public Protection Manager introduced Lee Staples, Environmental Health and Licensing Practitioner, to the meeting who updated the Committee with the following:

- A public consultation ran from 20 June 2022 until 15 August 2022 seeking comments on the Animal Licensing policy being proposed.

- A good number of responses were received. A total of 61 responses were received including a direct response from the Royal College of Veterinary Surgeons.
- After careful consideration of the responses received Officers in the Licensing, team drafted several amendments to the proposed policy.
- A summary of Officer Comments and recommendations on the consultation responses could be found at Appendix C of the report.
- The amendments made as a result of the consultation responses were as follows:
 - Minor amendment to the proposal to appoint an independent Vet to undertake hiring out horses' activity inspections who will be independent and not one that was retained by the applicant/licence holder. The proposed amendment was that an independent Vet would be used "wherever reasonably practicable", and it was acknowledged that due to the relatively small number of specialist equine Vets in Devon, it may not always be possible or reasonable, to contract an independent Vet;
 - In relation to applicants who disclosed relevant convictions the Policy had been amended to direct those applications to a Licensing Sub-Committee for determination. In the case of offences for animal cruelty, Licensing offences, or offences involving sex, indecency, or exploitation, the recommendation to the Licensing Sub-Committee would be one of refusal, whereas for other relevant offences the recommendation would also be refusal where the offences fell within the timeframes since conviction/sentencing as set out in the Policy. It was proposed Officers retain delegated powers to refuse applications where applicants were considered to fail to meet minimum welfare standards upon inspection;
 - It was proposed that the requirement for applicants, for renewal, to undertake a basic Disclosure and Barring Service (DBS) check as part of their application be delayed until 1 January 2023 to enable adequate notice of the new arrangements to be communicated in a timely manner within the renewal documentation.
- Concerns raised by a small operator in connection to the previously proposed requirement for a trade waste agreement had led to the following subsequent amendment:
 - Amendment to requirement for applicants to provide evidence of a commercial trade waste agreement, to allow for some degree of Officer judgement where an application was from a small-scale operation or was likely to produce very small volumes of waste.

In response to questions from the Committee, the Environmental Health and Licensing Practitioner gave the following replies:

- If an independent Vet was on the prescribed registered list but also worked at the same practice as the applicants own Vet they would not be precluded from carrying out an inspection.
- The highest star rating a new business could expect to be awarded after its first inspection was four. This national framework had to be adhered to.

- The reason for relevant offences relating to sex offences being a requirement to disclose was, by way of example, in regards to the situation of a horse riding stables where children might be unaccompanied by their parent or guardian.
- North Devon did not currently have any households registered with a primate as a pet.

RESOLVED that:

- (a) The representations received in response to the public consultation shown at Appendix B of the report be noted; and
- (b) No further amendments are required to the policy shown at Appendix A of the report.

RECOMMENDED that the Animal Licensing Policy 2022, shown at Appendix A, be approved at a future Strategy and Resources committee.

31. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENTS

The Committee considered a report on Hackney Carriage and Private Hire Licensing Policy Amendments (circulated previously), by the Public Protection manager.

Lee Staples, Environmental Health and Licensing Practitioner gave the following update to the Committee:

- The purpose of this report was to seek possible amendments to the Driver Qualification Standards found in the North Devon Council Hackney Carriage and Private Hire Licensing Policy.
- Concerns had been received via email over the length of time it took for Drivers to be licensed.
- Research was carried out comparing the Driver Licensing process here at North Devon with other Local Authorities across the South West.
- North Devon Council did stand out in that it required the driver qualification to be completed prior to a licence being issued. The BTEC course was of a very high standard but there was frustration over the availability of courses being run.
- Other Local Authorities were happy to issue a Driver licence as long as the Driver undertook a qualification during the first 12 months from the date of issue.
- A local reduction in the numbers of Drivers currently working in the trade showed no real difference to the national average of loss of Drivers.
- To address these growing concerns a consideration of amendments to the Council's policy in order to ensure the process was as streamlined as possible was made.
- Five options were being proposed these were:
 - Option 1: To retain the requirement for a vocationally recognised taxi qualification, but to amend the policy to allow applicants to obtain this qualification within the first 12 months of holding a licence.

- Option 2: To remove the requirement for a vocationally recognised taxi qualification and replace this with a new Taxi Driver Training Course to include modules on taxi legislation and customer care, disability awareness, and Safeguarding (CSE).
- Option 3: To remove the requirement for a vocationally recognised taxi qualification, and replace this with a requirement to undertake mandatory safeguarding (CSE), and disability awareness training. Furthermore, this could be either prior to obtaining a licence, or within the first 12 months of the licence.
- Option 4: To retain the requirement for a vocationally recognised taxi qualification, but give an alternative training option of a new driver training course (either the vocationally recognised taxi qualification, or the New Taxi Driver Training Course). Again, this could be either prior to obtaining a licence in the case of the new driver course, or within the first 12 months of the licence for the vocationally recognised taxi qualification.
- Option 5: To maintain the current Driver Qualification Standards without amendment.

In response to questions, the Environmental Health and Licensing Practitioner and the Public Protection manager gave the following responses:

- No other changes to the policy were being made. It was still a requirement to undertake a medical examination and to submit an enhanced Disclosure and Barring Service (DBS) check and in a more recent amendment Drivers must subscribe to the DBS update service, which facilitated periodic checks on convictions.
- New Drivers could be given a list of contacts in case of concerns over safeguarding issues.

RESOLVED that:

- (a) The new driver process benchmarking found at Appendix A is noted;

RECOMMENDED that:

- (b) That the following amendments to the Driver Qualification Standards be approved at a future Strategy and Resources committee:
 - (i) To retain the requirement for a vocationally recognised taxi qualification, but give an alternative training option of a new driver training course (either the vocationally recognised taxi qualification, or the New Taxi Driver Training Course). Again prior to obtaining a licence in the case of the new driver course.

Chair

The meeting ended at 7.48 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.