

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Licensing Committee **Date:** Wednesday, 26 April 2017

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 2.30 - 3.35 pm

**Members Present:** Councillors B Surtees (Chairman), R Morgan (Vice-Chairman), K Chana, D Dorrell, J Jennings, P Keska, A Lion and C P Pond

**Other Councillors:** Councillors G Waller

**Apologies:** N Bedford, A Boyce, L Mead, M Sartin and G Shieff

**Officers Present:** J Nolan (Assistant Director (Neighbourhood Services)), K Tuckey (Licensing Manager), A Hendry (Senior Democratic Services Officer) and V Messenger (Democratic Services Officer (Trainee))

---

### **12. Declarations of Interest**

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

### **13. Any Other Business**

The Committee noted that there was no other urgent business for consideration.

### **14. Minutes of the Licensing Committee**

#### **RESOLVED:**

That the minutes of the meeting held on 19 October 2016 be taken as read and signed by the Chairman as a correct record.

### **15. Minutes of the Licensing Sub-Committees**

#### **RESOLVED:**

(That the minutes of the following meetings of the Licensing Sub-Committee be taken as read and signed by their Chairmen as a correct record:

- (a) 19 September 2016;
- (b) 04 October 2016;
- (c) 08 November 2016;
- (d) 10 January 2017;
- (e) 07 February 2017;
- (f) 07 March 2017;

- (g) 22 March 2017;
- (h) 04 April 2017; and
- (i) 18 April 2017;

## 16. Licensing of Various Animal Establishments

The Assistant Director, Neighbourhood Services, Mr Nolan introduced the report on the provision of guidance on establishments licensed to sell, board and breed animals. The Chartered Institute of Environmental Health had undertaken to produce standard guidance in this area and had now done so. This was because different local authorities had different standards. In general terms the guidance conditions deals with the structural requirements of the premises the welfare of the animals and the control of the spread of disease.

The conditions also covered places where dogs and cats were boarded (kennels and catteries), places where dogs are bred (including so-called puppy farms) and places where animals are sold (commonly pet shops).

A number of agencies and authorities were consulted on the production of these guidelines, including Epping Forest District Council. Officers were of the opinion that a consistent approach to the licensing of these premises was essential and therefore recommended that these conditions were adopted. It was noted that if any of the establishments did not comply with these standards on renewal of their licences they would have to go to a sub-committee to plead their case.

Councillor Morgan asked who dealt with problem dogs in public places and was told that if they were a nuisance or were strays that it would be the EFDC environment officers; but if the dogs posed a danger then it would be the police.

Councillor Jennings was pleased to see these guidelines but was concerned with unlicensed establishments such as puppy farms, could we shut them down? Mr Nolan said that they did not go out to look for them but if they were reported to the Council then they would investigate. Officers had the powers to prosecute.

Councillor Surtees asked how much of this guidance was mandatory and how much was advice. Mr Nolan said that some areas were enforceable such as those covering health and diseases. Other areas covering such things as kennel construction were not set, as long as they complied with certain basic conditions.

Councillor Lion noted that there was a lot of information in the documents pertaining to cats and dogs but they did not fit together. Mr Nolan replied that they fitted together in terms of the law such as standards for boarding.

Councillor Lion asked if we audited the establishments. He was told that the guidance would be issued to all establishments. We would talk to them about the criteria and then inspect them. Officers could issue a notice for improvements to be made with a time limit, their aim being to help people comply with the guidance. Our officers will have polices to follow and it would become enforceable from 1<sup>st</sup> January

2018 onwards. They would then have a yearly inspection, probably in December. Officers would continue working with them throughout the year, their primary aim being to educate rather than prosecute.

Councillor Jennings noted that horses were not mentioned. She was told that they came under separate legislation.

Councillor Keska asked how many kennels and catteries did we have in the district. He was told that we had approximately 80. Councillor Keska then asked how often we had new ones. He was told that there was now a new category called 'doggie day-care' and we had received 5 applications for these since December.

Councillor Keska asked if there was a minimum standard. He was told that it depended on how safe it was, the size of the premises and on how many dogs they wanted to board. They also must have appropriate insurance and enter into contracts with their clients.

Councillor Keska asked about dog walkers and was told that they were not covered by this guidance but by other legislation.

Councillor Lion asked how many prosecutions have there been in recent years. Mr Nolan said he could not remember the last time this happened; officers tended to work with the establishments to put right what went wrong.

The Chairman noted that we have not had any concerns raised by the animal charities over establishments in our area. He also noted that it was not easy to distinguish between guidance and mandatory rules. Mr Nolan said that officers worked from guideline set by the Government on how they had to enforce things. They have to write to people telling them exactly what we wanted them to do and to point out what was a statutory requirement and what was not.

The Chairman said that the Committee was happy to agree these guidelines and also wanted to compliment this Council on helping to produce these documents.

**RESOLVED:**

That the Licensing Committee agreed that the Council adopted the Chartered Institute of Environmental Health Model Licensing Conditions for the following:

- (i) Dog Boarding Establishments;
- (ii) Cat Boarding Establishments;
- (iii) Dog Breeding Establishments;
- (iv) Pet Vending Establishments.

**17. Report on Hackney Carriage Tariffs**

Mr Nolan introduced the report suggested by some of the licensed taxi drivers and operators who were concerned about the current taxi tariff. They felt that the rate for Sundays between 6am and 10pm should be lowered to be the same as the rest of the week at those times. All tariffs were last reviewed three years ago and in that time some drivers had expressed concerns that the tariff for Sundays was too high.

Members asked if all the tariffs could be reviewed at this time, not just the Sunday one. They could then go out to consultation at the same time, maybe suggesting an inflationary increase from 2014. This would be a common sense increase but would depend on what the taxi trade thought about it.

**RESOLVED:**

1. That the Licensed Taxi Drivers be consulted to alter the current taxi tariff in the following manner:
  - a) That Rate 1 on the schedule be changed to read:  
"For hiring begun between 6.00am and 10.00pm Monday to Sunday inclusive."
  - b) That Rate 2 on the schedule be changed to read:  
"For hiring begun between 10.00pm and 6.00am Monday to Sunday inclusive and all day on Bank Holidays."
2. That before a decision is made regarding recommendation 1 above, the trade be consulted on a general proposal to update all the tariffs in the first instance by the rate of inflation since 2014.

**18. Safeguarding Measures for Licensed Public Hire Trade**

Mr Nolan noted that the last meeting of this Committee asked for officers to look into what safeguarding measures could be introduced to public hire licensing. Officers had then approached the Safer Communities section of the Council who agreed to put together a short (half day) course for about 50 people at a time to be provided (free of charge) at the civic offices. Members were asked if this should be made compulsory.

The current status of the training that drivers had was the knowledge test and a DVD on disability. They received nothing on safeguarding matters.

Councillor Morgan said that this was an excellent idea and asked how many drivers there were at present. He was told that we had about 500 drivers.

Councillor Surtees asked if other authorities provided this type of training and was told that many did.

Councillor Lion asked about getting all drivers trained; how long would it take? He was told that it could be stipulated that all drivers had to have attended this course within a year of it starting. Councillor Surtees noted that drivers were in a privileged position by way of transporting strangers in their cars. In any other profession they would have to have some form of safeguarding training. He added that this would also include some form of terrorist awareness which was also important, where they could recognise the potential for danger. Councillor Jennings agreed, saying that this would apply to other people in this sort of position. Mr Nolan said that he thought that this type of training was compulsory in London and came out of the recent cases in

Rotherham and a recent case that happened in our District where a taxi driver had reported their suspicions to the Police.

The Committee agreed that this training course should be implemented.

As an aside the committee debated the amount of control we had on restricting the number of taxi driver licences we could issue. It was explained that due to recent case law it was impossible to restrict numbers; the right to work came into this. Officers could consult with the legal team on this. It was noted that Uttlesford Council had said that their drivers must predominantly work in their district, but they could not enforce this.

Councillor Keska said that this came up at the last sub-committee meeting. Uber had largely taken this out of our control. Mr Nolan added that taxi legislation was very old having been established around 1847 and was not a priority for the government to update. Officers had largely stopped drivers coming here just to get a licence by the introduction of the knowledge test.

**RESOLVED:**

That the Committee endorsed the measure to introduce Safeguarding Training for the licensed public hire trade and that this training be made compulsory for all licensed drivers and operators.

**19. Applications Received under the Licensing Act 2003**

**RESOLVED:**

That the Committee noted the report on the number of licensing applications received by the Council from 31 October 2016 to 12 April 2017.

**20. Review of Licensing Sub-Committee Procedures**

Sub-Committee Chairmen Meeting

Councillor Lion asked about the proposed meeting to be held for all Licensing Sub-Committee Chairmen. This was to ensure consistency among the sub-committees and to review the cases that they had heard. Mr Nolan said that he would arrange one as soon as he could.

Councillor Surtees noted that the consistency amongst the sub-committees was improving.

Pre-meetings Briefings

Councillor Keska said that the Sub-Committees used to get briefings before each of their meetings. They did not want a briefing on the cases before them, but would appreciate a reminder of the options open to them for each application they considered.

Councillor Surtees noted that the views of the Sub-Committee, Licensing and Legal officers did not always line up.

Mr Nolan noted that their hands were tied by legislation. He could ask that a legal officer attend the next meeting and explain why we could not do this.

**AGREED:** that a legal officer be invited to the next meeting of the full Licensing Committee to explain why a pre-meeting briefing could not be had.

## **21. Review of Current and Future Training Needs for the Committee**

Mr Nolan noted that the next Licensing training day was scheduled for 23 June 2017. We could raise the question about having pre-briefings at this course as part of the training programme. Members who did it last year will find that it would cover basically the same ground but will update them on any recent legal changes.

Councillor Dorrell asked if members could also be updated on the standing of Uber cabs.

## **22. Matters Arising**

### English Language:

Councillor Dorrell asked if there would be any changes for us in regards to drivers having a working knowledge of the English language. Mr Nolan said that officers had been looking for a suitable English language test.

### Other Matters coming to the Committee:

Other matters on the horizon was the implementation of the new Immigration Act that would require us to add to our forms some sort of statement that the person had a right to work in this country; and

The Disability Act would be coming in asking for access to taxis for wheelchair users. For this we would need to establish our own policy and this would be coming to a future meeting.

### Thanks:

The Chairman noted that this was the last meeting for this municipal year and wanted to convey his thanks to the officers for their hard work during the year.

## **23. Date of Next Meeting**

The Committee noted that their next meeting was scheduled for 18 October 2017.

**CHAIRMAN**