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LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Tuesday 19 July 2016 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Jean Monks - In the Chair

Councillors Tom Donnelly, Steve Flitter, Helen Froggatt, Joyce Pawley and John Tibenham.

Eileen Tierney (Licensing Manager) and Jackie Cullen (Committee Assistant).

1 member of the public.

APOLOGIES

Apologies for absence were received from Councillors Graham Elliott, Richard FitzHerbert, Alyson Hill and Tony Millward, BEM.

118/16 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Miss Karen McCartin addressed the meeting in respect of Agenda Item 5: Application for an exemption from Taxi Licensing Policy requirement – door signage and licence plates.

119/16 – MINUTES

It was moved by Councillor Tom Donnelly, seconded by Councillor Joyce Pawley, and

RESOLVED
(unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 12 May 2016 be approved as a correct record.

The Minutes were signed by the Chairman.

120/16 – APPLICATION FOR AN EXEMPTION FROM TAXI LICENSING POLICY REQUIREMENT – DOOR SIGNAGE AND LICENCE PLATES

The Committee considered an application for an exemption from the Council's Taxi Licensing Policy requirements, in respect of displaying the Council's door signage and licence plates on a vehicle which the private hire operator wished to use for executive /business travel, weddings, etc and not as a traditional private hire vehicle.

The request had been received from Miss Karen McCartin, proprietor of private hire business *Dovelin Cars* based in Doveridge. Miss McCartin aimed to provide a prestigious, executive and discreet door-to-door chauffeuring service, mainly to businesses, as explained in her presentation under the Public Participation item. This would be in addition to the traditional private hire and hackney carriage business she already operated, and for which Miss McCartin would still be required to licence the chosen vehicle as a private hire vehicle. All vehicles so licensed were expected to comply with the Council's vehicle specification and licensing conditions outlined in the current Taxi Licensing Policy and Miss McCartin would be required to carry the licence plates in the boot of the vehicle and to provide evidence of bookings to the Licensing Manager, at regular intervals, to ensure that the exemption was still applicable.

Applicants seeking an exemption from any Policy requirements under Section 29 of the Council's Policy were required to provide information/evidence to allow the Committee to consider the application and make an informed decision. Miss McCartin had provided photographs of the vehicle she wished to licence in addition to an explanatory covering letter produced at Appendix 1 to the report.

As Officers did not have delegated powers to permit any deviation from the Council's Policy, the Committee could choose to depart from the Policy if it considered that the private hire vehicles in question were not intended for the standard use associated with the majority of PHVs licensed in the district. Furthermore, if the Committee was minded to grant this application, a licence would only be issued subject to a satisfactory vehicle inspection at the Council's Testing Station.

It was moved by Councillor Tom Donnelly, seconded by Councillor Joyce Pawley and

RESOLVED
(unanimously)

- 1) That the Committee considered the application from Miss Karen McCartin of *Dovelin Cars*, based in Doveridge, for an exemption from the Policy requirements to display the Council's door signage and licence plates on vehicle registration number NG59 KCZ, if an application is made to licence the vehicle as a private hire vehicle.
- 2) That if the Committee was satisfied that the underlying public safety principles that the Taxi Licensing Policy were introduced to promote would not be undermined by approving the application, the Licensing Manager be authorised to grant the private hire vehicle licence with the exemption, subject to a formal vehicle licence application from Miss McCartin, and a satisfactory vehicle inspection report being received from the Council's Testing Station.

121/16 – LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL PROGRESS REPORT

The Committee considered a report that provided a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Section during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.

The Licensing Act 2003

The Licensing Act 2003 established a single integrated scheme for licensing premises which were used for the sale or supply of alcohol, and/or to provide regulated entertainment and/or to provide late night refreshment.

Since 7th February 2005 the District Council, (in its role as the Licensing Authority), had processed and granted in the region of 500 premises licences and club premises certificates; 995 personal licences; and on average (each calendar year) some 450 temporary event notices (TENs).

In July 2007, the first progress report was presented to this Committee providing information about the numbers of licence applications determined with effect from 24th November 2005, when the Licensing Authority became solely responsible for regulating those activities specified in paragraph 1.1 of the report and other activities which were no longer licensable, such as providing facilities for music, dancing, entertainment or similar. In 2012 it was agreed that the annual progress report would be submitted to the first meeting of each civic year – usually in July.

Details showing the number of applications made under the Licensing Act 2003 during 2015-2016, offering a comparison to figures for the 2 previous financial years, were tabled in the report, together with information on applications for Minor Variations received, which allowed proprietors/operators to make small changes to their premises licences, as long as the proposed changes would not undermine the licensing objectives.

It was noted that the Licensing Team worked closely with other agencies with responsibility for dealing with applications for licensing and where problems existed or there was the potential for problems, measures to deal with these were agreed by all officers and negotiated with the licence holder. Targets for visits to licensed premises during 2016-17 had been agreed and published in the Licensing Service Plan. This would be presented to the Committee for their consideration and comment at the October meeting, together with an update on the Service Review.

The Gambling Act 2005

The following numbers of premises were currently licensed under the 2005 Act:

- 1 Adult Gaming Centre (Matlock Bath)
- 4 Bookmakers (Betting Shops)
- 5 Family Entertainment Centres (Matlock Bath)
- 1 Occasional Use Notices (Pikehall Harness Racing)
- 8 Club Machine Permits (registered clubs)
- 170 (circa) Small Society Lotteries.

There were no changes reported.

It was moved by Councillor Joyce Pawley, seconded by Councillor Steve Flitter and

RESOLVED
(unanimously)

1. That the report be noted.
2. That the Licensing Team continues to contribute to the work of the Community Safety Partnership's VAL (Violence Alcohol and

Licensing) Group.

3. That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out the number of planned compliance/enforcement visits in the District by 31 March 2017, detailed in the Licensing Service Plan for 2016-17:
 - 20 licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal; and
 - 2 taxi enforcement operations.

122/16 – ANIMAL WELFARE ESTABLISHMENT LICENSING - ADOPTION OF CIEH MODEL LICENCE CONDITIONS AND GUIDANCE FOR DOG BOARDING ESTABLISHMENTS 2016

The Committee considered a report that sought approval to adopt the Model Licence Conditions and Guidance for Dog Boarding Establishments developed by the Chartered Institute of Environmental Health Officers (CIEH). This was the first time that the model licence conditions issued in 1995 had been revised formally by the CIEH.

In July 2014 several sets of Model Licence Conditions for various Animal Welfare Establishments, such as Pet Shops, Dog Breeders and Catteries were recommended for adoption by this Committee. The Conditions were developed by the Chartered Institute of Environmental Health (CIEH) and were designed to introduce a consistent approach by licensing authorities and ensure a proportionate burden on business.

At that time Model Licence Conditions in respect of Dog Boarding Establishments were not available other than as a draft produced by the CIEH in 1995. Prior to submitting a report to this Committee in March 2016, to adopt 2 sets of standard conditions developed in-house, a timescale for the release of the CIEH Model Conditions for Dog Boarding which were at final draft stage could not be confirmed. As the Council's standard conditions were based on the draft proposals of the CIEH, officers were confident that their own conditions would not contradict or compromise the CIEH Model Conditions if adopted.

As there had been a significant increase in the number of enquiries received for animal boarding licensing for dogs (particularly for home dog boarding) it was considered prudent to formally adopt the CIEH Model Conditions for Dog Boarding as had been done for Cat Boarding. Many licensed establishments catered for both, and it was felt that this could only provide consistency and assist officers in future enforcement activity at boarding establishments.

The CIEH Dog Boarding Model Conditions were attached as Appendix 1 to the report, and could be viewed on their website using the following link: <http://www.cieh.org/policy/dog-guidance-2016.html>

It was noted that the Model Conditions were for guidance rather than mandatory, and as such were not to be treated as blanket conditions to be attached to every dog boarding licence granted. Each application for a licence should be treated on its own merits and where there was a need to relax any of the conditions which may be considered too onerous or disproportionate for the type of premises, the applicant should be able to apply to the Council for those conditions to be waived. In those cases it was recommended that

the decision to amend, relax or waive any licence condition was delegated to the Head of Regulatory Services. It was therefore recommended that the CIEH Model Licence Conditions and Guidance for Dog Boarding Establishments 2016 were adopted for any new licences granted or any existing licences renewed on or after 1 September 2016.

It was moved by Councillor Steve Flitter, seconded by Councillor Helen Froggatt and

RESOLVED
(unanimously)

- 1) That the CIEH Model Licence Conditions for Dog Boarding are adopted and used in conjunction with the Council's Standard Conditions approved in March 2016, in respect of any applications received for any dog boarding establishment from 1st September 2016.
- 2) That the Head of Regulatory Services and the Licensing Manager be given delegated authority to amend, relax or waive any of the CIEH Model Licence Conditions for Dog Boarding Establishments as considered appropriate for the type of premises.
- 3) That the Head of Regulatory Services be given delegated authority to approve any revised copy that CIEH publishes, if the revisions are to amend administrative errors rather than vary agreed principles.

MEETING CLOSED 6.48PM

CHAIRMAN