

LICENSING COMMITTEE

MINUTES OF INFORMAL MEETING HELD ON WEDNESDAY 17 NOVEMBER 2021

Present: Cllrs Emma Parker (Chairman), Jon Andrews (Vice-Chairman), Derek Beer, Mike Dyer, Brian Heatley, Carole Jones, David Taylor and Kate Wheller

Apologies: Cllrs David Morgan, Les Fry, Cathy Lugg and Susan Cocking

Officers present (for all or part of the meeting):

Lara Aintree (Senior Lawyer - Regulatory), Andrew Billany (Corporate Director of Housing, Dorset Council), Richard Conway (Service Manager for Housing Standards), Graham Duggan (Head of Community & Public Protection), John Newcombe (Service Manager, Licensing & Community Safety), Aileen Powell (Team Leader Licensing) and Elaine Tibble (Senior Democratic Services Officer)

13. Declarations of Interest

Cllr Jon Andrews declared an interest in item 4 on the agenda. He did not take part in the discussion or vote.

14. Public Participation

There were no public questions or statements.

15. Park Home Fees Policy

The Housing Standards Service Manager introduced the report and the policy setting out the fees that the Council would charge for a variety of licensing functions for park home sites including new site licences, annual site licences and amendments to existing licences.

The Council was required by law to adopt and publish a park home fees policy under the Mobile Homes Act 2013. The new policy replaced three former district and borough council's policies and standardised how the fees were calculated and paid by sites for the services provided by the Council.

Additionally, The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 required the Council to have a published fees policy regarding registration to a Fit and Proper Person Register.

In summary the policy set fees for:- new sites, annual fees for existing sites, amendments to licences, lodging of park rules and applications for the fit and proper register.

Details of how fees were calculated were set out in the appendix to the document,

In response to committee questions The Housing Standards Service Manager advised that fit and proper person entailed DBS checks and set a range of issues that applicants needed to advise the council of. For example, any past formal actions taken on sites, planning breaches or prosecution against enforcement notices.

Once passed the applicants would be added to register, if refused they would have the right of appeal.

The government had issued guidance on how fees should be calculated and required the council to review the fees on a three-yearly basis, the starting point being 1 April 2019 and would be reviewed next year.

Members were pleased to see the fit and proper person register within the policy

Proposed by Cllr Carole Jones, seconded by Cllr Derek Beer

On being put to the vote the Licensing Committee were minded to approve the recommendations within the report.

The Corporate Director for Housing confirmed that under his delegated authority the decision would be determined in line with the committee's minded to decision.

Decision: Recommendation to Cabinet:

1. that Cabinet approves the adoption of the Park Home Fees Policy attached as Appendix 1 to this report.

2. that Cabinet delegates authority to the Corporate Director Housing and Community Safety in consultation with the Portfolio Holder Customer and Community Services to:

(a) Make minor amendments to the policy to comply with changes in legislation or to reflect increases or decreases in the cost of administering the functions described in the policy.

16. Taxi Licensing Policy

The Service Manager for Licensing & Community Safety presented the report for a new Taxi Licence Policy. The draft policy had been out to consultation for 12 weeks and received 64 responses, it had been considered by the Place and Overview Committee and was before the Licensing Committee for adoption and the agreement of an implementation date following consideration of the responses from the consultation and comments from the

Place and Overview Committee. The Dorset Disability Equality Forum had also given input to the policy.

After discussion with focus groups, looking at best practice and following the guidance and legislation, Licensing Officers had reviewed the four policies from predecessor councils and prepared the new draft.

The Service Manager for Licensing & Community Safety went through the proposed changes individually which were highlighted in red for reference. He advised that, due to the amount of time required and work involved in getting garages approved for testing, setting up training courses, setting maximum tariffs, fees and charges, the proposed policy implementation date was 1 April 2022, however the Criminal Conviction Policy at Appendix G would come into effect on 1 December 2021.

A key aspect of the policy for Dorset Council was to invest in their drivers by looking to undertake it's duty under the Equalities Act by encouraging training in a diverse range of disabilities, thus creating a rating system based on the completion of training courses over and above the mandatory safeguarding modules. These would be at cost to drivers and advertised on the Council's web site.

There were changes in relation to vehicle inspections and safeguarding. In relation to the zones the recommended option (c in the report) was to continue with the proposals contained within the draft policy and review the position in three years' time when a new unmet demand survey would be required for the Weymouth & Portland zone. In response to a question on unmet demand the committee were advised that at the last survey there was no unmet demand other than for wheelchair accessible vehicles. Because of hackney plate values it was felt prudent and fair to drivers to give notice and review the potential removal of the limit in three years' time.

Policy proposals were to have a combined drivers licence but there may be occasions applicants don't want a combined licence so would still be able to specify either private hire or hackney carriage licences.

Officers would have discussions with the trade in regard to maximum tariffs as part of a separate consultation exercise.

There was some discussion on advertising and members were keen that there should not be any inappropriate advertising on vehicles. Members were cautioned not to impose advertising restrictions that could be open to legal challenge, but additional wording to say "inappropriate advertising such as gambling, adult entertainment, smoking and alcohol, was strongly discouraged" could be added to the policy. This would also be kept under review.

Any applications refused for advertising not in line with these guidelines could be referred back to the committee on appeal.

Officers aimed to have as many inspection centres as possible, any MOT station in the Dorset Council area could apply, it was suggested that it may be

possible to combine the taxi vehicle inspection with the MOT to save licence holders money.

It was felt inappropriate to impose CCTV as a condition but dashcams were recommended, in line with applicable guidance.

Guidelines relating to the size of seats would apply to new vehicle licence applications but those with existing vehicles would be allowed to run until end of vehicle life. There was no obligation on the taxi driver to provide child seats under legislation.

Cllr Carole Jones proposed David Taylor seconded.

On being put to the vote the committee, having reviewed the responses received during the consultation period and considered the comments received from the Place and Resources Overview Committee were minded to support the Taxi Licence Policy with the proposed amendments agreed in the committee meeting.

The Head of Community and Public Protection confirmed that he had listened to the discussion and the committee's minded to recommendation he would use his delegated powers to approve the Taxi Licence Policy for adoption with the amendments agreed and implementation dates as agreed in the report.

Decision:

That the draft Taxi Licensing Policy be adopted with the agreed implementation date of 1 April 2022 and the Criminal Conviction Policy at Appendix G would come into effect on 1 December 2021.

Reason for Recommendations:

To ensure the safety of the public and support the fair operation of the trade.

17. Urgent items

There were no urgent items.

18. Exempt Business

Decision

There was no exempt business.

Duration of meeting: 10.00 - 11.29 am

Chairman

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