

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held remotely on
Thursday, 18 February 2021 commencing at 2:30 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

G F Blackwell, C L J Carter, P A Godwin, D W Gray, J W Murphy, P W Ockelton, C Reid,
J K Smith, R J G Smith, R J Stanley, M G Sztymiak and M J Williams

LIC.20 ANNOUNCEMENTS

20.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

LIC.21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

21.1 Apologies for absence were received from Councillor C Softley.

LIC.22 DECLARATIONS OF INTEREST

22.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

22.2 There were no declarations of interest made on this occasion.

LIC.23 MINUTES

23.1 The Minutes of the meeting held on 19 November 2020, copies of which had been circulated, were approved as a correct record.

LIC.24 LICENSING UPDATE

24.1 The report of the Interim Environmental Health Manager, circulated at Pages No. 4-10, provided the Committee with an update on the licensing service including the impact of COVID-19, implementation of the audit action plan and approval of a revised Hackney Carriage Tariff for 2021/22.

24.2 The Interim Environmental Health Manager explained that there was continued sickness in the full-time permanent Licensing Team with the Senior Officer unlikely to return to work for some months. Interim arrangements had been put into place but both of those Officers had since left; further recruitment had resulted in the appointment of two Officers in January 2021 who were contracted for a 12-month period. Those Officers were currently dealing with the backlog of applications and working with the Business Transformation Team for the implementation of online applications to commence from April 2021.

24.3 The Hackney Carriage Tariff had been reviewed and consultation undertaken to agree the proposed revised charges for 2021/22 – those charges were detailed at Appendix 2 to the report. In addition, the consultation period for street trading applications was reduced to five working days with the agreement of the Chair and Vice-Chair and this had been extended to 31 March 2021 by the Licensing Committee in November, it was recommended that this was extended and reviewed at each Committee in line with the government's road map which it was anticipated would detail the gradual reopening of businesses. In terms of the audit action plan there were four actions outstanding which all related to the Uniform system. Two of those actions were now completed and work was ongoing in relation to the remaining two items. One of those, which was in respect of the driver safeguarding test, had been completed today with online training now available and being delivered by Cheltenham Borough Council.

24.4 A Member expressed concern that there was a retention issue with staff in the Licensing service and questioned whether the two Officers which had left had received exit interviews to determine their reasons for leaving and what the Council might be able to do to make the posts more attractive. In response, the Interim Environmental Health Manager explained that they were agency staff to cover for sickness absence in the permanent team; neither had felt able to continue for varying reasons so the Council had needed to undertake new contracts.

24.5 Having considered the report, it was unanimously

RESOLVED

1. That the impacts of COVID-19 on the service, including the implementation of the audit action plan, be **NOTED**.
2. That the revised Hackney Carriage Tariff for 2021/22, as set out in Appendix 2 to the report, be **APPROVED**.
3. That the extension of the consultation period on street trading applications being reduced to five days be **APPROVED** to be reviewed in line with the government's road map at the Committee's next meeting in June 2021.

LIC.25 ANIMAL LICENSING FEES AND CHARGES

25.1 The report of the Interim Environmental Health Manager, circulated at Pages No. 11-14, sought to review and approve revised charges for animal licensing in accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The proposed fees and charges were attached to the report at Appendix 1.

25.2 The Committee was advised that the Regulations had come into force in 2019 and whilst the team had registered applications over the last two years the fees had not been looked at in detail. The fees charged should be a reflection of the amount of work undertaken covering both administration and enforcement. A detailed review had been undertaken which had led to the proposed revised fees. In addition to this, it was a legal requirement for local authorities to carry out inspections on animal licensing premises; previously this had been undertaken by the Environmental

Health team under grandfather rights – those rights had now expired so there was a need to ensure the Council had a sufficient number of trained staff within the service area (either Licensing or Environmental Health) in order to carry out the function.

25.3 A Member questioned how many dog breeding establishments there were in the Borough. In response, the Interim Environmental Health Manager indicated that there were five or six registered establishments but it was an unfortunate consequence of the COVID-19 pandemic that theft of dogs and disreputable breeding of dogs was increasing and there were a number of complaints that Officers were currently dealing with in that regard. In terms of shortages of Officers to cover the Licensing team and enforcement, the Interim Environmental Health Manager explained that there was not currently a post in the establishment for licensing enforcement and this was being considered as part of the licensing service review. In the short term, she was arranging for three members of the Environmental Health team to undertake the training on animal licensing so they could carry out the inspections. The service review needed to consider all essential parts of the licensing service – it should be impacted by the introduction of online applications which would change the workload of the service significantly so there were some areas that would be left until later in the review to ensure the impacts could be properly taken into account - however, enforcement was something that would need to be considered early in the review. The government had flagged up regulatory responsibilities and priorities for the next 12 months and licensing featured in that so it was essential the Council had sufficient enforcement staff to look at all aspects, particularly as things reopened after the pandemic. In terms of animal licensing enforcement, the Regulations specified the enforcement levels – normally the Council would give a warning and then take action. To date, Tewkesbury Borough Council had not taken any action but it worked closely with the RSPCA and Police to investigate allegations of poor welfare of animals and it was then the RSPCA that normally took any action required. In terms of dog breeding, this was defined in the Act as either having up to three litters within a 12-month period or someone operating breeding as a business for profit.

25.4 A Member questioned whether kennels and catteries that had been inspected would have something on their website to say they were licensed by Tewkesbury Borough Council. In response, the Interim Environmental Health Manager advised that this would not necessarily be the case. The Council did not currently display a register on the website – although people could ask to see it – but once all privacy notices were up to date the register of animal licences would be made available on the Council's website. In terms of the fee increases, the Committee was advised that consultation would be undertaken but, as the Council was required to have fees based on how long it took to carry out the functions, there would not be much that could be said about the level of fees.

25.5 Upon being proposed and seconded, it was

RESOLVED That the revised fees and charges for animal licensing under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, as set out in Appendix 1 to the report, be **APPROVED**.

LIC.26 THE MOBILE HOMES AND CARAVAN SITES LICENSING POLICY

26.1 The report of the Interim Environmental Health Manager, circulated at Pages No. 15-57, asked the Committee to approve the draft revised Mobile Homes and Caravan Sites Licensing Policy 2021-2024 for public consultation.

26.2 The Interim Environmental Health Manager explained that the policy had been considered by the Licensing Committee in 2018 but at that point there was a discussion nationally about whether the Regulations would change, so consultation

on the Policy at that time had been deferred. There had since been no changes to the Regulations so it was felt the policy, which had been refreshed, should go out to consultation. The Council currently registered around 61 premises with residential use; the majority of which were single caravan sites but it also had some fairly large sites - the regulations aimed to improve residents rights; give local authorities more enforcement powers to tackle rogue site owners; and to protect residents from fees by site owners when they wanted to sell their home.

- 26.3 A Member expressed concern about the ability to be open, transparent and accountable if the consultation period was only 12 weeks given the fact that the COVID-19 pandemic may make it more difficult for people to engage. He also questioned whether the Mobile Homes and Caravan Sites Licensing Policy would impact on the National Planning Policy Framework, the ongoing Tewkesbury Borough Plan or the review of the Joint Core Strategy and the Interim Environmental Health Manager advised that she did not think it would but she would confirm.
- 26.4 There was concern raised about the current lack of resources in the team - and the work not currently being undertaken - combined with the further resources which were obviously needed. The Interim Environmental Health Manager confirmed that there was not much spare capacity within the Environmental Health team and none in the Licensing team. She undertook to bring a report to the next meeting of the Licensing Committee on resource implications
- 26.5 Referring to the fire notices for sites, a Member questioned whether it was necessary to include information on them about where the nearest telephone was situated given that most people had mobile phones and there were not many public telephone boxes left. In response, the Interim Environmental Health Manager advised that all conditions attached to the caravan site licences were set down in the standards produced in 2008 and there was nothing more up to date at the moment. In each instance the conditions set were specific to the site and when the site licence was issued it applied from the date it was approved until the site changed hands. This meant the current conditions were probably out of date but when new conditions were set for a site the individual circumstances would be taken into account so the fire notices could be considered then. In terms of traveller sites, the Interim Environmental Health Manager advised that if the site was a County Council approved site then it was not covered by the policy but if it was a private site it would. This also included private travelling showpeople sites.
- 26.6 It was proposed and seconded that the consultation period be extended by not commencing until 1 April 2021 rather than 1 March 2021, upon being put to the vote, it was

RESOLVED That the draft revised Mobile Homes and Caravan Sites Licensing Policy 2021-24, as attached to the report at Appendix 1, be **APPROVED** for public consultation for a period of 12 weeks commencing on 1 April 2021.

LIC.27 TAXI AND PRIVATE HIRE AND COUNTYWIDE CONVICTIONS POLICY

- 27.1 The report of the Interim Environmental Health Manager, circulated at Pages No. 58-80, advised the Committee of proposals to consult on changes to the Taxi and Private Hire Policy and Countywide Convictions Policy. Members were asked to agree the policies for consultation for a period of 12 weeks commencing on 13 April 2021.
- 27.2 The Committee was advised that, following the publication of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards in July 2020, the licensing authorities for Gloucestershire were proposing the adoption of common standards for the licensing of hackney carriage and private hire drivers, vehicle

proprietors and operators. The purpose of the common standards would be to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses. The County group had been reviewing the standards and the document attached to the report was the latest draft – it was noted that it may need slight amendment which would be agreed with the Chair and Vice-Chair of the Committee prior to consultation. The Council's Taxi and Private Hire Policy had initially been reviewed and sent out for consultation in August 2019, however, the outcome of the consultation was never brought back to the Committee for approval. As the principles on common standards underpinned the local policy it was felt pertinent to review the policy and consult on it again.

27.3 The Interim Environmental Health Manager explained that the main impact of the common standards was to assess whether a driver was a fit and proper person to hold a licence and also to ensure there was a common position across the county on convictions. A database was being set up which Tewkesbury Borough Council would be part of to ensure sufficient checking was done to safeguard the public. A Member noted that the common standards would be agreed across Gloucestershire but queried whether any cooperative work was being done to include Worcestershire given it shared a border with Tewkesbury Borough. In response, the Interim Environmental Health Manager indicated that she had not personally been involved in any such discussions, however, the common standards were required by law so there was unlikely to be very much variation from county to county. Another Member questioned whether the Gloucestershire group would accept the addition of a common standard that drivers should have a good knowledge of the roads within their areas. In response, the Interim Environmental Health Manager undertook to ask the group.

27.4 Upon being proposed and seconded, it was

RESOLVED

1. That the Borough's Taxi and Private Hire Policy and Countywide Convictions Policy be consulted upon for a period of 12 weeks commencing on 13 April 2021, as set out in Paragraph 2.5 of the report.
2. That authority be delegated to the Interim Environmental Health Manager, in consultation with the Chair and Vice-Chair of the Committee, to make any further amendments prior to the commencement of the consultation period.

The meeting closed at 3:15 pm