

# AGENDA ITEM 2

Craven District Council

## **LICENSING COMMITTEE**

5 October 2021

**Present** – Councillors Myers (Chairman), Heseltine, Ireton, Madeley, Moorby and Whitaker.

**Officers** – Licensing Solicitor, Licensing Manager, Environmental Health & Cleaner Neighbourhoods Team Leader and Senior Democratic Services Officer.

Apologies for absence were received from Councillors Harbron, Jaquin, Ogden, Mulligan and Solloway.

Start: 6.34pm

Finish: 8.21pm

The minutes of the Committee's meeting held on 13 July 2021 were confirmed subject to Councillor Ireton being recorded as present at that meeting.

### **Minutes for Report**

LIC.244

### **Public Participation**

Mr Mohammed Asim and Mr Mohammed Shaban addressed the Committee regarding various taxi matters. Their first point concerned tinted windows and the cost of replacing these for clear glass as most new vehicles had tints as standard. Secondly, due to a surge in online shopping, the taxi trade had seen a decline in the use of taxis, resulting in loss of income and that a hardship scheme to assist with the installation of mandatory CCTV would be very helpful. Thirdly, Mr Shaban told the Committee of the unacceptable wait for MOT tests at the Council's appointed testing station. The Chairman was aware of the issues and the Council had attempted to widen the pool of testing stations by writing to all MOT testing stations in the District but to no avail. The Licensing Manager stated that the time taken to get an MOT had reduced but acknowledged there was still a delay. The Chairman advised vehicle owners to book their test well in advance of the MOT expiry date.

Mr Asim also raised an issue regarding personal contact details that had been included in correspondence to all taxi drivers. The Chairman acknowledged that a letter had been received from the Craven Taxi Association on the subject and he stated that the matter was being investigated and a response would be provided as soon as possible and the points raised would be taken on board. And

Ms Karen Darvell, Chair of Stirton with Thorlby Parish Council addressed the Committee regarding the review of caravan site standards. The Parish Council was concerned about holiday occupancy, holiday use and site lighting. Referring to Appendix D, she enquired who would be responsible for residency inspections on site and for any audit checks. One document namely payment of the Council Tax was not sufficient evidence to establish proof of residency elsewhere. Additionally, the Parish Council felt that site owners should be required to keep a register of who was on site as not only would this provide data on length of occupancy but it would act as a safety mechanism in case of flood and fire etc. details for any potential safety issues on site. Ms Darvell also referred to the lighting of sites, specifically how would low lighting be defined. Would it be in accordance with the Council's Local Plan's dark skies policy and the guidance on reducing obtrusive lighting. She asked if this could be included in the standards.

LIC.245

### **Statutory Taxi and Private Hire Vehicle Standards**

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The Licensing Manager submitted a report updating Members on the consultation carried out on the Taxi and Private Hire Vehicle Standards issued by the Department for Transport. Results of the consultation were circulated to Members separately to the report now submitted. The purpose of the standards was to create a core set of minimal national standards to better regulate the taxi and private hire sector with the aim of protecting the public. The Department for Transport expected the taxi standards to be implemented by local authorities unless there were compelling reasons not to.

**Resolved –** (1) That, the contents of the report now submitted are noted.

(2) That, the Private Hire Operator Licence Conditions detailed in the Council's Hackney Carriage and Private Hire Licensing Policy set out at Appendix Q are added and the conditions for use on all thirteen current licences and new grants are approved.

(3) That, the Council subscribes to the National Register of Taxi and Private Hire Licence Revocations and Refusals.

(4) That, the period of time is increased from three years to seven years for possession of a weapon offences is approved. Where an applicant has a condition for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

(5) That, the period of time is increased from five years to seven years for dishonesty offences is approved. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

(6) That, the Department for Transport's recommendation for offences involving handheld devices whilst driving is included in the Council's Policy. Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

LIC.246

## **CCTV (Taxi Camera) & Hardship Scheme of Delegation**

The Licensing Manager submitted a report regarding the implementation of taxi cameras together with a hardship policy and scheme of delegation. To allow for a consistent approach in dealing with requests from individuals asking to delay the installation of CCTV because of financial hardship an application form would need to be submitted along with supporting documentation. The application would be considered under a scheme of delegation as set out in the report now submitted thereby enabling requests to be dealt with in a fair and consistent manner. It was requested that the Vice-Chairman of Licensing Committee should also be a consultee under the scheme of delegation.

Members considered the implementation date for the purchase and installation of mandatory CCTV in vehicles currently licensed. In balancing the cost against the benefits of public and driver safety, Members judged that a fair implementation date would be 1<sup>st</sup> January 2022 as this would give the trade a little more time to finance the purchase and installation of CCTV.

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In addition, Members requested that the Licensing Manager assisted the taxi trade by circulating details about possible sources of finance that might be available such as Government backed loans introduced during the pandemic to help businesses.

**Resolved** – (1) That, the implementation date for taxi cameras in vehicles currently licensed is 1<sup>st</sup> January 2022.

(2) That, the hardship policy, as now submitted is adopted.

(3) That, the scheme of delegation agreed on 19<sup>th</sup> July 2021 continues and that the consultees be extended to include the Vice-Chairman of this Committee.

LIC.247

## **Review of Holiday Caravan Site Regulation**

The Legal Manager submitted a briefing report following an internal review and a public consultation on new standards to be introduced. It was envisaged that by carrying out a review and revising the standards for caravan sites in Craven, together with a more joined up approach to enforcement and communication, it would enable the services responsible for respective enforcement to deal with any issues more expediently and effectively.

Draft standards relating to static and touring holiday use caravan and lodge standards as well as pods, tents and yurts were appended to the report now submitted. As a result of the consultation some revisions were made to the standards and those were incorporated into the draft standards.

During the ensuing discussion, Members voiced their concerns about residents who were technically living full-time on sites that were not approved for full-time occupancy, thus avoiding paying Council Tax, whilst benefitting from all the services. Environmental Health were responsible for carrying out audit checks, but should there be any concerns about any sites or pitches being used for full-time occupancy where a planning permission had not been granted, then the matter would be referred to the Planning Department for further investigation and enforcement action as appropriate.

This was a country wide problem and it was a loophole that Members wanted closed off as it was unfair to the rest of the Council's residents who paid their Council Tax. Members asked that enquiries be made of other local authorities as it would be beneficial to know how they had dealt with the problem.

The matter of caravans being suitable for all year round use was discussed as many of the older caravans didn't comply with current standards. However, this was a problem that the Council had no control over and it was up to site owners to stipulate that British Standards for winter occupancy were included in their own site conditions.

The Council's Environmental Health & Cleaner Neighbourhoods Team Leader advised the Committee that any changes to the draft would require further a period of further consultation.

In acknowledging that further consultation would be required, Members indicated that, in order to tighten up on caravan unit owners circumventing the rules, they wanted to see two forms of proof of residence being submitted to the site owner rather than one as set out in section 2 g) group A.

**Resolved** – That, the contents of the report, the new working arrangements and enforcement strategy are noted and the draft standards as submitted are approved:

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Chairman.