



# AGENDA

**NOTE: In the case of non-members, this agenda is for information only**

- Committee** - **LICENSING COMMITTEE**
- Date & Time** - WEDNESDAY, 19TH OCTOBER, 2022 AT 11.30 AM
- Venue** - THE BRECKLAND CONFERENCE CENTRE, ANGLIA ROOM, ELIZABETH HOUSE, WALPOLE LOKE, DEREHAM, NR19 1EE

THIS MEETING WILL BE STREAMED LIVE VIA THE LINK BELOW AND WILL BE ACTIVATED AT THE START OF THE MEETING

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**Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.**

**Members:**

Cllr Marion Chapman-Allen (Chairman)  
Cllr Tina Kiddell (Vice-Chairman)  
Cllr Tristan Ashby  
Cllr Stephen Askew  
Cllr Claire Bowes  
Cllr Mike Brindle  
Cllr Vera Dale

Cllr Susan Dowling  
Cllr Richard Duffield  
Cllr Mark Kiddle-Morris  
Cllr Keith Martin  
Cllr Linda Monument  
Cllr Philip Morton  
Cllr Taila Taylor

Democratic Services  
Elizabeth House, Walpole Loke,  
Dereham Norfolk, NR19 1EE

Date: Monday, 10 October 2022

**PART A- ITEMS OPEN TO THE PUBLIC**

	<u>Page(s)</u> <u>herewith</u>
<p>1. <b><u>MINUTES</u></b> To confirm the Minutes of the meetings held on 20 July 2022.</p>	3- 9
<p>2. <b><u>APOLOGIES</u></b> To receive apologies for absence.</p>	
<p>3. <b><u>URGENT BUSINESS</u></b> To note whether the Chairman proposes to accept any item as urgent business, pursuant to Section 100(B)(4)(b) of the Local Government Act, 1972.</p>	
<p>4. <b><u>DECLARATION OF INTERESTS</u></b> The duties to register, disclose and not to participate for the entire consideration of the matter, in respect of any matter in which a Member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011. Members are also required to withdraw from the meeting room as stated in the Standing Orders of this Council.</p>	
<p>5. <b><u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u></b> To note the names of any non-members who wish to address the meeting.</p>	
<p>6. <b><u>BRECKLAND TAXI POLICY AND PROCEDURES - MEDICAL EXEMPTION POLICY</u></b> Report of Craig Fowler – Environmental Health &amp; Licensing Manager.</p>	10 - 14
<p>7. <b><u>NEXT MEETING</u></b> To note the arrangements for the next meeting on Wednesday, 11 January 2023 at 10am in the Anglia Room, the Conference Suite, Dereham.</p>	

**BRECKLAND COUNCIL**

**At a Meeting of the**

**LICENSING COMMITTEE**

**Held on Wednesday, 20 July 2022 at 10.00 am in  
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,  
Dereham, NR19 1EE**

**PRESENT**

Cllr Marion Chapman-Allen (Chairman)	Cllr Richard Duffield
Cllr Keith Martin (Vice- Chairman)	Cllr Tina Kiddell
Cllr Mike Brindle	Cllr Linda Monument
Cllr Vera Dale	Cllr Philip Morton
Cllr Susan Dowling	Cllr Taila Taylor

**In Attendance**

Alan Goodall	- Animal Welfare Officer
Josie Hoven	- Senior Licensing Officer
Keith Mumford	- Food, H&S & Licensing Team Leader
Julie Britton	- Democratic Services Officer

**Action By**

**16/22 MINUTES (AGENDA ITEM 1)**

Councillor Monument queried Cllr Ashby's proposals under Minute No. 15/22 but as they had not been seconded, his proposals had not been supported.

The Minutes of the meeting held on 23 March 2022 were agreed as a correct record and signed by the Chairman.

**17/22 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence had been received from Councillors Ashby, Bowes, Colman and Kiddle-Morris.

**18/22 URGENT BUSINESS (AGENDA ITEM 3)**

None.

**19/22 DECLARATION OF INTERESTS (AGENDA ITEM 4)**

None declared.

**20/22 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

None.

**21/22 INTRODUCTION BY THE NEW LICENSING TEAM LEADER (AGENDA ITEM 6)**

Keith Mumford, the recently appointed Food, H&S & Licensing Team Leader provided Members with a detailed presentation that included, the experience that he had brought to the Team, who's who in the Licensing Team, and what the Team covered.

Councillor Monument had known Josie Hoven, the recently appointed Senior Licensing Officer for many years and now having heard that the Team Leader had brought a wealth of knowledge to the Team she wondered if he now had all the resource required.

The Team Leader said that he had a vast amount of experience, but his weakness was process unlike Josie Hoven; however, he was pleased to report that the Licensing Team was now stronger than ever moving forward.

Members were then informed of the larger events that were due to be held in the District very soon.

Councillor Dowling asked the Team Leader if there was anything he wanted to be more involved with. Members were informed that his main goal was to bring himself up to speed with the processes and procedures but one area he would like to build on and develop further was the Safety Advisory Group (SAG) in partnership with the Council that promoted public safety events. Another area was compliance and relevant training for the Team.

Councillor Duffield asked the Team Leader if he had anything in place in the early stages for the retention of staff as he felt that this should be addressed for continuity as the turnover of staff in the Licensing Team had, in his opinion, been quite poor.

Members were assured that the Team contained a great deal of talented people and the pandemic had highlighted the real value of all Officers involved but felt it was more of a management problem and he would try and offer support and stability and reward the Team where he could.

Councillor Morton asked if enough resource was in place to tackle avian flu.

Members were informed that this was an emerging virus, and he was already working with colleagues in various organisations in respect of disinfection which was manageable at the moment.

The Chairman thanked the Team Leader for his very interesting update.

**22/22 UPDATE FROM THE ANIMAL WELFARE LICENSING OFFICER (AGENDA ITEM 7)**

Alan Goodall, the Animal Welfare Officer, provided Members with a detailed overview of the industry and what he covered in the form of a presentation.

**Action By**

One of the areas highlighted was in respect of dog sales and he stated that during the pandemic, dog sales had increased dramatically and had obviously been reflected in the price; there had also been a great deal of illegal breeding during the lockdowns. The boarding kennels had suffered during Covid particularly the smaller businesses, but he was pleased to report that things were now picking up and reported on the state of the industry thus far. A great deal of business had been supported during Covid but still some had been lost and had not restarted. In respect of illegal breeding, he was using a strategic approach to try and bring them in and get them licensed as it was about supporting the businesses that the District had.

The work that had been carried out since the last meeting was highlighted that included the many licences that had been issued, and the enforcement action that had been undertaken. In respect of the latter, 2 puppy farms had been shut down and a number of investigations were still ongoing.

Other areas that the Animal Welfare Officer covered were also highlighted. This included a local Animal Welfare Licensing Group that brought together all officers across the County including Suffolk where all Members would be more than welcome to attend.

Councillor Kiddell asked if there was any information on-line to assist the smaller breeders. Members were informed that the legislation was quite complicated, but his details were on the website for anyone that needed assistance.

Councillor Dale asked if the 'Good Citizen Dog Walking' scheme was still on-going. She also asked if dog sitters had to be licensed.

In response to the first question, the Animal Welfare Officer said that he was not aware of such a scheme, and in regard to the second question, the Food, H&S & Licensing Team Leader stated that it was not an offence as dog walking or dog sitting was not licensable at present unless dog sitting in their own home.

Councillor Brindle asked about inspections and if there was any methodology in place for follow up. Members were informed that there was and explained the process. The Animal Welfare Officer had recently inspected Banham Zoo where it had turned out to be a very good inspection and inspections would continue as part of his role included on-going support.

Councillor Taylor mentioned the after affects in respect of Covid and the cost-of-living increases and asked if there had been any changes to businesses as a result.

Members were informed that there was no funding available now but in terms of business support he had not noticed any changes as yet.

Josie Hoven, the Senior Licensing Officer pointed out that many dogs were now being handed back to Dog Wardens due to the cost-of-living crisis and many of the animals lacked social skills due to the pandemic, but such matters would be closely monitored as she felt that it could get worse.

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Councillor Morton mentioned the complaints received and what they covered. Members were informed that such complaints had been directed to the Contact Centre and were mostly about animal welfare concerns.

The Animal Welfare Officer was then asked to explain the work that he had covered recently which included enforcement work and being able to remove the ability to advertise in respect of unreputable/unlicensed people that he was quite proud of.

Councillor Kiddell thanked both Officers for doing such a fantastic job and looking after the interest of all animals in the District.

The Chairman also expressed her thanks for a very informative presentation and update.

**23/22 SENIOR LICENSING OFFICER TO PROVIDE BRIEFING ON TAXI AND PRIVATE HIRE (DISABLES PERSONS) ACT 2022 (AGENDA ITEM 8)**

Josie Hoven, the Senior Licensing Officer provided Members with a detailed presentation that covered new legislation in respect of the Taxi and Private Hire (Disabled Persons) Act 2022 that came into effect on 28 June 2022.

The 2022 Act amends the Equality Act 2010 to place duties on taxi drivers and PHV drivers and operators, so any disabled person had specific rights and protections to be transported and receive assistance when using a taxi or Private Hire Vehicles (PHV) without being charged extra.

As part of the amendments, taxi and PHV drivers could face fines of up to £1,000 if they failed to provide reasonable mobility assistance to disabled passengers in certain circumstances.

This would also ensure that visually impaired passengers would be assisted by drivers to help them identify or find the vehicle. There would also be a duty for local authorities to publicly identify wheelchair-accessible vehicles in their fleets.

These measures would help to provide consistency of experience for affected passengers.

All information would be included on the Council's website.

Councillor Kiddell asked if there was a list of suitable vehicles that could carry disabled passengers on the website.

Members were informed that there was a list that showed wheelchair accessible vehicles and an updated list would soon follow. It was noted that some people did not require a wheelchair but were still classed as disabled such as those that were visually impaired.

With that in mind, Councillor Kiddell pointed out that some drivers did not accept dogs in their vehicles and asked what would happen then if it was a guide dog.

Members were informed that this was covered in the Equality Act 2010,

**Action By**

drivers could apply for an exemption, if for instance they were allergic to animals or did not have the capability themselves to fit wheelchairs into their vehicles or lift someone from the wheelchair into their vehicle, but this must be clearly evidenced.

The Chairman asked about charges. The Senior Licensing Officer explained that if someone was in a wheelchair and wanted to be picked up from their front door, the driver could not charge anymore for this service and could only start charging when the person and any equipment required was in the vehicle and the wheels had started to turn.

Councillor Duffield raised some concern about the process of exemptions as he felt this was, in some cases, a health & safety issue for the drivers especially if the driver was in his/her senior years or had some form of previous injury. He hoped that for the sake of health & safety the exemptions would be made very clear.

Members were informed that all would be dealt with on a case-by-case basis and the exemption certificate would have to be displayed in their vehicles.

Councillor Monument asked if there was going to be any guidance of training for drivers on how to lift wheelchairs/passengers in and out of their vehicles. She also asked if the Team had any indication on how many taxis that the District had that could carry wheelchairs.

The Senior Licensing Officer explained that there was between 10 and 15 vehicles that had wheelchair facilities in the District and most companies offered drivers their own training. Some Councils were now offering the same and the Team was now looking into whether Breckland Council should follow suit.

In response to a query, Members were informed that it was up to the individual operator to ensure that the right vehicle was sent when taking the booking.

The Chairman thanked the Senior Licensing Officer for her presentation.

**24/22 UPDATE ON TEAM WORK FROM THE SENIOR LICENSING OFFICER  
(AGENDA ITEM 9)**

The Senior Licensing Officer provided Members with a brief update on what the Team had been working on since April 2022.

A number of new premises licenses had been issued including a new wedding venue, a new Lidl in Watton, a new gin business, a KFC drive through and a Little Vegas gambling premises in Thetford.

Bylaugh Country Camping & Caravan Park had recently been issued with a licence following approval by Members at the last Licensing Hearing Panel in June.

The Team had also carried out a number of joint visits in respect of noise complaints and some investigative work was still on-going.

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During the Queen's Platinum Jubilee, 41 Temporary Event Notices (TENs) had been issued and the Team had worked very hard to ensure that applications were dealt with in time for the celebrations.

A Safety Advisory Group (SAG) meeting had been held with the event organisers of the Maui Wau festival that was taking place in the District in August. The event organisers had been very forthcoming and accommodating and work was still ongoing. Inspections would be carried out nearer the time and during the event.

New hackney carriage fares were now in place and most of the larger firms had already updated their meters. The increase had gone down very well, and no complaints had been received. Members were thanked for agreeing the fare increase. A number of enquiries had been received from new taxi drivers in the area due to the fare increase.

The Senior Licensing Officer and the Animal Welfare Officer had attended a multi-agency vehicle action day in Thetford in May with Partner Agencies that had been very positive.

The Animal Welfare officer had also supported an apprentice for one week. A great deal of work had been carried out in respect of compliance particularly with street traders, making sure that they were all licensed.

Trading Standards were conducting investigations on illegal tobacco and alcohol sales in the Breckland area.

More webforms were being developed. An on-line payment facility was now in place in respect of TENs applications and the Team was now working on making all payments on-line.

Councillor Duffield referred to the Maui Wau festival and asked if all Ward Members had been made aware of this event. The Chairman advised that she had been in discussion with the Assistant Director and the Manager about such matters. The Senior Licensing Officer explained that local Ward representatives had not been contacted directly but there was a notification facility available on the website for anyone to sign up to about large-scale events in the area. The Democratic Services Team had sent an email to all Members last year about how to sign up to it.

Councillor Duffield said that he did not use the website and from a Ward Member perspective he would prefer to be notified.

The Chairman asked the Senior Licensing Office to have a conversation with the Communications Team on this matter.

Councillor Brindle asked a question about tables & chairs on the pavements and the definition of public highway if pedestrianised. Members were informed that there were two pieces of legislation that dealt with tables and chairs on pavements in front of certain types of premises.

The Chairman thanked the Senior Licensing Officer for her very informative update.



**Action By**

**25/22NEXT MEETING (AGENDA ITEM 10)**

The arrangements for the next meeting on Wednesday, 19 October 2022 at 10am in the Anglia Room were noted.

The meeting closed at 11.40 am

CHAIRMAN

**BRECKLAND DISTRICT COUNCIL**

**Report of:** Craig Fowler – Environmental Health & Licensing Manager  
**To:** Licensing Committee  
**Author:** Josie Hoven – Senior Licensing Officer  
**Subject:** Medical Exemption Policy – Breckland Taxi Policy  
**Purpose:** To review a new section for the Taxi Policy following changes to the Equality Act 2010.

**Recommendation(s):** That the committee review and approve the proposed Medical Exemption Policy, so that it can be included in the Breckland Taxi Policy and Procedures with immediate effect.

**1.0 BACKGROUND**

- 1.1 On 28<sup>th</sup> June 2022 the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 came into effect making changes to The Equality Act 2010. Those changes introduced new and amended existing duties for local authorities and hackney carriage/private hire drivers and operators alike.
- 1.2 The aim of the 2022 Act is to ensure that disabled people can use taxi and private hire services with confidence, that they will not be discriminated against, and assistance will be given where required.
- 1.3 The licensing team contacted all licensed drivers and operators to advise of these changes. The act allows an exemption to be applied for should a driver be unable to carry out the duties required under the Equality Act 2010 on medical grounds. We wish to add a section to the Breckland Taxi Policy and Procedures that formally sets out the procedure for applying for exemption from those duties – the Medical Exemption Policy.
- 1.4 The new section advises that an application for exemption can be made using the new application form which must be completed by a GP.
- 1.5 If accepted, the applicant will be given an exemption certificate to display in the vehicle they are driving. This enables anyone approaching the vehicle to see that the driver is exempted from assisting. The exemption certificate can be time limited (i.e. due to injury a driver is exempted from duties for 3 months) or a permanent exemption which would be reviewed at each renewal application (three years). A copy of the proposed Medical Exemption Policy is attached as **Appendix A**.

**2.0 OPTIONS**

- 2.1 Having regard to the changes made to the Equality Act 2022 and the Breckland Taxi Policy and Procedures, members have the option to:
1. Approve the new Medical Exemption Policy and agree adoption into the current Breckland Taxi Policy and procedures

2. Make amendments to the new Medical Exemption Policy and agree adoption into the current Breckland Taxi Policy and Procedures
3. Do nothing

### 3.0 REASONS FOR RECOMMENDATION(S)

- 3.1 Breckland Council adopted its new Taxi Policy and Procedures document in January 2022. The document outlines the procedures for all matters related to taxi licensing. It therefore makes sense that this section be included to update the Policy with the procedure for medical exemption and will assist with legal compliance with current legislation.
- 3.2 To do nothing would not achieve legal compliance and keep abreast of current legislation, nor would it provide the required degree of clarity to customers and enforcement officers.

### 4.0 EXPECTED BENEFITS

- 4.1 Breckland is a mainly rural area and the licensed taxi trade provides a vital public service where many people do not have access to other transport provision.

This new section to the policy provides clear guidance on how to apply for a medical exemption and provides clarity on the certificate that must be displayed if an exemption is in place ensuring compliance by drivers and operators and clarity for customers who will be able to see an exemption certificate displayed in the vehicle.

### 5.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

### 6.0 WARDS/COMMUNITIES AFFECTED

- 6.1 All.

### 7.0 ACRONYMS

- 7.1 GP – General Practitioner

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Background papers:- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022  
<https://www.legislation.gov.uk/ukpga/2022/29/section/1/enacted>  
Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

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**Lead Contact Officer**

Name and Post: Josie Hoven – Senior Licensing Officer  
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Email: [licensingteam@breckland.gov.uk](mailto:licensingteam@breckland.gov.uk)

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**

**Appendices attached to this report: (list appendices below or delete)**

Appendix A Proposed Medical Exemption Policy and copy of the medical exemption application form

## Appendix - Equality Act 2010 - Medical Exemption Policy

### 1. Background Information

The Equality Act 2010 means that employers and service providers must make reasonable adjustments or changes to take account of the needs of disabled employees and customers.

Breckland Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and Private Hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

The Equality Act 2010, Section 165, places the following duties on **drivers of designated wheelchair accessible taxis and private hire vehicles**:

- to carry the passenger while in the wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry their wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- to give the passenger such mobility assistance as is reasonably required

In addition, Sections 168 and 170 places the following duty on **drivers of taxis and private hire vehicles**:

- To carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

### 2. What is a Medical Exemption?

In some circumstances a driver of a designated Taxi or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

### **3. How to apply for a Medical Exemption**

To apply for a Medical Exemption Certificate, a driver must submit an exemption application form that their own GP has filled out and signed detailing exactly what duties cannot be undertaken and why. Drivers might also be required to submit additional supporting documentation such as a letter from a consultant.

If the doctor's letter states that the driver is unfit to carry passengers in wheelchairs and/ or assistance dogs for a specified period of time, an exemption notice will be issued with an expiry date in line with the information provided on the doctor's note. Upon expiry, the licensing team will deem drivers fit to undertake all duties unless a second doctor's note is received. Upon receipt of a second doctor's note, the licensing team may either accept the doctor's note or require the driver for referral to a health centre for further assessment (driver to pay these expenses). This will be on a case-by-case basis.

Upon expiry of the exemption certificate, the certificate must be returned to licensing team. Failure to do so in a reasonable timeframe might result in the suspension of a driver's licence on the basis of being fit and proper.

If / when the referral process is initiated, the driver will receive further information from the Health Centre provider. The licensing section will contact the driver to discuss the outcome of the referral.

- If the driver is declared fit for work, the exemption certificate must be returned to the licensing team.
- In the event of a recommendation to make reasonable adjustments, the licensing section will consider an extension to the exemption certificate to allow the driver to make necessary reasonable adjustments.
- If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an Exemption Certificate will be issued at each renewal of their Hackney Carriage/Private Hire Drivers Licence. The exemption may be reviewed every one to three years, with reference to expert medical evidence, and each case will be reviewed on its own merits.

### **4. Appeals Process**

If the driver does not agree with the decision to refuse the application for a medical exemption, they are able to appeal the decision to the magistrates' court. The driver has 28 days from the date of refusal to appeal.

### **5. Need to display the Exemption Certificate**

Once an exemption is granted, there is a requirement under the Equalities Act 2010 to display the exemption certificate in the vehicle being driven by the exempted driver. An exemption certificate will be provided to the driver for the vehicle he operates, this must be displayed when he is operating that vehicle.