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18 October 2017

To: All Councillors

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend the meeting on **Thursday 26 October 2017 at 6.00 pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written over a faint, circular stamp or watermark.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence.

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

3. MINUTES OF LAST MEETING

08 March 2017

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. **LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL PROGRESS REPORT** 3 - 9
- To consider a summary work of the Licensing Section, in relation to the Licensing Act 2003 and the Gambling Act 2005, during the past financial year in comparison with the previous two periods. Also, to approve continuation of the Licensing Team's contribution to the work of the Community Safety Violence, Alcohol and Licensing group and its work with other Responsible Authorities, when possible, when carrying out planned licensing awareness visits and taxi enforcement operations.
6. **REVIEW OF ANIMAL ESTABLISHMENTS LICENSING – THE NEXT STEPS** 10 - 17
- To note a report on the progress of Government proposals, through the Department for Environment, Food and Rural Affairs (DEFRA) to reform the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments.
7. **REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY** 18 - 21
- To consider approval of a 12-week consultation exercise on the draft Taxi and Private Hire Licensing Policy with any comments received being taken into account in drafting an updated Taxi and Private Hire Licensing Policy which will be considered at a future meeting of this Committee, with a view to adoption by 1st April 2018.
- The report also provides information on comments received from the Taxi Trade during an initial consultation exercise carried out and on proposals for a countywide project to consider common themes for Taxi Licensing Policies. .

Members of the Committee: Councillors Sue Bull, Tom Donnelly, Ann Elliott, Graham Elliott, Richard FitzHerbert, Steve Flitter, Helen Froggatt, Alyson Hill, Angus Jenkins (Vice Chair), Jean Monks (Chairman), Joyce Pawley, John Tibenham.

Report of the Head of Regulatory Services

LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL PROGRESS REPORT

PURPOSE OF REPORT

This report provides 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 Committee is provided with details of current campaigns being promoted through the High Peak & Derbyshire Dales Community Safety VAL Group (Violence, Alcohol and Licensing), which the Council's Licensing Team is supporting, and of work being carried out with other Responsible Authorities, which contributes to the Licensing Service Plan Actions.

A summary of legislative changes to the Licensing Act 2003 introduced since July 2016 is provided in Appendix 1 to the report, for information.

RECOMMENDATION

- 1) That the report be noted.
- 2) That the Licensing Team continues to contribute to the work of the Community Partnership's VAL (Violence Alcohol and Licensing) Group, by supporting the Safe and Responsible and Intoxicated-No Sale Campaigns, currently being rolled out County-Wide.
- 3) That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out the following number of planned compliance/enforcement visits in the District by 31 March 2018:
 - 20 licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal;
 - 2 taxi enforcement operations

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 BACKGROUND INFORMATION

1.1 The Licensing Act 2003

Members will be aware that the Licensing Act 2003 established a single integrated scheme for licensing premises which are used for the sale or supply of alcohol, and/or to provide regulated entertainment and/or to provide late night refreshment.

1.2 Since its introduction in 2005, the District Council, (in its role as the Licensing Authority), has processed and granted in the region of 530 premises licences and club premises certificates; 1100 personal licences; and on average (each calendar year) acknowledges some 450 temporary event notices (TENs). All of these authorisations have permitted one of more of the licensable activities under the provisions of the Licensing Act 2003.

1.3 Each year a number of new premises licences are granted and a very small number are surrendered, as businesses close down or move premises. New licences are granted and existing licences varied for a number of reasons, which include the start-up of new businesses, a rise in the number of one-off events. eg: small music festivals, micro-breweries, themed/luxury bed and breakfast establishments, community shops in separate areas of existing licensed premises etc.

1.4 Annual Updates

The first progress report was presented to this Committee in 2007, providing information about the numbers of licence applications determined with effect from 24th November 2005, when the Licensing Authority became solely responsible for regulating the licensable activities specified in the legislation. Some of these activities are no longer licensable, such as providing facilities for music, dancing, entertainment or similar. Also, the provision of live and recorded music during specific hours and/or at alcohol-licensed premises in certain circumstances does not need to be regulated.

1.5 Since 2007 a progress report has been submitted annually for the Committee's information and consideration. The report is usually submitted to the first meeting in the civic year but the Committee did not sit in July. For completeness, and where available, the figures for the first 6 months of 2017-18 are also provided.

1.6 The following table details the number of applications made under the Licensing Act 2003, during 2016-2017, offering a comparison to figures for the 2 previous financial years.

Application Type	Number of Applications Processed			
	2014-2015	2015-2016	2016-17	2017-18
New Premises Licences/Club Premises Certificates (CPCs)	15	21	15	11
Transfers	22	24	25	16
Variations (full)	2	2	4	1
Minor Variations	12	4	5	1
Variation of (DPS)	61	71	82	39
Removal of DPS Condition	0	0	0	0
New Personal Licences	70	48	60	25
Temporary Event Notices (TENs)	440	363	369	248
LATE Temporary Event Notices	76	98	118	82
Surrendered Premises Licences	1	13	6	3

1.7 Licensing and Appeals Sub-Committee Hearings

During 2016-2017, 14 applications for new premises licences and 1 application for a new club premises certificates were received. None of these applications attracted representations (relevant objections), so it was not necessary to refer any to a Licensing and Appeals Sub-Committee meeting for the application to be determined.

1.8 The Licensing and Appeals Sub-Committee met twice in July 2016 to hear an application for an Expedited Review, which led to a Full Review, of the Premises Licence held by Greene King Retailing Limited, for the Railway Hotel, Bakewell Road, Matlock. The Police had applied for the Review of the Premises Licence on the grounds of serious disorder at the premises, coupled with on-going management issues and a history of anti-social behaviour, which it was felt, undermined the 4 licensing objectives, as specified in the Licensing Act 2003.

1.9 It was resolved that the premises licence conditions would be revised and that the more robust policies and procedures volunteered by Greene King would be implemented within 21 days of the Sub-Committee hearing. The premises operated under the revised licence until April 2017, when Greene King sold the premises and transferred the licence to a local business man who has other licensed premises in the Derbyshire Dales. The new owner plans to apply for a new premises licence and re-open the premises after completion of a major re-design and refurbishment project, which is currently underway.

1.10 During the period 1st April to 30th September 2017, of the 11 applications received for new premises licences only 1 has been referred to a Licensing and Appeals Sub-Committee meeting to be determined.

1.11 Applications for Minor Variations

In October 2009, the Minor Variations application process was introduced. This allowed proprietors/operators to make small changes to their premises licences, as long as the proposed changes would not undermine the licensing objectives.

Examples of permitted changes include:

- Minor changes to the structure or layout of premises;
- Small adjustments to licensing hours;
- Conditions: removal of out- of- date irrelevant or unenforceable conditions or volunteering of conditions;
- Licensable activities: adding certain licensable activities.

1.12 The Government recommended that the decision making on Minor Variation applications should be delegated to officer level. There is no provision for hearings to be held to determine these applications. If objections are received the applications are refused, and a full variation application can then be made, which would be subject to a hearing if any relevant objections to it were received.

1.13 The Head of Regulatory Services and the Licensing Manager are delegated to determine applications for Minor Variations. A total of 6 minor variation applications were determined by Officers under delegated powers between 1st April 2016 and 30th September 2017. These applications were mainly for changes to the structural layout of the premises.

1.14 Working with Partners

The Licensing Team works closely with the other agencies with responsibility for dealing with applications for licensing eg through the Safer Derbyshire (Community Safety) Partnership VAL Group (Violence, Alcohol and Licensing).

1.15 Visits to licensed premises are carried out jointly, where appropriate, with officers from the Police, Environmental Health, Fire Service and Trading Standards Authorities. Where problems exist or there is the potential for problems, measures to deal with these are agreed by all officers and negotiated with the licence holder. In 2016-17 the 20 visit target was exceeded with 22 visits to licensed premises being carried out. A target of 20 visits to licensed premises during 2017-18 has been agreed and published in the Licensing Service Plan. The targets for 2018-19 are currently under consideration.

1.16 The Safe and Responsible Campaign first introduced in the High Peak and Derbyshire Dales in 2010 presented a Guide for Safer Licensed Premises, which has continued to be made available to alcohol-licensed premises. The Manual assists licence-holders to comply with their legal and social responsibilities, in running a well-managed premises. This Manual is currently being reviewed so that it can be re-published before Christmas 2017 as part of the 'Intoxicated-No Sale' Campaign, which is being rolled-out across Derbyshire by the Police Authority. The Manual will be available to all alcohol-licensed premises, as a download from both Derbyshire Dales and High Peak Councils' websites.

1.17 The Gambling Act 2005

The following numbers of premises are 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 Notice (Pikehall Harness Racing)
- 8 Club Machine Permits (Registered Clubs)
- 165 Small Society Lotteries.

1.18 There have not been any changes to the legislation, affecting the licensing of these premises since the last annual report was considered by this Committee.

2 RISK ASSESSMENT

2.1 Legal

The report provides the Committee with information on how the Council is continuing to implement the Licensing Act 2003 and the Gambling Act 2005 in practical terms. The record demonstrates that the laws are being effectively implemented, with the risk being correspondingly low.

2.2 Financial

The budget position for administering the Licensing Act 2003 and the Gambling Act 2005 is shown in the following table:

	2014/2015 Actual	2015/16 Actual	2016/17 Actual	2017/18 Budget
Total Expenditure	112,477	97,661	96,193	104,758
Total Income	107,750	112,020	116,340	107,464
Net Cost	4,727	-14,359	-20,147	-2,706

It is considered that this budget is adequate for the provision of the service at the moment, and therefore the financial risk is low.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

Description	Date	File
Records of applications stored in Licensing Software Systems – LalPac (archived) & M3 (NB: some licence types are in paper file format)	2005 - on going	RS/LN

6 ATTACHMENTS

Appendix 1 – Summary of Amendments to Licensing Act 2003

Amendments to Licensing Act 2003 as result of other legislative changes

Policing and Crime Act 2017	
<p>Definition of 'Alcohol'</p> <p>Amends section 191 of the Licensing Act 2003 (LA2003)</p>	<p>to clarify that powdered alcohol and vaporised alcohol are to be regulated in the same way as liquid alcohol.</p>
<p>Summary Review - Premises Licence</p> <p>Amends section 53B of the LA2003</p>	<p>so that after the licensing authority has held a hearing to consider the interim steps, the premises licence holder may only make further representations if there has been a material change in circumstances since that hearing.</p>
<p>Summary Review - Premises Licence</p> <p>Inserts Section 53D into the LA2003</p>	<p>Section 53 is amended by inserting a new Section 53D to require the licensing authority, at the review hearing, to review any interim steps that have been taken. The licensing authority must consider whether the interim steps are appropriate for the promotion of the crime prevention objective, consider any relevant representations, and determine whether to withdraw or modify the steps taken. For example, there may have been a change in circumstances or further evidence provided at the hearing which means that the interim steps originally imposed are no longer necessary for the period of time between the review hearing and the review decision coming into effect.</p>
<p>Summary Review - Premises Licence</p> <p>Amends Part 1 of Schedule 5 to 2003 Act.</p>	<p>Part 1 of Schedule 5 to the 2003 Act is amended to provide for an appeal to be made by the police or licensee, against the decision regarding the interim steps, taken at the review hearing. This appeal must be heard by a Magistrates Court within 28 days.</p>
<p>Personal Licences</p>	<p>Introduces powers for Licensing Authorities similar to those of the Courts - when the licensing authority that has granted a personal licence becomes aware that the licence holder has been convicted of a relevant offence, foreign offence or been required to pay an immigration penalty, the licensing authority may revoke the licence or suspend it for a period of up to six months.</p>

Statutory Guidance – section 182 of LA2003 is amended	The Immigration Act 2016 removes the parliamentary procedure and the Section 182 Guidance (LA2003) will now take effect as soon as it is published by the Home Office.
Cumulative Impact Policies (CIPs) Inserts new section 5A to put Cumulative Impact Policies on a formal footing	Cumulative Impact Policies (CIPs) were not referred to in the LA2003 – only in the section 182 Guidance to Licensing Authorities. Section 5 of the 2003 Act is amended by inserting a new Section 5A that allows a licensing authority to publish a cumulative impact assessment if it considers that the number of licensed premises in an area is such that granting further licences would be inconsistent with its duty to promote the licensing objectives. The licensing authority must review the evidence supporting a CIP at least every three years.
Section 125 of the Police Reform and Social Responsibility Act 2011 is amended to allow licensing authorities to target specific geographical locations with a Late Night Levy (rather than, as now, applying it to the whole of the local authority area).	Local authorities were given the power to introduce a late night levy through the Police Reform and Social Responsibility Act 2011. The levy is a discretionary power enabling licensing authorities to raise a contribution towards policing the late night economy from holders of premises licences or club premises certificates. Section 125 of the 2011 Act is amended to allow licensing authorities to target specific geographical locations with a Late Night Levy (rather than, as now, applying it to the whole of the local authority area). It extends the levy to include late night refreshment outlets. The PCC will be able to ask the licensing authority to propose introducing a levy, and the Act will require licensing authorities to publish information about how any funds raised by the levy are spent.
Immigration Act 2016	
Schedule 4 of the Immigration Act 2016 amends LA 2003 application procedures and entitlements	The Home Office is named as a Responsible Authority for Premises Licence applications (new, transfers and variations). The premises licence will now lapse if the licence holder ceases to be entitled to work in the United Kingdom.
Personal Licence application under the LA2003 amended	An applicant will not be able to apply for a personal licence if he or she is not entitled to live and work in the United Kingdom; an existing personal licence will lapse if an individual ceases to be entitled as such. The list of 'relevant and foreign offences' in relation to personal licences will be expanded to include 'immigration offences and immigration penalties'.
Right of Entry to Licensed Premises	Where a constable or authorised person has reason to believe that offences under the Immigration Act 2014 are being committed, they have a right to enter licensed premises to investigate. An immigration officer is now given the same power of entry.

LICENSING AND APPEALS COMMITTEE
26 OCTOBER 2017

Report of the Head of Regulatory Services

REVIEW OF ANIMAL ESTABLISHMENTS LICENSING – THE NEXT STEPS

PURPOSE OF REPORT

This report informs the Committee of progress made with Government proposals, through the Department for Environment, Food and Rural Affairs (DEFRA) to reform the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments.

At the March 2016 meeting the Committee was informed that in December 2015 the Government had informed local authorities of its intention to introduce new secondary legislation under the Animal Welfare Act 2006, (as had been anticipated when the Act was originally enacted), which would introduce a single ‘Animal Establishment Licence’ for animal boarding establishments, pet shops, riding establishments, and dog breeding. It was resolved at that meeting that a response prepared by officers, to the consultation document, should be submitted before the consultation closing date.

Earlier this year DEFRA published the Next Steps document setting out the way forward on the review. These steps are summarised in the committee report for ease; the complete report from DEFRA can be accessed via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588817/animal-licensing-review-next-steps.pdf.

RECOMMENDATION

- 1) That the report be noted.
- 2) That a further report outlining the implications for the Licensing Authority be submitted to this Committee in 2018, when a commencement date for the Regulations is known.

WARDS AFFECTED

All

STRATEGIC LINK

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1 BACKGROUND AND LOCAL CONTEXT

1.1 The District Council is responsible for regulating a number of animal-related businesses, as well as the keeping of specified dangerous wild animals by businesses or individuals.

1.2 The licence types which can be issued under several pieces of legislation are:

- Animal boarding establishment licences (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care) – Animal Boarding Establishments Act 1963.
- Dog breeding establishment licences (premises used for, or in connection with, the commercial breeding of dogs) – Breeding and Sale of Dogs (Welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973.
- Pet shop licences (any business which keeps animals with a view to selling them as pets) – Pet Animals Act 1951 (as amended 1983).
- Riding establishment licences (premises which keep horses and ponies for hire for riding, or for riding tuition – but excluding livery stables) – Riding Establishments Acts 1964 and 1970.
- Zoo licences (for premises which exhibit wild animals to the public) – Zoo Licensing Act 1981.
- Dangerous wild animal licences (for keeping one or more dangerous wild animals, from a prescribed list, at premises within the district) – Dangerous Wild Animals Act 1976.

1.3 The numbers of licences currently in force for premises in the Derbyshire Dales are as follows:

Licence Type	Duration	Number
Animal Boarding (includes home boarding for Dogs)	12 months	23
Dog Breeding Establishments	12 months	4
Pet Shops	12 months	4
Riding Establishments	12 months	4
Zoos	4-6 years	0
Dangerous Wild Animals	24 months	1 (ostriches)

1.4 Whilst the District Council is responsible for licensing animal welfare premises, Derbyshire County Council (Trading Standards Animal Welfare Team) is responsible for registering any performing animals based within the County, and for recording the movements of farm animals.

1.5 The legislation governing all of the above licence types was mainly introduced between 1951 and 1981, with various amending pieces of legislation following on. The effect of this is that there are now 10 Acts of Parliament plus numerous pieces of secondary legislation governing the above six licence types.

2 RESPONSES TO CONSULTATION – AND DEFRA’S PROPOSALS

2.1 The Consultation

In March 2016, the Committee was informed of Defra’s proposals to introduce new secondary legislation under the Animal Welfare Act 2006 which will introduce a single ‘Animal Establishment Licence’ for animal boarding establishments, pet shops, riding establishments and dog breeding. The stated aim is to “relieve the administrative burden on local authorities, simplify the application and inspection process for businesses, as well as maintain and improve existing animal welfare standards by modernising the current animal licensing system in England.”

Defra received 1,386 substantive responses to the consultation questions, of which 6% came from animal welfare organisations. The largest group of respondents was members of the public with an interest in the subject (49%).

Following the meeting of this Committee in March 2016 Officers submitted a response on behalf of the District Council. It is pleasing to see that the responses from Defra set out below broadly reflect the views of the Committee.

2.2 Responses and Proposals

Single Animal Establishment Licence

71% of respondents were positive about the proposal to introduce a single Animal Establishment Licence. The most common positive comment was that this would reduce the burden on businesses and local authorities and simplify the process. It was noted that the licence would need to incorporate different requirements for the different types of establishment covered.

DEFRA’s proposal:

We are planning to introduce one ‘animal activities’ licence which will cover four animal activities; dog breeding, dog/ cat boarding, selling pets and hiring out horses for riding. This will help to streamline the administrative process for local authorities and businesses. There will be separate sets of standards for each activity within the Regulations.

2.3 ***Model Licence Conditions***

71% of responses were positive about the proposal to promote or require the use of Model Conditions by local authorities (for activities where they have been agreed). 16% of responses were negative, and a further 13% replied “don’t know” with a proportion of those wanting more information on the contents of the Model Conditions.

Those in favour of the proposal felt it would improve clarity and standardisation across Local Authorities and that it would be beneficial for Model Conditions to be easily and regularly updated by experts.

DEFRA's Proposal:

We are currently exploring a mechanism for enshrining the key requirements from the Model Conditions into law and will work with the Canine and Feline Sector Group and the Equine Sector Council on this. We will continue to encourage the use of the full Model Conditions by local authorities.

2.4 *Breeding and Sale of Dogs*

When asked whether they agreed with the proposal to prohibit the sale of puppies below the age of 8 weeks, 90% of respondents agreed. The most common comment was that "puppies need to stay with their mothers and siblings until they are 8 weeks old for socialisation, support, training, learning bite inhibition and to develop immunity against diseases"

DEFRA's Proposal:

We wish the sale of puppies below the age of eight weeks to be prohibited in all cases. The exemption of sale of young puppies by licensed breeders to pet shops is a free standing provision in the Breeding and Sale of Dogs Act 1999, and primary legislation is needed to make the amendment. Such an amendment might be suitable for a Private Member's Bill. In the meantime, it is proposed that the requirements from the Model Conditions for Pet Vending on not selling pets at too young age will be transposed in the Regulations. For both puppies and kittens this is at less than eight weeks of age.

2.5 *Licensing threshold for Dog Breeders*

64% of respondents agreed with the proposal to make clear that the statutory licensing threshold for dog breeders is set at 3 or more litters per year. The Summary clarified that this meant 3 litters per breeder, retaining the existing requirement that each breeding bitch only produce one litter per year. It was felt that hobby breeders would be unlikely to have 3 litters in a year, meaning that this threshold would only catch businesses.

DEFRA'S Proposal:

We propose to set the statutory licensing threshold for dog breeders at three or more litters per year which is the same level as currently applies in Wales. Specifically, the test will be set as anyone breeding three or more litters per year and selling the puppies. We will retain the existing exemption in the dog breeding legislation for breeders who can show they do not sell any of their puppies as well as the requirement that each breeding bitch should have only one litter per year. Given this, any person with three or more breeding bitches on the premises and selling dogs would need a licence. We consider that three litters or more provides the right balance of being proportionate and reasonable to enforce, and will help target regulatory effort on those breeders producing dogs on a commercial basis.

2.6 *Pet Sales*

90% of responses were positive regarding whether there should be a legal requirement to provide written information when selling animals.

Some respondents offered more measures that could address the care of exotic animals. “The importance of a high level of knowledge and understanding of the needs of the animals was commonly raised, and a lot of respondents suggested that this be checked prior to purchase, for example, by asking the buyer to carry out a test, or to demonstrate that they have particular qualifications. It was suggested that buyers could be required to join a specialist club/society or to register with a specialist vet.”

DEFRA’s Proposal:

We intend to include this requirement as a mandatory licence condition on those selling pets. We will require the information to cover the five freedoms in the Animal Welfare Act 2006.

2.7 *Licences granted at any point in the year*

At present, licences must begin and end with the calendar year (with the exception of Dog Breeding Licences). There was strong agreement (83%) with the proposal to allow licences to be issued for a fixed term which can begin at any point in the year.

It was felt this would “reduce the administrative burden on businesses and allow them to plan their workload more effectively”.

DEFRA’s Proposal:

We intend to allow licences to be issued for a fixed term, set at any point in the year. This will reduce the burden on local authorities and businesses by spreading licence applications throughout the year, and by ensuring that all licences last for their full term rather than to the end of the calendar year.

2.8 *Three-Yearly Licences*

Responses were very mixed to the question whether the maximum licence length should be increased to 3 years. 48% were positive and 40% were negative. It was suggested positively that this would be more efficient, as local authorities could allocate more resources to poorer performing or higher risk establishments. However, negative responses highlighted that a lot can change in 3 years.

DEFRA’s Proposal:

We intend to increase the maximum length of a licence that local authorities may issue to up to three years. However, this will be linked to a requirement for local authorities to use a standard risk-based assessment system which is nationally agreed. The National Companion Animal Focus Group is working with us to help to develop a template for this risk-based assessment.

2.9 *Other Responses*

- Responses were largely negative (61%) to the proposal to allow licence holders to transfer licences to new owners of the same premises.

DEFRA does not intend to take this proposal forward.

- 95% of respondents agreed with the proposal to require licence holders to notify local authorities of major changes such as a change of premises or scale of activities.

DEFRA's Proposal:

We intend to require licence holders to notify local authorities of major changes. The responses to the consultation highlighted a concern that 'major changes' would need to be clearly defined.

- The majority (72%) of respondents supported keeping the proposal to maintain the registration requirement for performing animals.

DEFRA's Proposal:

We intend to maintain the principles behind registration for these animals and to make improvements, including to clarify that the animals do not have to be 'performing' to be included.

The current definition of a 'performing animal' was seen to be restrictive and to be inconsistently applied. To address this issue, we intend to repeal the requirement to be registered in order to exhibit or train a performing animal in the Performing Animals Act 1925 as it applies to England and replace it with a scheme under the Animal Welfare Act 2006 for animals that are exhibited.

We intend to require businesses to list the number and species of animals they are exhibiting (including both common names and scientific names).

Recent Media Coverage (10/10/2017) has highlighted the proposal to include Mobile Zoos in this category. Currently some petting zoo type animals are not considered to be performing and are therefore exempt from regulation. <http://www.bbc.co.uk/news/uk-41551396>

- 56% of respondents were positive about proposals to change the registration system for performing animals. The changes proposed were to update the legal standards to explicitly refer to the welfare needs set out in the Animal Welfare Act, remove the need for local authorities to send copies of the paperwork to Defra and to extend powers of inspection to premises where performing animals are kept.

DEFRA's Proposal:

We intend to update the legal standards to refer explicitly to the welfare needs set out in the Animal Welfare Act. In addition, we intend to remove the need for local authorities to send copies of paperwork to Defra. Instead, local authorities will be requested to submit annual data (in electronic format) on all licences and registrations.

- A clear majority (72%) of respondents favoured proposals to give local authorities powers of entry into animal establishments.

DEFRA's Proposal:

The Regulations will be made under the Animal Welfare Act 2006 and local authorities' powers of entry will be on the same basis as under the Act. This will not include a restriction on the number of people that can make use of the power of entry. It will require a warrant to enter dwelling premises, with reasonable notice given of the application for a warrant unless such notice would defeat the object of the entry.

- Responses were very mixed to the idea of allowing an exemption from licensing requirements for businesses affiliated to a body accredited by UKAS: the most common answer was 'don't know', with 43% disagreeing and 31% agreeing. A common response was that this system would be too confusing.

DEFRA's Proposal:

We intend to incorporate the concept of earned recognition into the current licensing system, by including a consideration of any affiliation to a body accredited by UKAS in the risk-based assessment process that we are developing with the NCAFG. In the system being developed it is likely businesses affiliated to a body accredited by UKAS will receive a lower risk score, and may receive a longer licence term at lower annual cost. This would ensure a reduced burden on low risk businesses and on local authorities whilst maintaining local authority control over the licensing scheme.

2.10 THE NEXT STEPS

Defra will develop draft Regulations based on these conclusions and will continue to work with stakeholders through the National Companion Animal Focus Group, the Canine and Feline Sector Group and the Equine Sector Council to put in place the necessary supporting policies, guidance and documentation.

DEFRA has recently advised Local Authorities that it has been putting together draft regulations to put into effect the proposed changes. The intention is to lay the draft regulations in Parliament early next year (2018) with a view to them coming into force in October 2018.

The Committee will be updated accordingly.

3 RISK ASSESSMENT

3.1 Legal

The report comments on reforms to legislation. There are no legal considerations for the District Council at this stage.

3.2 Financial

The financial risk of this report is assessed as low because there are no direct financial implications arising from it. This is an initial proposal on possible legislative change. Once the detail of the regulations is known a further report will be prepared when any financial implications for Derbyshire Dales District Council will be identified.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Description	Date	File
Original consultation document https://consult.defra.gov.uk/animal-health-and-welfare/consultation-on-the-review-of-animal-licensing	December 2015	
DDDC's Response to Defra Consultation on Animal Establishment Licensing in England	March 2016	RS/LN/ET
Summary of Responses received by DEFRA https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/552955/animal-establishments-consult-sum-resp.pdf	September 2016	

7 ATTACHMENTS

None.

LICENSING AND APPEALS COMMITTEE
26 OCTOBER 2017

Report of the Head of Regulatory Services

REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY

PURPOSE OF REPORT

This report provides a further update on the review of the District Council's Taxi and Private Hire Licensing Policy, and informs the Committee of comments received from the Taxi Trade during an initial consultation exercise carried out.

The report also updates the Committee on proposals for a countywide project to consider common themes for Taxi Licensing Policies. This work has been taken into account in the development of the final draft of the Policy, and has been a factor in the delay in the public consultation exercise.

RECOMMENDATIONS

- 1) That a 12-week consultation exercise is carried out on the draft Taxi and Private Hire Licensing Policy as detailed in **Appendix 1** of this report.
- 2) That any comments received during the consultation exercise will be taken into account, and the draft Taxi and Private Hire Licensing Policy be updated for final consideration at a future meeting of this Committee, with a view to adoption by 1st April 2018.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 BACKGROUND TO REVIEW OF THE CURRENT POLICY

- 1.1 A review of the Council's Taxi and Private Hire Licensing Policy was first considered in November 2013, as a number of issues had been raised by the taxi trade since February 2009, when the current Policy was first approved and implemented.

- 1.2 A number of attempts have been made since 2013 to carry out a consultation exercise on an approved draft Policy, but these have been affected by the Law Commission's remit from Government to carry out a review and report back on its proposals for a national reform of the taxi and private hire licensing laws.
- 1.3 At the October 2016 meeting, the Committee was made aware that a local policy could contradict proposals which resulted from the national project and consultation. So although the consultation process on our local policy was started in 2014 with meetings with the taxi trade, and repeated in 2016, this was done on the understanding that major changes to the policy would not be introduced while confirmation of the national proposals was still awaited. Confirmation of any likely changes is still awaited.
- 1.4 Interim changes have been introduced by Government with the implementation of the Deregulation Act in 2015, which extended the renewal periods for driver and operator licences, to a maximum of 3 and 5 years respectively. The Government intended that these periods of renewal would become the norm and lesser renewal periods only being permitted with good reason. eg: medical grounds, impending retirement/change of career, or similar circumstance.
- 1.5 During the last 12 months the Chief Executive of the North East Derbyshire and Bolsover Alliance has led a review of taxi driver licensing policies across the region, with a view to developing more consistency between all Derbyshire policies.
- 1.6 The aim of this review is to ensure that there is a consistency of approach to the licensing of taxi drivers in particular, and that each Council's policies are sufficiently robust to ensure that the public, particularly young people and vulnerable adults, are protected when using taxis. The review will also look at how well licensing authorities are using data and intelligence, and how this information is being co-ordinated and shared to protect the public.
- 1.7 On 27th September 2017, the Institute of Licensing (IoL) reported that it has called on the Government to modernise taxi and private hire licensing laws. The IoL made its submission to the newly formed Taxi & Private Hire Task & Finish Group set up by the Minister of State John Hayes. In its written submission to the group, James Button, the IoL President and Chair of the IoL's Taxi Consultative Panel outlined the IoL's top four areas of concern as:
 - The current 2-tier taxi/private hire system;
 - Lack of national standards leading to inconsistencies of checks and standards;
 - Cross-border sub-contracting; and
 - Information sharing obstacles between local authorities and police forces.
- 1.8 The IoL is hoping to address some of the issues associated with lack of national standards for licensed drivers with the IoL's proposed Model Convictions Policy on which it is hoping to carry out an extensive consultation exercise soon.
- 1.9 The real concerns expressed in a survey of IoL Members in relation to inconsistency between the information sharing practices between local authorities and the police, is a major prompt for the IoL to write to the Department for Transport (DfT), National Police Chiefs Council and the Home Office.

- 1.10 Taking all of the above circumstances into account, a revised draft Policy document has been prepared for a full public consultation exercise. This is detailed in **Appendix 1** for the Committee's consideration.
- 1.11 It is suggested that the District Council should not wait any longer for a national steer as the current Policy is out-of-date and needs to take account of more current issues. The main areas of change proposed relate to the Driver Knowledge Test process, the enforcement of breaches of conditions and convictions with the introduction of a penalty points system for drivers; mandatory training for drivers, eg Safeguarding/Child Sexual Exploitation, and Equalities.
- 1.12 The current policy is nearly 9 years old, with the proposed changes (both administrative and policy-wise) resulting in a fairly major overhaul. Highlighting the changes in the policy document would detract from the overall review, so a summary of the main changes will be provided to Members before the meeting.
- 1.13 It is recommended that a 12-week consultation exercise is carried out on the draft Taxi and Private Hire Licensing Policy and that any comments received during the consultation exercise will be taken into account so a final draft Taxi and Private Hire Licensing Policy can be updated for consideration at a future meeting of this Committee, with a view to adoption by 1st April 2018.

2 RISK ASSESSMENT

2.1 Legal

The Council's Policy in this matter underpins the decision making process and ensures that our administration of this function has a robust basis.

Ensuring that the Policy is up to date enables the Council to manage the risks of delivering this service for the Communities served, for those involved in the trade and for the Council as an organisation. Therefore the legal risk is low.

2.2 Financial

There are no financial risks directly arising from this report at this time, other than officer time.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

The Council also has a statutory duty under Section 149 of the Equality Act 2010 to ensure that in exercising its function it seeks to, eliminate discrimination, advance equality and foster good relations.

An initial Equalities Impact Assessment was carried out in 2013, was reviewed in and will require updating as part of the consultation process.

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

Description	Date	File
Consultation responses from 2014-2016.	September 2016	

6 ATTACHMENTS

Appendix 1 – Draft Taxi and Private Hire Licensing Policy for consultation. **TO FOLLOW**

BACK TO AGENDA