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7 July 2015

To: All Councillors

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend the meeting on **Wednesday 15 July 2015 at 6.00 pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a large, stylized flourish at the end.

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

25 March 2015

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.

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5. LICENSING SERVICE PLANNING AND PERFORMANCE MANAGEMENT	1 - 4
<p>To consider the Licensing Service Plan and the measures in place to ensure that the Licensing Service operates both efficiently and effectively, and to seek the opinion of the Committee on long-term service objectives.</p> <p>A short power-point presentation will accompany this report</p>	
6. LICENSING ACT 2003 AND GAMBLING ACT 2005 ANNUAL PROGRESS REPORT	5 - 8
<p>To consider a summary of work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Team during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.</p>	
7. INSTITUTE OF LICENSING (IoL) CONSULTATION ON DRAFT GUIDANCE ON PREMISES LICENCE CONDITIONS FOR THE LICENSING ACT 2003	9 - 30
<p>To consider an outline of how The Institute of Licensing (IoL) is consulting its members and stakeholders about its draft Guidance on Premises Licence Conditions for the Licensing Act 2003.</p>	
8. DEREGULATION ACT 2015 – CHANGES TO TAXI LICENSING PROCEDURES - SUMMARY	31 - 35
<p>To consider legislative changes that will come into effect in October 2015, and that will alter the minimum period allowed for renewal of a Taxi/Private Hire Vehicle Driver’s Licence (badge) to 3 years and a Private Hire Operator’s Licence to 5 years. The Licensing Authority needs to amend its administrative procedures and revise its fees to ensure it is operating in accordance with the provisions of the Deregulation Act 2015 which has introduced these changes.</p>	

Members of the Committee: Councillors Jennifer Bower (Vice Chair), Tom Donnelly, Graham Elliott, Richard FitzHerbert, Steve Flitter, Helen Froggatt, Alyson Hill, Angus Jenkins, Tony Millward BEM, Jean Monks (Chairman), Joyce Pawley, John Tibenham,

LICENSING AND APPEALS COMMITTEE 15 JULY 2015

Report of the Head of Regulatory Services

LICENSING SERVICE PLANNING AND PERFORMANCE MANAGEMENT

SUMMARY

To bring Members' attention to the Licensing Service Plan; informing Members of the measures in place to ensure that the Licensing Service operates both efficiently and effectively, and seeking Members' opinion on long-term service objectives.

This report will be delivered around a short power-point presentation to complement the licensing training sessions being delivered by Legal and Licensing Officers to Members in July and September, which are focusing mainly on flame-proof decision-making.

RECOMMENDATION

That the Licensing Service Plan for 2016-17 be brought to the November meeting of the Licensing and Appeals Committee for comment.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.

1 BACKGROUND

1.1 The Licensing Service Plan for 2015-2016 sets out how Licensing services will contribute towards meeting the Corporate Priorities for 2015/16.

1.2 The **objectives** of Licensing are:

1. Work with partners agencies to contribute towards a reduction in crime, disorder and public nuisance;
2. Provide a high quality licensing service to licence holders and new applicants.

1.3 **Key activities** in Licensing include:

- Issue licences for alcohol sales, entertainment, gambling, taxis, animal welfare and cosmetic piercing;
- Issue consents for street trading;
- Process applications for licences and consents whilst balancing the needs of the applicants with those of the community;
- Liaise with the police and other partners to ensure that the community remains safe;

- Provide a comprehensive advice service on all licensing matters for applicants and members of the public.

1.4 The Licensing Service Action Plan for 2015-2016 is included at **Appendix 1**, for Members' information and consideration.

1.5 This presentation will also focus on some detailed background about the different types of licences, and the circumstances when Members may be involved in determining applications. Recent changes to some pieces of legislation; in particular relating to the Licensing Act 2003 (alcohol, entertainment and late night refreshment licensing); and taxi licensing will also be explained in more detail.

1.6 The process for deciding next year's priorities for the service will begin in October and it is suggested that a report outlining the Service Plan for 2016-2017 be submitted to the November meeting of the Committee for discussion and comment.

2 RISK ASSESSMENT

2.1 Legal

There are no legal risks directly arising from this report.

2.2 Financial

There are no financial risks directly arising from this report, other than officer time. The risk therefore is low.

3 OTHER CONSIDERATIONS

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

4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager
 Tel: 01629 761374
 email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Description	Date	File
None.	June 2015	RS/ET

6 ATTACHMENT

Appendix 1	Licensing Service Plan 2015-2016
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Service Action Plan 2015/16

Service Action No.	Action	Link to Corporate Plan	Service Performance Indicator	Timescale	Strategic Risk
LIC 2	Undertake licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal	CP3 Maintain street cleaning, waste collection, safe and healthy communities	>20	March 2016	
LIC 3	Undertake taxi enforcement operations with partners	CP3 Maintain street cleaning, waste collection, safe and healthy communities	>2	March 2016	
LIC 4	Completed progress towards paperless licensing systems	CP4 Make savings to achieve a sustainable budget	100%	March 2016	

Other Workstreams

Service	Service Action No.	Action	Link to Corporate Plan	Timescale	Strategic Risk
Licensing	LIC 1	Undertake full licensing service review	CP4 Make savings to achieve a sustainable budget	March 2016	
Licensing	LIC 5	Review, revise and implement Licensing Act 2003 policy	CP3 Maintain street cleaning, waste collection, safe and healthy communities	March 2016	
Licensing	LIC 6	Review, revise and implement taxi licensing policy	CP3 Maintain street cleaning, waste collection, safe and healthy communities	March 2016	

LICENSING AND APPEALS COMMITTEE 15 JULY 2015

Report of the Head of Regulatory Services

LICENSING ACT 2003 AND GAMBLING ACT 2005 ANNUAL PROGRESS REPORT

SUMMARY

This report provides a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Team during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.

RECOMMENDATION(S)

- 1) That the report be noted.
- 2) That the Licensing Team continues to contribute to the work of the Community Safety Partnership's VAL (Violence Alcohol and Licensing) Group, in particular the on-going partnership working with the Police to maintain an active PubWatch Scheme across the Derbyshire Dales.
- 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 2016:
 - a) 20 licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal; and
 - b) 2 taxi enforcement operations.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.

1 BACKGROUND

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** The types of premises in Derbyshire Dales that currently have a licence or other type of authorisation include pubs, clubs, micro-breweries, village/community halls and schools, supermarkets and off-licences, private residences, outdoor/festival sites and marquees/barns etc.

- 1.3** Since 7th February 2005, under the provisions of the Licensing Act 2003, the District Council, (in its role as the Licensing Authority), has processed and granted in the region of 500 premises licences and club premises certificates; over 1,000 personal licences; and on average (each calendar year) some 500 temporary event notices (TENs).
- 1.4** All of these authorisations have permitted one of more of the licensable activities specified in paragraph 1.1 of this report.
- 1.5** Each year a small number of Premises Licences and Club Premises Certificates are surrendered; this can be when the owner sells the premises and it is no longer being used for licensable activities; or when a business closes down for a variety of reasons.
- 1.6** However, each year a small number of new premises licences are also granted. These can be for existing licensed premises that have let the licence lapse inadvertently (eg. where the licence holder passes away or goes bankrupt and an application is not made within the legal timescale to transfer the licence to someone else so that the business can continue to operate as before. New licences are granted and existing licences varied for a variety of reasons including new businesses or one-off events in the District. eg: small music festivals, micro-breweries, themed/luxury bed and breakfast establishments, community shops in separate areas of existing licensed premises etc.
- 1.7** Licensing Act 2003 - Applications
- 1.8** In July 2007, the first progress report was presented to this Committee providing information about the numbers of licence applications determined with effect from 24th November 2005, when the Licensing Authority became solely responsible for regulating those activities specified in paragraph 1.1 above, and other activities which are no longer licensable such as providing facilities for music, dancing, entertainment or similar.
- 1.9** During the last 9 years a progress report has been submitted annually for the Committee's information and consideration – usually in July.
- 1.10** The following table details the number of applications made under the Licensing Act 2003, during 2014-2015, offering a comparison to figures for the 2 previous financial years.

Type of Application	Number of Applications Processed		
	2012-2013	2013-2014	2014-2015
New Premises Licences/Club Premises Certificates (CPCs)	10	14	15
Transfers	33	n/k	22
Variations (full)	15	5	2
Minor Variations	24	7	12
Variation of Designated Premises Supervisor (DPS)	87	n/k	61
Removal of DPS Mandatory Condition for Community Premises	0	0	0
New Personal Licences	48	n/k	70
Temporary Event Notices (TENs)	429	461	513

**n/k owing to software difficulties this data was not available

1.11 During the last year only 1 application for a premises licences attracted representations (objections), which required the matter to be referred to a meeting of the Licensing and Appeals Sub-Committee to be determined.

1.12 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.

1.13 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 be made, which would be subject to a hearing if any objections were received. The Licensing Manager and the Head of Regulatory Services are delegated to determine minor variation applications. During 2014/2015 12 minor variation applications were approved for the following premises:

The Forester Inn, Darwin Forest Country Park, Sydnop Hill, Darley Moor, Matlock, Derbyshire, DE4 5LN.
Princess Victoria Public House, 174-176 South Parade, Matlock Bath, Derbyshire, DE4 3NR.
Waitrose, 11 Shawcroft Centre, Dig Street, Ashbourne, Derbyshire, DE6 1GD.
Tavern At Tansley, Nottingham Road, Tansley, Derbyshire, DE4 5FR.
The Co-operative Group Ltd, 3 Firs Parade, Matlock, Derbyshire, DE4 3AS.
Grouse And Claret, Bakewell Road, Rowsley, Derbyshire, DE4 2EB.
Spar Shop, Whites Of Calver, Kingsgate, Calver, Derbyshire, S32 3XH.
Duke Of York Filling Station, Mayfield Road, Mayfield, Ashbourne, Derbyshire, DE6 2BN.
The Coach House, Sandybrook Country Park, Buxton Road, Sandybrook, Ashbourne, Derbyshire, DE6 2AQ.
The Old Dog, Spend Lane, Thorpe, Derbyshire, DE6 2AT.
Whites, 6 Buxton Road, Ashbourne, Derbyshire, DE6 1EX.
Co-Operative, Commercial Road, Tideswell, Derbyshire, SK17 8NU.

1.14 Summary of Changes to Alcohol and Entertainment Licensing since July 2014.

- Personal Licence Renewals abolished;
- Some Regulated Entertainment de-regulated;
- Licensing Authorities not going to be setting own licensing fees;
- Alcohol, Entertainment and Late Night Refreshment Licensing Policy revised.

All of the above changes have been reported in detail to the meetings of this Committee during 2014/15.

1.15 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)
- 3 Occasional Use Notices (for Flagg Races and Pikehall Harness Racing)
- 8 Club Machine Permits (registered clubs)
- 170 (circa) Small Society Lotteries.

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 table below.

	2012/13 Actual	2013/14 Actual	2014/15 Actual	2015/16 Budget
Total Expenditure	100,807	112,963	102,693	111,796
Total Income	114,274	106,878	111,305	105,647
Net Cost	-13,467 (surplus)	6,085 (overspend)	- 8,613 (surplus)	6,149 (estimate)

**Note: surplus in 2014/2015 due to long-term sickness absence and vacant post. Income currently being used to fund licensing apprenticeship during 2015/16.

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

Eileen Tierney, Licensing Manager
Tel: 01629 761374;
email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

None

6 ATTACHMENTS

None.

**LICENSING AND APPEALS COMMITTEE
15 JULY 2015**

Report of the Head of Regulatory Services

**INSTITUTE OF LICENSING (IoL) CONSULTATION ON DRAFT GUIDANCE
ON PREMISES LICENCE CONDITIONS FOR THE LICENSING ACT 2003**

SUMMARY

This report provides an outline of how The Institute of Licensing (IoL) is consulting its members and stakeholders about its draft Guidance on Premises Licence Conditions for the Licensing Act 2003.

In July 2012, the IoL announced its intention to develop good practice guidance in relation to licence conditions for premises licences under the Licensing Act 2003.

The project was a response to the legacy left by the Licensing Act transition period in 2005. This was the period when Licensing Authorities took over the responsibility for alcohol licensing from the Magistrates' Courts and had to deal with large numbers of licence conversion and variation applications within a short timescale of 6 months.

RECOMMENDATION:

That the Licensing Manager co-ordinates a response to the IoL Survey on Guidance on Premises Licence Conditions, taking into account the views of Members, Responsible Authorities and the District Council's Legal Team.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.

1 BACKGROUND

- 1.1 The Licensing Act 2003 (the 2003 Act) regulates the sale of alcohol, the provision of late night refreshment and regulated entertainment in England and Wales, and is primarily administered by local authorities, acting in their capacity as licensing authorities.
- 1.2 In February 2005, when the Act took effect, the responsibility for determining licence applications for these activities transferred from the Licensing Justices at the Magistrates' Courts to local authorities acting in the capacity of the Licensing Authority.
- 1.3 Between February and August 2005 all existing holders of alcohol, entertainment and late night refreshment licences were required to make an application to convert these to a new premises licence (or club premises certificate for a registered club).

- 1.4 As part of the application process the applicant was required to carry out a risk assessment and volunteer measures that (s)he would take to promote the 4 licensing objectives if a licence was granted. The Licensing Authority was required to translate these volunteered measures into conditions consistent with the applicant's intention and attach them to the licence.
- 1.5 The licensing objectives are:
- The prevention of Crime and Disorder
 - The prevention of public nuisance;
 - Public Safety; and
 - The Protection of Children from Harm.
- 1.6 Many licensees completed the applications without legal or independent advice and understandably, many measures volunteered by applicants were ambiguous, open to misinterpretation by licensing officers, and not necessarily enforceable. At the time, Licensing Authorities were advised against over-zealous interpretation of the wording of any measures proposed, to avoid legal challenge if any conditions attached to the licence were considered to be too onerous to comply with or disproportionate for the type of premises. This resulted in licensing authorities copying the measures proposed verbatim and attaching them to licences.
- 1.7 The Statutory Guidance issued to Licensing Authorities by the Government under section 182 of the Licensing Act 2003, which has been reviewed periodically advises that there are three types of condition that may be attached to a premises licence or club premises certificate: proposed, imposed and mandatory. In 2012, the revised guidance strongly advised that it is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule, and that a condition should be interpreted in accordance with the applicant's intention.
- 1.8 The IoL Consultation
- During the last 10 years, some Licensing Authorities have developed their own set of Model/Standard Licence Conditions for premises licences and club premises certificates, but many have not. In July 2012 the Institute of Licensing announced its intention to develop good practice guidance for Licensing Authorities in relation to licence conditions for premises licences. This Guidance is now available for consultation.
- 1.9 The IoL aims to provide clear guidance to all parties on the proper and effective use of licence conditions. It will do this with guiding principles and precedent conditions designed to provide appropriate wording that can be individually considered for inclusion on a premises licence where it is appropriate to do so. The IoL makes it clear in the consultation that the conditions are standard in wording, and are not intended as 'blanket conditions' to be attached to every licence granted irrespective of how appropriate it is to do so.
- 1.10 The 36-page Consultation Document can be accessed via the IoL website link:
[http://www.instituteoflicensing.org/Public/Consultations/IoL%20Conditions%20Project/IOL%20CONSULTATION%20-%20%20GUIDANCE%20ON%20PREMISES%20LICENCE%20CONDITIONS%20-%20%20CONSULTATION%20DRAFT%20%20%20\(final%20170615\).pdf](http://www.instituteoflicensing.org/Public/Consultations/IoL%20Conditions%20Project/IOL%20CONSULTATION%20-%20%20GUIDANCE%20ON%20PREMISES%20LICENCE%20CONDITIONS%20-%20%20CONSULTATION%20DRAFT%20%20%20(final%20170615).pdf)

Paper copies will be available at the meeting and will be uploaded to the Members' Portal .

- 1.11 To gather views effectively, the IoL has provided a consultation survey for responses. The Survey will close on 30 September 2015, and the IoL will publish its response to the consultation in due course.
- 1.12 A copy of the survey form is included at **Appendix 1**, for Members' information, consideration and comment.
- 1.13 It is recommended that a formal response is co-ordinated and submitted by the Licensing Manager after consultation with Members, and Officers from all of the Responsible Authorities and the District Council's Legal Team.

2 RISK ASSESSMENT

2.1 Legal

The District Council has a statutory obligation to determine applications for premises licences/club premises certificates. If any licence conditions are challenged, successfully, this could result in the District Council's reputation being harmed. The adoption of standard conditions will reduce the risk, therefore the legal risk is low.

2.2 Financial

There are no financial risks or other resource implications directly arising from this report, other than officer time. The risk therefore is low.

3 OTHER CONSIDERATIONS

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

4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager

Tel: 01629 761374

email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Description	Date	File
The Institute of Licensing's Consultation: Guidance on Premises Licence Conditions	June 2015	RS/ET

6 ATTACHMENT

Appendix 1	IoL Survey Response Form
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Project Background

In July 2012, the Institute of Licensing (IoL) announced its intention to develop good practice guidance in relation to licence conditions for premises licences under the Licensing Act 2003.

The move was a response to the legacy of the Licensing Act transition, and the continuing inconsistency in the approach to licence conditions, illustrated through licences overloaded with conditions, together with unenforceable and inappropriate conditions.

In undertaking the project, the IoL aims to provide clear guidance to all parties on the proper and effective use of conditions, with guiding principles and a pool of conditions designed to provide appropriate wording of conditions that can be individually considered for inclusion on a premises licence where it is appropriate to do so.

In order to start the project, we asked for sample conditions and operating schedules, and we received a huge amount of information as a result for which we are grateful.

We are now in a position to seek views on the draft guidance document and the conditions provided within it. It is important to us to gather as many views as possible, so please do take the time to go through this consultation survey and give us your views.

The full draft guidance is available via the IoL's website:

http://www.instituteoflicensing.org/content.aspx?page=GUIDANCE_ON_PREMISES_LICENCE_CONDITIONS

The consultation survey will close on 30 September 2015.

ABOUT YOU

Individual contact details will not be published, although we may publish organisations in an acknowledgement list.

Contact information

Name:

Company:

Email Address:

Phone Number:

Type of organisation:

- Local authority Industry operator
- Police authority Legal practice

Other (please specify)

What is your job role?

Are you an IoL member?

- Yes No

IoL region

- | | | |
|-------------------------------------|--|-------------------------------------|
| <input type="radio"/> Eastern | <input type="radio"/> North East | <input type="radio"/> South West |
| <input type="radio"/> East Midlands | <input type="radio"/> Northern Ireland | <input type="radio"/> Wales |
| <input type="radio"/> Home Counties | <input type="radio"/> North West | <input type="radio"/> West Midlands |
| <input type="radio"/> London | <input type="radio"/> South East | |

The guiding principles

Please ensure that you read the full consultation document which contains our guiding principles alongside the conditions contained within this survey.

The consultation document can be accessed via:

http://www.instituteoflicensing.org/content.aspx?page=GUIDANCE_ON_PREMISES_LICENCE_CONDITIONS

The guiding principles are designed to be just that, a guide. They are not intended to be a straightjacket or treated as immutable. We would emphasise that each and every decision to impose a condition must be justified by reference to the particular circumstances of the individual case. If any model condition does not suit the individual case it must be tailored accordingly.

Nevertheless, we suggest that the decision to offer or impose a condition is more likely to be justified if the proposed condition complies with the seven principles set out below.

Conditions imposed on a licence should be:

- 1) Appropriate, necessary and proportionate;
- 2) Precise, clear and unambiguous;
- 3) Practical, realistic and enforceable;
- 4) Non-duplicative of existing statutory requirements or offences;
- 5) Self-contained;
- 6) Modern and fit for purpose;

And, finally:

- 7) The fewer conditions the better.

We consider each of these guiding principles in turn within the full consultation document.

Do you agree with guiding principles as set out within the consultation document?

- Strongly Agree
- Agree
- Don't know
- Disagree
- Strongly Disagree

Please add your comments including your reasons if you do not agree or don't know

The (DRAFT) Conditions

UNDER NO CIRCUMSTANCE SHOULD ANY LICENSING AUTHORITY REGARD THESE CONDITIONS AS STANDARD CONDITIONS TO BE AUTOMATICALLY IMPOSED ON LICENCES.

The following conditions have been derived from various existing 'pools' of conditions offered by many licensing authorities for consideration. Throughout the development of this document, the principles outlined above, and the need for a concise reference for conditions has been supported and underlined by the various examples provided both good and bad. The aim of this pool is to provide a starting point for licensing authorities where the need for a condition has been identified – the wording has been examined from every angle and should provide a template for each condition, which can then be tailored to the needs of the specific licence in question.

The (DRAFT) Conditions: Admission

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

1. No person under the age of 18 shall be permitted to enter or remain on the premises when any "specified activity" is taking place.
 - Specified activities are:
 - 'Any live performance; or
 - Any live display of nudity;
 - Which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
 - Display of nudity means
 - In the case of a women, exposure of her nipples, pubic area, genitals or anus; and
 - In the case of a man, exposure of his public area, genitals or anus,
 - NB – The audience can consist of one person.
2. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
3. No customer shall be permitted to enter or re-enter the premises between the hours of [specify] save for persons who have temporarily left the premises (e.g. to smoke).
4. Between [specified times] no customer shall be permitted to enter or leave the premises by means of [specified entrances].
5. All persons entering or re-entering the premises shall be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].
6. Any queue [in a designated queuing area] to enter the premises shall be supervised at all times by door supervisors.
7. Any [designated] queuing area shall be within suitable barriers.
8. No more than (insert number) customers shall be permitted on the premises at any one time.

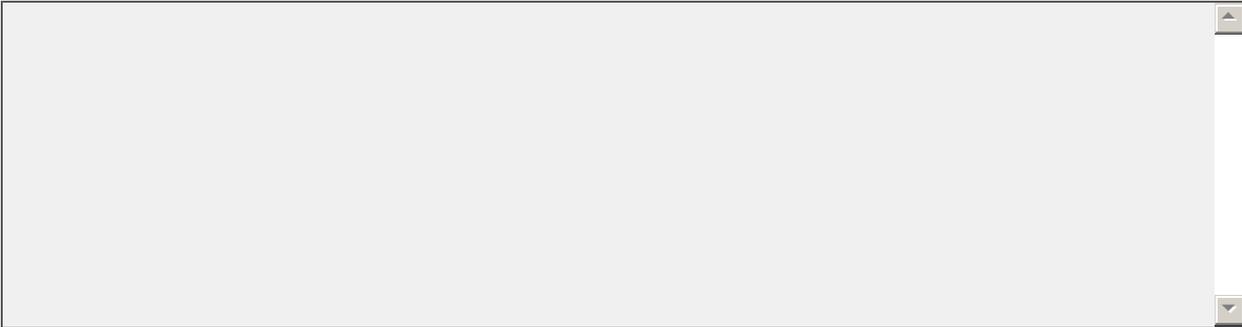
DESIGNATED SMOKING AREAS

9. Customers permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as [specify location / mark on plan]. No more than [insert number] of customers shall be permitted to remain in the designated smoking area at any one time.

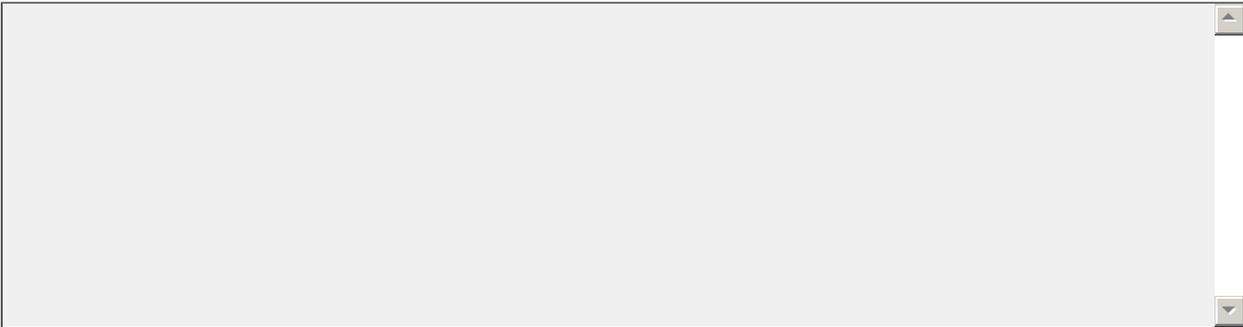
Please give us your views about the conditions listed above as example conditions relating to admission.

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:



Please give details if you think that other conditions should be included in the list



The (DRAFT) Conditions: Alcohol

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

10. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers

11. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above [insert percentage] will be sold or offered for sale.

12. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.

13. The premises licence holder must submit to the relevant police officer [insert contact details] a completed risk assessment form as prescribed at least 14 days before any event that is:

- promoted / advertised to the public at any time before the event; and
- features DJ's, MCs or equivalent performing to a recorded backing track; and
- runs anytime between the hours of [insert hours]

Alcohol (Restaurant)

14. The premises must only operate as a restaurant (i) in which customers are seated at a table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

15. The supply of alcohol to customers must be by waiter or waitress service only.

Please give us your views about the conditions listed above as example conditions relating to alcohol.

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Boxing or Wrestling or indoor sports

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

16. At any wrestling or other entertainments of a similar nature, members of the public must not occupy any seat within [specify distance] of the ring.

Please give us your views about the conditions listed above as example conditions relating to Boxing or Wrestling or indoor sports

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: CCTV

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

The Surveillance Camera Code of Practice (issued by the Home Office in June 2013) makes specific reference to licensing authorities and their use of conditions attached to premises licences stating:

'When a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in the [Surveillance Camera Code of Practice]. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator'.

Guiding Principle One is shown below for information:

Principle 1 - Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

- 3.1.1 Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others. That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the ongoing requirement for operation or use of the systems and any images or other information obtained can be assessed.
- 3.1.2 In assessing whether a system will meet its objectives, and in designing the appropriate technological solution to do so, a system operator should always consider the requirements of the end user of the images, particularly where the objective can be characterised as the prevention, detection and investigation of crime and the end user is likely to be the police and the criminal justice system.
- 3.1.3 A surveillance camera system should only be used in a public place for the specific purpose or purposes it was established to address. It should not be used for other purposes that would not have justified its establishment in the first place. Any proposed extension to the purposes for which a system was established and images and information are collected should be subject to consultation before any decision is taken.

The Data Protection Act 1998 allows for CCTV images which can be used to identify an individual to be handed over for the prevention or detection of crime, the prosecution or apprehension of offenders or where the disclosure is required by law, for example, where an officer of the licensing authority is checking that CCTV is being used in accordance with the conditions of a particular licence.

The requirements of the Data Protection Act 1998 are such that such disclosure should be necessary for investigating or preventing a crime or apprehending or prosecuting an offender. As such the police must be able to justify their requests for CCTV images to be disclosed to them.

CCTV DRAFT CONDITIONS:

17. The premises licence holder must ensure that :

- a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- b. The system records clear images permitting the identification of individuals.
- c. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- d. The CCTV system operates [specify 'at all times while the premises are open for licensable activities' or specify timings]. All equipment must have a constant and accurate time and date generation.
- e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- f. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Please give us your views about the conditions listed above as example conditions relating to CCTV.

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Deliveries

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

18. No deliveries or collections relating to licensable activities at the premises will take place between the hours of [insert hours].

Please give us your views about the conditions listed above as example conditions relating to deliveries

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Dispersals

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

19. The dispersal of customers from the premises must be managed in accordance with the following:

- Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents
- A [specify minutes] period where [music volume is reduced / lighting increased / alcohol sales cease]

Please give us your views about the conditions listed above as example conditions relating to dispersals

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Glass

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

20. Drinks must only be served in polycarbonate/plastic containers.

Please give us your views about the conditions listed above as example conditions relating to glass

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Large Events

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

21. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. *

* Event Mgt plan can be drawn up in consultation with the Safety Advisory Group and Responsible Authorities.

Please give us your views about the conditions listed above as example conditions relating to large events

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Late Night Refreshments

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

22. Customers must not be permitted to remove from the premises late night refreshment provided at the premises between [specify hours/days].

Please give us your views about the conditions listed above as example conditions relating to late night refreshments

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Noise

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

'Inaudibility' conditions have been popular in the past but have faced sufficient criticism in the courts to be quashed as invalid for lack of precision*. Noise conditions are notoriously difficult to pre-empt and should be applied only where professional advice has been obtained from the licensing authority acoustic advisor. Such conditions will be strictly tailored to the premises in question and the concerns to hand in relation to noise attenuation and resultant nuisance.

* See *Developing Retail Ltd v East Hampshire Magistrates' Court* [2011] EWHC (Admin)

Institute of Licensing -

23. Between [specify hours/ days], the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured [specified distance(usually in metres, between the noise source and the receiver location(s))] from any facade of any noise sensitive premises over any [specify no. of minutes] period with entertainment taking place, must not increase by more than [specify dB tolerance (e.g. +3 dB, +5 dB, etc.)] as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz 1/1-Octave band, measured using the "fast" time constant, inside any noise sensitive premises, with the windows open or closed, over any [specify no. of minutes] period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place. *

24. The location and orientation of loudspeakers must be as specified on the attached premises plan.

25. An [acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer] must be installed [specify the location / define on plan].

26. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.

Noise Limiting Device

27. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council].

* We recognise this condition requires expert input and may not be immediately understandable to the lay man. As such it stands as an exception to our general principles.

Please give us your views about the conditions listed above as example conditions relating to noise

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

28. No more than [insert number] customers will be permitted to enter or remain in [define outdoor area(s)] of the premises at any one time, between the hours of [specify].

29. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

Please give us your views about the conditions listed above as example conditions relating to outdoor areas

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Records

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

30. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

Please give us your views about the conditions listed above as example conditions relating to records

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: SIA (door supervisors)

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

31. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].
32. Door supervision must be provided on (specify days) . Door supervisors must be on duty from [INSERT HOURS] and must remain on duty until the premises are closed and all the customers have left.
33. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
34. On [specify days/hours] at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].
35. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
36. On [specify days/hours] at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan]. *

* The "industry standard" is generally regarded as a ratio of 1 door supervisor to 100 customers but this will vary according to circumstances..

Please give us your views about the conditions listed above as example conditions relating to door supervisors

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Staff

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

37. A Personal licence Holder must be present at the premises to supervise all sales of alcohol.

38. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

39. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.

Please give us your views about the conditions listed above as example conditions relating to staff

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

The (DRAFT) Conditions: Waste

Under no circumstance should any licensing authority regard these conditions as standard conditions to be automatically imposed on licences.

- 40. Between the hours of [insert hours] no waste/glass bottles will be moved or deposited outside.
- 41. At [specify times] [specify areas] outside the premises, including [specify areas] must be swept and/or washed, and litter and sweepings collected and stored [specify storage and collection].
- 42. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
- 43. Empty bottles which have been collected must be placed into locked bins.

Please give us your views about the conditions listed above as example conditions relating to waste

- Agree with the conditions as listed
- Disagree with the conditions as listed
- There are other conditions which should be included

Please give details where you disagree with the conditions listed:

Please give details if you think that other conditions should be included in the list

Additional comments

Do you have any other observations or comments on the draft conditions and the guiding principles? Are there areas you feel we should have covered either in more detail or which haven't been covered by any of the conditions at present?

- Yes - comments below No further comments

Comments:

Many thanks for taking the time to contribute your views for our consideration. The consultation will formally close on 30th September and we will publish our response in due course.

LICENSING AND APPEALS COMMITTEE

15 JULY 2015

Report of the Head of Regulatory Services

DEREGULATION ACT 2015 – CHANGES TO TAXI LICENSING PROCEDURES

SUMMARY

This report informs the Committee of legislative changes which will come into effect in October 2015, and that will alter the minimum period allowed for renewal of a Taxi/Private Hire Vehicle Driver's Licence (badge) to 3 years and a Private Hire Operator's Licence to 5 years. The Licensing Authority needs to amend its administrative procedures and revise its fees to ensure it is operating in accordance with the provisions of the Deregulation Act 2015 which has introduced these changes.

RECOMMENDATIONS

- 1) That the Committee approves the proposed changes to the procedures for processing applications for Taxi/Private Hire Vehicle Driver Licences, and for Private Hire Operator Licences, to ensure the service is fully compliant with the provisions of the Deregulation Act 2015 by 1st October 2015.
- 2) That the proposed fees in respect of hackney carriage/private hire vehicle driver licences and private hire operators' licences are advertised to the Trade and public for comment for a 28-day period.
- 3) That the proposed fees and the outcome of the consultation exercise be referred to the September meeting of the Governance and Resources Committee for consideration and approval, to enable implementation of the changes by 1st October 2015.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.

1 BACKGROUND

1.1 Changes to Taxi Driver and Private Hire Operator Licence Periods

The Deregulation Act 2015 (The Act), received Royal Assent on 26 March 2015, and contains a number of provisions across a number of sectors aimed to reduce the burdens resulting from legislation for businesses or other organisations or for individuals. Some of these provisions relate to private hire and hackney carriage taxi licensing.

- 1.2 The commencement date for the taxi and private hire deregulation measures set out in the Act has been set by the Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015. Section 10 of the Deregulation Act 2015 will come in to force on 1 October 2015.
- 1.3 Section 10 (Taxis and private hire vehicles: duration of licences): amends two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deals with the granting of licences to drive taxis and private hire vehicles and licences to operate private hire vehicles.
- 1.4 Subsection (2) changes the law so as to establish a standard licence period of three years for taxi and private hire vehicle driver licences. The section specifies that a licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a 'blanket' policy.
- 1.5 Subsection (3) changes the law so as to establish a standard licence period of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a 'blanket' policy.
- 1.6 Currently Derbyshire Dales District Council issues taxi driver licences (combined private hire and hackney carriage) for a 1-year period. The Act requires that from 1st October, these licences are to be issued for no less than three years as a standard. However, if there is good reason to, the Licensing Authority may still grant for a lesser period if appropriate, and taking into account the circumstances of a particular case. Such a case should be exceptional eg. if there is doubt as to the fit and proper status of a driver, which may merit a probationary period of less than 3 years, rather than outright refusal. This would require a Committee decision.
- 1.7 Private hire operators' licences are currently issued by Derbyshire Dales District Council for a 3-year period. From 1st October 2015, the Act requires private hire operator licences to be granted for a minimum period of 5 years. As with driver licences, a lesser period may be granted, but only in exceptional circumstances, and this would require a Committee decision.
- 1.8 The changes to the licence periods will need to be reflected in the cost of the licence. Procedures will also need to be updated to ensure drivers and operators remain 'fit and proper' during these extended periods, specifically in terms of monitoring for compliance with licence conditions. Whilst there will be a reduced burden on staffing resources for processing applications, there will be a need for increased resources to monitor compliance with licensing conditions during the longer licence periods.
- 1.9 There are currently 114 licensed hackney carriage/private hire vehicle drivers in Derbyshire Dales. 13 of these are due to renew their licences in October 2015.

There are currently 23 licensed private hire operators in Derbyshire Dales. None are due for renewal in October but two are due to renew in November 2015.

1.10 Setting of Fees

Local Government Miscellaneous Provisions Act (1976) (LGMPA) prescribes either that the fee in respect of the grant of vehicle and operator licences should be set at £25 or that it may be set at "such other sum as the Council may from time to time determine" subject to:

- a) publication of a notice in a local newspaper; and
- b) retention of a copy of the notice at the offices of the District Council for a period of 28 days.

- 1.11 Following advertising of any proposed amendment to the fees and charges, there is a 28-day period during which objections may be received. In the event that written objections are received, the District Council is required to consider these and to set either the proposed or a revised fee within a two- month period from the end of the 28- day consultation.
- 1.12 If the District Council does not receive any objections to the fees and charges these would take immediate effect at the end of the 28-day consultation period.
- 1.13 By virtue of section 53(2) the District Council is entitled to recover the cost as it considers reasonable for the issue and administration of a licence to drive a hackney carriage or private hire vehicle. (Driver's Badge)

Section 70(1) of the Act provides that the Council is entitled to recover;

- a) The reasonable cost of carrying out inspections of hackney carriage and private hire vehicles;
- b) The reasonable cost of providing hackney carriage stands;
- c) Any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriage and private hire vehicles.

1.14 Driver Licence Income

The current application fee for a hackney carriage/private hire vehicle driver's licence is £58.00 per annum (not including the criminal record and DVLA checks which are separate charges).

There are currently 114 licensed drivers giving an annual income of £6,612.

It is proposed that a 3-yearly licence fee of £160 is adopted. Assuming the same number of licensed drivers this would equate to an annual income of £6,080; a reduction in fee income of £532 per year.

1.15 Private Hire Operator Licences

The current application fee for a private hire operator's licence is £242.00 every 3 years.

There are currently 23 licensed operators equating to an annual income of £1,855.

It is proposed that a 5-yearly licence fee of £400 is adopted. Assuming the same number of licensed operators this would equate to an annual income of £1,840; a reduction in fee income of £15 per year.

1.16 The Impact on Annual Income

Overall there will be a reduction of approximately £550 per annum as a result of the changes. These proposed fees take account of the current legislative changes and have been calculated to achieve full cost recovery based on current known costs and licence holder numbers.

The fees will be considered in more detail as part of the Licensing Service Review. Levels of staffing resource and more sophisticated cost-accounting systems are among the issues that the Review will consider. Taking these matters into account will enable us to ensure that fees remain lawful.

Any surplus or deficit that may inadvertently be made shall be carried forward on the accounts year on year, which the District Council has a duty to do following the district auditor decision in respect of Guildford, and the findings in Hemmings v Westminster licensing fees case and similar cases.

It is recommended that the proposed fees are advertised to the Trade and public for comment and that the outcome of the consultation is referred to the September meeting of the Governance and Resources Committee for consideration and final approval.

1.17 Public Safety

The District Council has a duty of care to ensure public safety, as best it can, and protect children and vulnerable adults from harm. This is an issue of particular importance and the Licensing Authority needs to take a more proactive enforcement stance, with longer licence periods being granted. This is to ensure that satisfactory licensing checks are in place as a protective and preventative measure in determining any grant of a licence or continued suitability of a licence-holder.

1.18 This issue is particularly relevant in light of recently published reports from investigations into other Authorities where concerns over some aspects of taxi licensing (both private hire and hackney carriage) have been highlighted in relation to Child Sexual Exploitation; namely the Rotherham Report and the Oxfordshire Report.

1.19 It is recommended that the District Council adopts a minimum standard of requiring an annual inspection of the Private Hire Operators' bookings records and carries out at least 2 inspections of the licensed premises (operator's base) during the 5-year period of the licence. This will allow officers to monitor and check compliance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the District Council's Private Hire Operator Licence Conditions.

2 RISK ASSESSMENT

2.1 Legal

The provisions of the Deregulation Act 2015 require the changes to the licences to be implemented by 1 October 2015. Failure to change the procedures could result in non-compliance with the legislation and potential risk of challenge.

There is a requirement to ensure the service is fully compliant with the provisions of the Deregulation Act 2015 and to allow consultation with the trade, public and other interested parties by virtue of the statutory advertising of the proposed fees.

The changes to the legislation are intended to mitigate risk in terms of ensuring that licenced drivers are fit and proper persons. The legal risk to the Council is therefore low to medium in terms of effecting the change. The outcome will have a more positive effect on the community and a lower legal risk is likely to emerge.

2.2 Financial

The proposed changes to procedures and fees will result in a significant reduction of annual fees and subsequent impact on service income, unless the current fee structure is amended or there is an increase in the number of driver and private hire operator applications received. The financial risk is therefore low.

3 OTHER CONSIDERATIONS

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

4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager
Tel: 01629 761374
email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Description	Date	File
Deregulation Act 2015	February 2015	RS/ET
Local Government (Miscellaneous Provisions) Act 1976		
Budget Monitoring Reports 2013/14 and 2014/15		
Independent Inquiry report into Child Sexual Exploitation in Rotherham	February 2015	
Hemmings v Westminster Case Law	24 May 2013	

6 ATTACHMENT

Appendices	None.
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