



THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE AGENDA

TUESDAY 29 APRIL 2014 AT 7.00 PM

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr Bhinder	Cllr Link
Cllr Mrs G Chapman	Cllr Peter
Cllr Conway	Cllr Ryan
Cllr Fantham	Cllr G Sutton
Cllr Mrs Green (Vice-Chairman)	Cllr Taylor
Cllr Lawson (Chairman)	Cllr Whitman

Substitutes: Councillors Mrs Bassadone, R Hollinghurst and R Sutton.

(Please note Members may only be appointed as substitutes if they have been trained for Licensing Committee).

For further information, please contact Trudi Coston on Tel: 01442 228224, or Email: Trudi.coston@dacorum.gov.uk. Information about the Council can be found on our website: www.dacorum.gov.uk.

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1. MINUTES

To confirm the minutes of the meeting held on 4 February 2014.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules on Public Participation



AGENDA ITEM: 5

SUMMARY

Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	29 April 2014
PART:	1
If Part II, reason:	

Title of report:	Licensing Service Update – April 2014
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To provide the Committee with a general update on the Licensing service, including numbers of licences issued.
Recommendations	That Committee note the contents of the report.
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • Reputation and profile delivery
Implications:	<u>Financial / Value for Money / Risk / Equalities / Health & Safety</u> No implications arise from this report.
Consultees:	Not applicable
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. This report gives details of the current numbers of licences issued by the Council's Licensing service as of April 2014, and any applicable trends or upcoming issues arising in each of the regulatory areas for which the service is responsible.

2. ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENCES

- 2.1. At the time of writing, the following licences have been issued:

Licence type	Number issued	Licence duration
Premises licence		Indefinite (subject to lapse / revocation provisions)
Club premises certificate		Indefinite (subject to lapse / revocation provisions)
<i>N.B. Premises licence and club premises certificate data is currently being calculated for annual Home Office statistics, and will be provided at the meeting.</i>		
Personal licence	1299	10 years
Temporary event notice – 2014	85	Event duration only (7 days or less)
Temporary event notice – 2013	369	
Temporary event notice – 2012	425	

- 2.2. Within the last 12 months, officers have dealt with 29 applications for new premises licences, 1 new club premises certificate, 11 major variations, 15 minor variations, 18 transfers, 83 DPS changes and have suspended 7 licences for non-payment of annual fees. 102 new personal licences have also been granted within this period.
- 2.3. The Licensing Act 2003 has been subject to an unprecedented rate of statutory change in the last few years, and this shows no sign of abating as further changes have now been proposed via the Deregulation Bill. The following report summarises the latest round of prospective changes.
- 2.4. A growing number of activities have now been wholly or partly deregulated, and this is beginning to have an effect of enforcement activities. Where it can be shown that an activity has taken place entirely in accordance with one of the new exemptions, licensing enforcement officers will not be able to take action to remedy any issues that have arisen (e.g. noise nuisance, anti-social behaviour). Where such matters fall under the jurisdiction of another regulatory service (e.g. noise nuisance can be controlled under the Environmental Protection Act by environmental health officers), that is now the only available action. We anticipate that exempted activities may form the basis of an attempted defence during future review proceedings, through licensees attempting to have evidence of nuisance excluded on the grounds that it did not occur at a time when the licence was required.
- 2.5. The Council's Statement of Licensing Policy is now due for review (following an earlier legislative change it is now valid for 5 years, rather than the original 3, and as such could remain in force until early 2016, albeit becoming increasingly outdated and unhelpful). Officers are currently preparing a draft policy reflecting all of the statutory changes to the Act, new guidance, and the authority's experiences in the last 4 years, and it is intended to bring this to Committee on a pre-consultation basis later this year.

2.6. A Home Office consultation on proposed changes to fee setting for these licences has recently concluded, and the licensing team leader gave an individual response to this. Application and annual fees for alcohol and entertainment licences were set centrally in 2005 and have not changed since, leading to significant shortfalls in licensing authority budgets as costs have risen. The cost to the Licensing service of administering and enforcing the Licensing Act 2003 is estimated at £129,707 per annum. Under the present fee structure, in the 12 months to August 2013 our fee income was £105,913 – a shortfall of £23,794. This is consistent with the national picture, with the LGA estimating a deficit of £18m a year nationally, last November. The consultation set out a number of proposals to reduce this shortfall while remaining compliant with the EU Services Directive, essentially falling into two groups – an increase to the centrally set fees, or granting licensing authorities the power to set fees locally on a cost recovery basis, up to a prescribed maximum level. We await the Government’s response to the consultation to indicate how it is intended to proceed.

3. ANIMAL WELFARE LICENCES

3.1. At the time of writing, the following licences have been issued:

Licence type	Number issued	Licence duration
Animal boarding establishment	18	1 year
- <i>Commercial boarding</i>	6	
- <i>Home boarding</i>	12	
Dangerous wild animal keeper	2	2 years
Dog breeding establishment	1	1 year
Pet shops	8	1 year
- <i>All animal licences</i>	5	
- <i>Fish only licences</i>	3	
Riding establishment	4	1 year
Zoo	0	4/6 years

3.2. Animal welfare licensing is one of the next regulatory areas in which licensing officers will be working on a review, and a report later in this agenda pack contains details of the first stage of this program of work, with proposals to update the standard conditions being attached to licences. The controlling legislation is currently reasonably stable (Government ministers have had powers since 2006 to bring further changes, but have not to date used them), and a thorough review of applicable safety standards at such premises is currently being undertaken by professional advisory bodies, culminating in the publication of new guidance and model licence conditions.

3.3. As part of this review process, consideration will be given to creating an animal licensing policy, so as to provide a single source of guidance to officers and sub-committees in determining applications, and to applicants and licensed businesses so that they are aware of the Council’s expectations of them.

4. BETTING, GAMBLING AND LOTTERY LICENCES

4.1. At the time of writing, the following licences have been issued:

Licence type	Number issued	Licence duration
Premises licence	19	Indefinite (subject to lapse / revocation provisions)
- <i>Adult gaming centre</i>	2	
- <i>Betting shop</i>	17	
- <i>Betting track</i>	0	
- <i>Bingo</i>	0	
- <i>Family entertainment centre</i>	0	
Occasional use notice	0	Event duration only (1 day)
Temporary use notice	0	Event duration only (21 days or less)
Club gaming permit	1	10 years
Club machine permit	13	10 years
Licensed premises gaming machine notification (1-2 machines)	62	Indefinite (until the alcohol licence is transferred)
Licensed premises gaming machine permit (3+ machines)	14	Indefinite (subject to lapse / revocation provisions)
Family entertainment centre permit	0	10 years
Prize gaming permit	0	10 years
Small society lottery registration	144	Indefinite (subject to lapse / revocation provisions)

- 4.2. At present the legislation controlling premises-based gambling is fairly stable, with the only prospective change relating to the validity of alcohol-licensed premises gaming machine authorisations following the transfer of the alcohol licence. There is more fundamental change afoot to the regulation of remote gambling (i.e. internet and phone-based gambling), with legislation currently being promoted which would require any operator advertising remote gambling in the UK to be licensed by the UK Gambling Commission even if the provision occurred from overseas. At present much of the sector is based in white-listed off-shore locations, such as the Channel Islands, Gibraltar and Malta, and does not require UK authorisation, only the approval of the local gambling regulators.
- 4.3. The Council's Statement of Principles (i.e. the gambling licensing policy) is valid until early 2016, and a review will commence in summer 2015.

5. CHARITABLE COLLECTION LICENCES

5.1. At the time of writing, the following licences have been issued:

Licence type	Number issued	Licence duration
Street collection (2014 to date)	48	Days specified only
Street collection (2013)	113	
House to house collection (2014-)	14 plus 21 national exemption holders	Days specified only
House to house collection (2013)	14 plus 26 national exemption holders	

5.2. The legislation in this area remains outdated, dating as it does from the First and Second World Wars respectively. This creates its own challenges in applying the laws – for example, the concept of collecting direct debit details from persons in public places was unheard of at that time, and consequently falls outside of the ‘cash collections’ regulatory scheme, leaving the Council unable to take formal action against collectors who exceed their bounds and cause people to complain. Officers are now in discussions with the Professional Fundraising Regulatory Association (PFRA), which is a trade body representing the collection agencies and larger charities which promote such public DD collections, with a view to establishing an agreement to limit the promotion of direct debit collections, and bind collectors to a code of conduct which can be enforced by the PFRA.

5.3. A licensing policy for licensable collections remains an intention, to provide guidance to Sub-Committees and clarity to applicants over the Council’s expectations – particularly in respect of the proportion of proceeds of collections to be applied to charitable purposes. However, this issue has been clouded by ministerial decisions to overturn licence refusals by councils, in one case permitting a collection where less than 10% of proceeds would have reached the charity. Officers are continuing to review the applicable legislation and precedents, with a view to bringing a draft policy to Committee within the next year.

6. HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLE LICENCES

6.1. At the time of writing, the following licences have been issued:

Licence type	Number issued	Licence duration
Hackney carriage vehicle	238	1 year
- <i>Wheelchair-accessible</i>	50	
- <i>Non-accessible</i>	188	
Private hire vehicle	169	1 year
Hackney carriage driver	288	3 years
Private hire driver	242	
<i>N.B. Approximately 95 drivers hold both types of driver licence – these are now being combined into dual driver’s licences, and future statistics will reflect this combination.</i>		
Private hire operator	50	1 year (2-3 years from April 2014)

- 6.2. Across all of the various application types (i.e. new/renewal applications, vehicle changes, transfers), in the last 12 months officers dealt with a total of 309 hackney carriage vehicle applications, 224 private hire vehicle applications, 187 driver's licence applications and 77 reports of accidents involving licensed vehicles.
- 6.3. The last year has seen a 3% drop in the number of licensed hackney carriage vehicles and drivers in the borough, with the largest proportional drop among wheelchair-accessible vehicles. The number of licensed private hire vehicles has fallen by 7% in the same period, although PH driver and operator numbers have both increased slightly.
- 6.4. Changes to the knowledge test for new drivers have now been partially implemented, with the communication and driving skills components active at this time. The revised legal/local knowledge test component, to be taken on a computer, has not yet been implemented due to a delay in the procurement process.
- 6.5. The last 18 months has seen significant policy change in this area, as outdated policies have been reviewed and modernised, and administrative processes have been reviewed and overhauled. That program of work is now drawing to a close, with only a couple of major areas left to look at (compliance standards, vehicle/driver licence conditions, and stretch limousine licensing). The pace of change may be one contributory factor in the above reduction, although there are a number of more significant factors believed to be behind this.
- 6.6. In particular, numerous complaints have been made by the licensed trade alleging that drivers from other areas continue to take work from them by trading unlawfully within Dacorum, and enforcement work continues to try and identify those responsible and take appropriate action against them. A number of major operations have taken place over the last year, including several covert 'plying for hire' and 'pre-booked hire' test purchase operations, for which judicial approval was sought and obtained. As a result of these operations, several individuals have been cautioned or are currently under investigation, and three taxi companies (including two not licensed within Dacorum) are currently being prosecuted. One RIPA authorisation allowing for covert operations has now been successfully renewed, and further operations are being planned, utilising council officers and, subject to availability, police officers.
- 6.7. We are still awaiting publication of the Law Commission's proposals for the reform of the taxi and private hire licensing legislation, which has now been pushed back until late May 2014. Early indications are that the reforms will be less radical than was first expected (and than requested by many licensing authorities). It is not yet known if or when the proposals will be given Parliamentary time. However the Government have, at short notice, included several provisions within the Deregulation Bill which will profoundly affect the taxi licensing function. These are discussed in greater detail in the following report.

7. SCRAP METAL DEALER LICENCES

7.1. At the time of writing, the following licences have been issued:

Licence type	Number issued	Licence duration
Scrap metal site licence	9	3 years
Scrap metal collector licence	7	3 years

7.2. The new legislation was only fully commenced in December 2013, and as such it is too early to establish trends, although it must be noted that the number of licensed collectors in the borough is below initial estimates. As enforcement activity increases and unlicensed collectors come to light, we believe that the latter number will rise.

7.3. The inflexibility of the legislation has attracted criticism, with one prominent commentator suggesting that the new Act is unenforceable. We understand that the Home Office are monitoring the situation at present, and we await official reports on the effectiveness of the new legislation.

8. SEX ESTABLISHMENT LICENCES

8.1. At the time of writing, the following licences have been issued:

Licence type	Number issued	Licence duration
Sex establishment licence	2	1 year
- <i>Sex shop</i>	1	
- <i>Sex cinema</i>	0	
- <i>Sexual entertainment venue</i>	1	
Sex establishment waiver	0	Indefinite

8.2. Revisions to the sex establishment licensing policy took effect in February 2014, so it is too early to assess their impact at present.

9. SKIN PIERCING AND TATTOOING LICENCES

9.1. At the time of writing, the following licences have been issued:

Licence type	Number issued	Licence duration
Registered piercing premises	24	Indefinite
- <i>Providing acupuncture</i>	12	
- <i>Providing electrolysis</i>	5	
- <i>Providing skin piercing</i>	9	
- <i>Providing tattooing</i>	8	Indefinite
Registered piercing operator	57	

9.2. As piercing registrations cannot be made subject to conditions, any measures to ensure cleanliness of premises can only be enforced if adopted as byelaws.

Although the primary legislation was amended in 2003 to enable regulation of cosmetic body piercing and skin colouring, it is not known if the byelaws previously adopted by the Council were correctly updated at that time, giving rise to concerns over whether the pre-existing controls would be sufficient and could be enforced if required. Officers are currently examining both the records of proceedings and external correspondence from the relevant time, and the process of adopting new byelaws should this be required.



AGENDA ITEM: 6

SUMMARY

Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	29 April 2014
PART:	1
If Part II, reason:	

Title of report:	Legislative Changes to Licensing Schemes
Contact:	(1-9) Sally Taylor – Lead Licensing Officer, Legal Governance (10) Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To update the Committee on forthcoming legislative and other changes and their impact on Licensing service functions
Recommendations	That the Committee note the contents of the report.
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • Efficiencies
Implications:	<p><u>Financial</u> Some of the proposed deregulations may take businesses outside of the scope of licensing, resulting in them surrendering their licences and an attendant loss of revenue. At this time, the relevant amount cannot be estimated.</p> <p><u>Risk</u> The proposal to enable cross-border sub-contracting of private hire work may see a greater number of drivers migrating to other areas where it is perceived as being easier to obtain licences, thus reducing the number of drivers licensed by Dacorum. If those drivers were subsequently subcontracted to undertake pre-booked work in Dacorum, as the proposal stands they would be outside of the enforcement powers available to DBC officers.</p> <p><u>Value for Money / Equalities / Health And Safety</u> None</p>

Consultees:	Not applicable
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. This report details several of the current legislative and policy changes currently being promoted by the Government, which affect local authority licensing functions.
- 1.2. Many of the changes relate to the Licensing Act 2003 for alcohol, entertainment and late night refreshment licensing. Since its commencement in 2005, there have been numerous changes to both the primary and secondary legislation, resulting in varying degrees of deregulation of regulated entertainment under the Act.
- 1.3. Changes are also proposed to taxi licensing legislation. These changes have come somewhat out of the blue, as we are still awaiting the Law Commission's report on a comprehensive overhaul of the legislation (now expected in late May) with its accompanying proposals for legislative change.

2. DEREGULATION BILL

- 2.1. The Deregulation Bill is a Government-sponsored Bill, which aims to reduce red tape in a number of different areas. At the time of writing, the Bill has completed scrutiny by a Commons Committee, and is expected to progress to the Lords shortly. The following paragraphs set out the major provisions affecting Licensing.
- 2.2. **Temporary event notice quota** – It is proposed to increase the maximum number of temporary event notices for any single premises from 12 to 15 in any calendar year. The current cap permitting events on no more than 21 days per year would remain unchanged. This increase would take effect from 2016 onwards.
- 2.3. **Personal Licence duration** – To remove the requirement to renew personal licences after ten years. Therefore, all personal licences in force on the date of commencement, or issued thereafter, would have indefinite effect. This has been included in the Bill following a consultation exercise by the Home Office during the latter part of 2013 on the abolition of personal licences entirely, a response to which was considered and endorsed by the Committee. Based on the consultation responses received, the proposals were amended to retain personal licences but to remove the present requirement to renew them after ten years.
- 2.4. **Sale of liqueur confectionary to children under 16** – To repeal the current offence of selling liqueur chocolates to children under the age of 16 (no licence is required to sell such, the offence currently exists as a standalone clause).
- 2.5. **Exemption from late night refreshment licensing requirement** – Any supply of hot food or hot drink between 11pm and 5am currently requires a licence, unless it falls within an exemption stipulated in the legislation (supply by a charity, supply at a workplace canteen, etc). The proposed amendments will enable licensing authorities to designate geographic areas, classes of premises or operating periods

for which the provision of late night refreshment would be wholly exempt from licensing requirements. Any order made by a licensing authority would have to be consistent with regulations, and published according to statutory requirements. Orders could subsequently be varied or revoked by the licensing authority.

2.6. **Reporting theft or loss of premises licence, club premises certificate, personal licence or temporary event notice** – Where licences are lost or stolen, this must currently be reported to the police and a crime reference number obtained before the licensing authority may issue a replacement licence. As police public counters have closed, this has become more difficult to comply with, and many authorities have already begun taking a pragmatic approach. The proposal is to remove the current requirement to report the theft or loss, allowing a simple statement to be given to the licensing authority instead.

2.7. **Exhibition of films in community premises** – To remove the requirement to obtain a licence for showing films in community premises, as long as the following conditions are met:-

- The Management Committee of the community premises (or owner / occupier) has consented to the use of the premises for showing the film;
- The film is not being shown with a view to making a profit;
- The film is shown to an audience of no more than 500 persons;
- Films are shown only between 8 am and 11 pm on the same day; and
- Admission of children to films is to be restricted in accordance with the BBFC certificate or the recommendation of the licensing authority.

In all cases, permission would still be required from the film's distributor, to avoid a breach of copyright law, which may involve the payment of royalties.

2.8. Expected clauses in respect of the deregulation of entertainment at schools, hospitals and local authority-owned buildings/public spaces have not been included in this Bill, although it is understood that the Government intend to make these changes at a later date. The partial deregulation of recorded music, to match live music deregulation, has also not been included.

2.9. **Leisure use of private hire vehicles** – To permit unlicensed drivers to use licensed private hire vehicles for social, domestic or pleasure purposes. At present, it is an offence for anyone other than a licensed private hire driver to drive a licensed private hire vehicle for any purpose, even if the vehicle is not in use as such. This amendment would allow relatives and friends to utilise the vehicle, so long as it was not being used for private hire purposes. The amendment does not affect hackney carriages, which would remain drivable only by licensed hackney carriage drivers for whatever purpose.

2.10. **Taxi licence duration** – The current legislation allows councils to determine the standard duration of licences for licensed drivers and operators – up to 3 years for drivers, and 5 years for operators. This proposal would amend the legislation to make clear that these are default durations, and councils may only issue shorter duration licences if justifiable in a particular case (e.g. if earlier renewal was considered necessary on medical grounds). Dacorum already issues drivers licences for a standard 3 years duration, although operators licences are currently issued for a standard 2-3 years only (recently increased from 1 year).

2.11. **Cross-border sub-contracting** – At present, the legislation (as affirmed by case law) does not allow a private hire operator in Dacorum to sub-contract a booking to an operator outside of the borough, although they could pass it to

another Dacorum operator to fulfil. The Council has brought several recent legal actions in respect of cross-border hirings, and complaints continue to be received on a regular basis about out-of-area vehicles attempting to attract trade within our borders. This new provision would enable operators to lawfully sub-contract bookings to a licensed operator based in any other area, including to other licensed branches of their own business in different areas. Bookings may then be fulfilled by drivers and vehicles licensed by the council for the sub-contractor's area. There would be no duty to inform the customer that their booking had been sub-contracted, and this change could well mean that bookings end up being fulfilled by drivers from other areas with no knowledge of the locality, who may not be capable of obtaining a licence from the first authority. It is also possible to envisage a sharp increase of driver migration to the council area with the lowest fees and/or least stringent licensing requirements, as they will lawfully be able to obtain licences elsewhere and return to the original area to fulfil sub-contracted bookings. Although this proposal was one mooted by the Law Commission during their recent review of taxi legislation, that was accompanied by suggestions for greatly-enhanced enforcement powers, which have not been included within the proposed change at this time. As such, if this change were to go ahead, councils would have almost no enforcement powers available to them to control sub-contracted bookings, and if licence migration took place, less income with which to fund enforcement work.

3. BANNING BELOW-COST ALCOHOL SALES

- 3.1. Following the publication of the Government's response to consultation on its Alcohol Strategy, draft legislation and guidance was published early in 2014 to enact a ban on below-cost sales or supplies of alcohol (cost taken to be the value of excise duty and VAT on a particular product). This was to be introduced by way of a new mandatory condition on every premises licence and club premises certificate, and as such breach would be a criminal offence under section 136 of the 2003 Act, with a maximum penalty on summary conviction of a £20,000 fine and/or 6 months imprisonment.
- 3.2. Licensing authorities were advised to prepare for introduction of the new condition on Sunday 6th April 2014, and appropriate preparations were made by officers for this. In particular, a letter explaining the introduction of the mandatory condition, how minimum prices for different strengths and types of drinks are to be calculated, and how compliance with the condition is to be enforced was sent to all premises that hold a premises licence or club premises certificate in late March. This condition is an addition to the existing mandatory conditions placed on licences in respect of on and off sales of alcohol, use of security at premises, and classification of films.
- 3.3. Officers were advised indirectly on Friday 4th April that the new legislation would not take effect on the 6th April after all, due to an error made in the Parliamentary process for approval of the new secondary legislation. The Home Office have since restarted the process, and commencement is now expected in May.
- 3.4. When calculating the minimum price the differing duty rates for different types and strengths of drinks must be factored in. The responsibility for ensuring compliance with the mandatory condition lies with the premises licence holder, designated premises supervisor, or any holder of a personal licence responsible for authorising the sale of alcohol, and for the supply of alcohol, holders of club premises certificates. To assist, a number of example prices were included on the mailshot issued to premises, as follows:

Example minimum prices (reflecting changes made by the 2014 Budget)

Beer	Pint of 4% ABV ale	£0.52 minimum
	330ml bottle of 5% ABV lager	£0.38 minimum
	500ml can of 9% ABV super-strength lager	£1.30 minimum
	4 x 500ml cans of 9% super-strength lager	£5.20 minimum
Cider	Pint of 5% ABV still or sparkling cider	£0.28 minimum
	2 litre bottle of 7.5% ABV sparkling cider	£6.36 minimum
Wine	175ml glass of 10% ABV still wine	£0.58 minimum
	750ml bottle of 12% ABV still wine	£2.46 minimum
	125ml glass of 15% ABV sparkling wine	£0.53 minimum
	1.5 litre magnum of 12% ABV champagne	£6.31 minimum
Spirits & mixed drinks	25ml / 35ml shot of 40% ABV vodka	£0.34 / £0.48 minimum
	50ml / 70ml of 40% vodka with energy drink	£0.68 / £0.95 minimum
	330ml bottle of 5% ABV pre-mixed drink	£0.56 minimum
	1 litre bottle of 17.5% ABV liqueur	£5.93 minimum
	700ml bottle of 37.5% ABV spirit	£8.89 minimum
	700ml bottle of 40% ABV spirit	£9.49 minimum
	1 litre bottle of 40% ABV spirit	£13.55 minimum

4. RELAXATION OF LICENSING HOURS FOR WORLD CUP GAMES

- 4.1. A Government consultation on proposals to relax licensing hours during the World Cup finals that are taking place in June and July 2014 has recently concluded, with an announcement that a national relaxation order will be made for matches involving England throughout the tournament. With the exception of the first match (England v Italy, 14th June, kick-off 11 pm BST), which is subject to a two-hour relaxation, all England matches with 8 pm or 9 pm BST kick-off times will be subject to a four-hour relaxation from kick-off.
- 4.2. The effect of the relaxation will allow on-licensed premises across England to continue to supply alcohol for consumption on the premises only, throughout the relaxation period, even if their licensed times would normally finish before the end of the period.
- 4.3. The relaxation does not apply to any non-alcohol licensed premises (e.g. late night food outlets) or off-licences, nor to premises with licensing times which finish before a match's kick-off time. The relaxation also does not apply to any other licensable activities, such as off-sales of alcohol, music or dance, or late night refreshment. If premises wish to engage in any of these activities, or to trade beyond the relaxed hours, and their premises licences do not support this, they will need to give a temporary event notice to authorise this.
- 4.4. National relaxation orders have previously been used to mark the Diamond Jubilee and the Royal Wedding – this will be the first time the power is used in respect of a sporting event. Officers will be working with the police and the Council's anti-social behaviour team to collate information on the premises which intend to utilise the relaxed hours, and to assist in ensuring that all such events pass off successfully.

5. ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT

5.1. In recent years Dacorum Borough Council have designated the following areas with 'Designated Public Place Orders' (DPPO) under the Criminal Justice and Police Act 2001:

- Gadebridge Park and Hemel Hempstead High Street;
- Marlowes, and the Market Square in Hemel Hempstead town centre;
- Boxmoor;
- Bovingdon;
- Berkhamsted town centre;
- Durrants Hill Recreational Field, Durrants Hill Apsley; and
- Evans Wharf, Hemel Hempstead

5.2. Designation gave powers to the police, police community support officers and community safety scheme accredited persons to control the consumption of alcohol within those designated areas, and to confiscate and dispose of it from persons causing a nuisance.

5.3. The Anti-Social Behaviour, Crime and Policing Act received Royal Assent on 13th March 2014, and includes provisions to replace DPPO's with a new power to pass Public Space Protection Orders (PSPO). These will work in a similar way as DPPOs, enabling the local authority to make orders to restrict nuisance associated with the consumption of alcohol in a public place within its area. However, the new power is much wider-ranging and will also be used in respect of other types of specified nuisance, replacing other extant powers such as gating orders under the Highways Act 1980, and dog control orders under the Clean Neighbourhoods and Environment Act 2005.

5.4. All existing DPPOs will continue to have effect for three years from the date of commencement of the Act, after which time, if they are still in force, they will become PSPOs. A full review of the order must take place prior to this conversion, and the authority may only retain it if a need for the power can be demonstrated. Any new or continued orders will also be subject to a triennial review requirement.

5.5. The Act also repeals and replaces the powers of premises closure available to the police under the Licensing Act 2003. Under the new provisions, both police and local authority will be able to order the immediate closure of premises which are subject to ongoing or imminent nuisance or disorder, where such action is necessary. The maximum duration of a closure notice is 24 hours (48 hours with the consent of a police superintendent or the authority's chief executive). Closure notices are subject to a review process by a magistrates court, and if upheld (with the result that a closure order is issued), will trigger a review of the premises licence(s) in force for the premises.

6. CCTV IN TAXIS/PRIVATE HIRE VEHICLES

6.1. Following the murder of a taxi driver in his constituency, the Member of Parliament for Bedford has submitted a Private Members' Bill to Parliament, which is currently under consideration. If enacted, the Bill would require every licensed taxi and private hire vehicle proprietor in the country to install and operate a closed circuit television system, with in-car cameras and a tamper-proof recording device.

6.2. Private Members' Bill traditionally struggle to survive the Parliamentary scrutiny process, with very few becoming law. Officers will monitor any further progress by this Bill, and report further if the need arises. There is no word on how a CCTV

requirement would be funded – with 231,000 licensed vehicles in England and Wales, it is unlikely that significant funding will be made available, either from central Government or from local community safety funding, and the cost would likely fall to individual proprietors.

- 6.3. A small number of local authorities have imposed local requirements for in-car CCTV previously, most notably Southampton, whose policy requiring constant audio and video recording in every vehicle fell foul of data protection and human rights laws. Through a community safety grant, Dacorum has previously trialled a small number of panic-button operated in-car stills cameras for licensed vehicles, but little practical benefit was realised from these.

7. LOCALLY-SET FEES FOR ALCOHOL/ENTERTAINMENT LICENCES

- 7.1. A Home Office consultation on commencing provisions of the Licensing Act 2003, to enable licensing authorities to set their fees on a local costs recovery basis, has recently closed.
- 7.2. At the present time, all fees payable in connection with alcohol, entertainment and late night refreshment licences are prescribed nationally in regulations. These fees were set upon the commencement of the Act in 2005 and have not varied since, despite repeated calls from local government to address the rising shortfall between costs and fees, which was recently estimated by the LGA at £1.5m nationally per month.
- 7.3. Powers for the Secretary of State to introduce local fee-setting were added to the Act in 2011, but have not to date been utilised. The Home Office have now consulted on a range of different options, including retaining the existing fee structure (based on national non-domestic rateable values) with a simple increase in the prescribed fees, scrapping the use of NNDR and centrally prescribing a flat fee, enabling councils to calculate and set fees based on the NNDR structure, or enabling councils to calculate and set flat fees with optional surcharges for late licences and primary alcohol consumption use.
- 7.4. While the former options are likely to be the simplest and least costly from the viewpoint of licensing authorities, they are likely to be incompatible with EU legislation, which requires fees for service-based authorisations across all member states to be equivalent to the costs of determining the application for authorisation only. Due to disparate costs across the country, no single set of fees could correctly reflect the costs of every licensing authority, leading to overcharging in some areas, and undercharging elsewhere. The latter options would cause licensing authorities to incur extra costs in calculating their costs, and would open individual authorities to judicial examination and challenge over their fee-setting processes, but is likely to be the only lawful way for fees to be established.
- 7.5. The licensing team leader has lodged an individual submission to the consultation, and the Government's response is now awaited. Further reports will be presented as and when the issue develops.

8. REHABILITATION OF OFFENDERS ACT

- 8.1. Changes to the Rehabilitation of Offenders Act took effect in March 2014, generally reducing the periods for offences to become 'spent' and thus disregarded from official consideration, such as in licensing applications.
- 8.2. The rehabilitation period for custodial offences is now determined from the end of the sentence, rather than conviction date as previously. A 6-month custodial

sentence will now remain visible on official records for 2 years from the end of sentence, rather than the previous 7 years from date of conviction. Only custodial sentences of 4 years or more will now never be considered spent, increased from the previous 2½ years threshold.

- 8.3. The rehabilitation periods for most non-custodial sentences have also decreased. Offences resulting in fines or community orders will now become spent after 1 year (previously 5 years). Conditional discharges and bind over / care / supervision orders will now become spent when the order expires. Absolute discharges and cautions will become spent immediately.
- 8.4. These changes are particularly relevant to licence processes where only 'unspent' criminal convictions may be taken into account in establishing the fitness of an applicant, such as personal alcohol licences and scrap metal dealer licences, and are likely to reduce the number of referrals of applicants with unspent convictions (e.g. a personal licence applicant who was fined for a drink driving offence will now be able to apply one year after conviction and police will be unable to object – previously it had to be at least 5 years). However, it should be noted that taxi and private hire drivers are specifically exempted from the ROOA provisions, and as such 'spent' convictions may still be taken into account when considering the issue of a driver's licence.

9. GAMING MACHINE STAKES AND PRIZES

- 9.1. A triennial review of stakes and prize limits for gaming machines was concluded in January 2014, resulting in an increase in the maximum prizes payable by category C machines (most often provided in pubs and bars) and category B3/B3a/B4 machines (provided in members' clubs and arcades). An inquiry into the use of category B2 (FOBT) machines in betting shops is ongoing, and expected to report to the Government later this year.

10. REWIRING LICENSING

- 10.1. It is hoped that this report and the preceding one give Members a useful summation of the current position of the Licensing service, and a snapshot of some of the recent and impending legislative changes and other issues that the service faces in the coming months.
- 10.2. The Licensing service deals with a very wide range of business activities and regulatory schemes, many of which were simply not designed for use in the 21st century. For example, taxis are still licensed and regulated primarily under a piece of legislation drafted almost 170 years ago, from an age when the horsepower of a hackney carriage was defined in a very literal sense. Promoters of charity collections are still required to confirm whether they are collecting on behalf of a war charity, reflecting the drafting in 1939 of that particular piece of legislation. Although these have been supplemented by newer legislation (for example, the requirement introduced by the Provision of Services Regulations 2009 that most service-based licences must be available to apply for online), the base legislation often causes difficulties for authorities in applying outdated requirements and business in complying with them.
- 10.3. Each licensing scheme that the Council administers has its own particular requirements, with one common link – the lack of interoperability of the various schemes. This carries through to regulated businesses, who, dependent upon their activities carried on, may have to approach the licensing team multiple times over the course of a year for different licences. This increases both the compliance cost to the business, and the processing costs incurred by the authority.

10.4. By way of an example, a (theoretical) new hotel and spa complex being opened in the borough may require all of the following licences, in addition to the requisite planning consent, building regulations approval, health and safety and fire safety risk assessments and policies:

- A premises licence for its bar, restaurant, minibars in rooms, and any entertainment offered; and personal licences for senior bar staff;
- A gaming machine permit for machines in the bar; and temporary use notices for occasional casino nights it may hold at its premises;
- A skin piercing registration for acupuncture and electrolysis treatments offered in its spa;
- Private hire operator, vehicle and driver licences for any car service;
- Food premises registration (environmental health);
- A sex establishment licence for any adult entertainment at private functions (e.g. stag and hen parties);
- Approval of premises for civil marriage and civil partnership ceremonies (Herts CC).

10.5. The Local Government Association (LGA), as part of its 'Rewiring Public Services' campaign to simplify and streamline the provision of regulatory and other public services in the face of reduced funding from central government, has recently published a discussion paper entitled "**Open for Business: Rewiring Licensing**" (attached at **Annex A** to this report). This document highlights many of the difficulties facing local authorities in delivering modern and efficient licensing services, and, in calling for full reform of the existing licensing framework, proposes a number of radical solutions to the issues identified.

10.6. As the document sets out, many of the proposals would require Government to fully review and reform the legislative framework under which Licensing operates, and in the absence of Government action, local authorities are obliged to continue with the existing systems. However, there are a number of steps which can be taken locally to streamline licensing services, and which Dacorum has been working towards for some time, including:

- Increased joint working with other regulatory regimes (e.g. information sharing between Licensing and Planning, joint visits and meetings with other services to reduce unnecessary or duplicative visits);
- Simplification of administrative processes (revising application forms to remove outdated questions or irrelevant questions, clearly setting out and adhering to the processes to be followed in determining applications); and
- Improving communication with business (publishing better & clearer guidance and policies, clearly stating compliance requirements following inspections and visits, facilitating online applications and reporting).

10.7. The LGA document has been attached to this report for the information of Members, and with the aim of promoting discussion and consideration as to how the Committee wishes the Council's Licensing functions to be delivered in future.

Open for Business: Rewiring Licensing (LGA, February 2014)

This appendix is available to view via the following link:

<http://web.dacorum.gov.uk/docs/default-source/council-democracy/licensing-h-and-s-29-04-2014-legislative-changes-annex-a-rewiring-licensing.pdf?sfvrsn=0>

A hard copy will be available in each of the group rooms.



AGENDA ITEM: 7

SUMMARY

Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	29 April 2014
PART:	1
If Part II, reason:	

Title of report:	Review of Standard Conditions for Animal Related Licences
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To set out proposals to update the standard conditions attached to a number of types of animal welfare licences, and to seek approval to begin consultation.
Recommendations	That Committee instruct officers to begin consultation with licence-holders on revising the Council’s standard conditions for animal boarding establishment licences, dog breeding establishment licences and pet shop licences, as per the model conditions attached to this report, and for riding establishments following discussions with suitable advisors and businesses, and report the results to a future meeting of the Committee.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment
Implications:	<p><u>Value for Money</u> The proposed conditions are taken from national model conditions published by leading regulatory/advisory bodies in consultation with animal welfare and trade organisations. Adopting such standard conditions will improve consistency between licensing authority areas, lowering compliance costs for businesses, and reduce the risk of legal challenge.</p> <p><u>Financial / Equalities / Risk / Health And Safety Implications</u> No implications are expected to arise.</p>

Consultees:	It is proposed to carry out consultation with licence-holders and to report the results back to a future meeting of the Committee.
Background papers:	Current standard licence conditions (included within the report) CIEH model licence conditions (included within the report)
Glossary of acronyms and any other abbreviations used in this report:	BCMS – British Cattle Movement Service CIEH – Chartered Institute of Environmental Health DEFRA – Department for Environment, Food & Rural Affairs DWA – Dangerous wild animal

1. BACKGROUND

- 1.1. The Council is responsible for licensing a number of animal-related commercial activities, as well as one non-commercial activity, and in doing so has a responsibility to ensure the welfare of the animals involved in these activities, as well as the safety of the wider public (e.g. ensuring dangerous animals do not escape or attack members of the public).
- 1.2. The licence types which the Council may issue include:
- a) **Animal boarding establishment licences** (providing accommodation for other people's dogs or cats for a consideration, i.e. kennels, catteries, home boarders or 'dog day-care centres'. Boarding of other animals does not require a licence. Dacorum has historically separated its licences into 'commercial boarding' licences and 'home boarding' licences, and made different provisions for both).
 - b) **Dangerous wild animal (DWA) licences** (keeping animals from a prescribed list at domestic premises, including apes, big cats, venomous snakes and arachnids, reptiles, large mammals, etc. Licence-holders may, with the consent of the Council, transport their animals to other areas, e.g. for exhibition or breeding purposes).
 - c) **Dog breeding establishment licences** (carrying on a business of breeding dogs for sale (direct or indirect sales both included)).
 - d) **Pet shop licences** (any premises used for the commercial sale of pet animals. Also includes sales of offspring which have been bred for sale. Dacorum historically has separated its licences into 'all animal' licences and 'fish only' licences, with differing provisions).
 - e) **Riding establishment licences** (premises offering opportunities to ride horses and ponies for a consideration. Includes riding schools where riding training is offered, as well as premises hiring horses to experienced riders. Livery yards, used for stabling other people's horses but not hiring the animals for riding, are excluded from the licensing requirement).
 - f) **Zoo licences** (operating an establishment exhibiting wild animals which is open to the public on at least 7 days per year).
- 1.3. Herts County Council is responsible for issuing **performing animal licences** (to ensure the welfare of animals used in exhibitions or entertainment performances) and **animal movement orders** (jointly with DEFRA and BCMS, for transporting cattle, pigs, sheep, goats and deer, both to ensure the welfare of the animals and to prevent disease transmission).

- 1.4. In addition to the legislation which enables the above licence types and makes specific provisions for such businesses, the Animal Welfare Act 2006 establishes an overriding duty for owners and businesses to ensure the welfare of animals in their care, and contains an offence of causing unnecessary suffering to an animal. Parts of the Act, including a provision enabling the Secretary of State to introduce further or replacement animal licensing schemes by way of regulations, have not to date been utilised.
- 1.5. The numbers of current licences issued by the Council at the time of writing are shown at Annex A.

2. LICENCE CONDITIONS

- 2.1. Each of the above licensing schemes allows the licensing authority to attach appropriate conditions to every licence it issues. For several of the schemes, the Council has previously adopted lists of standard conditions which attach to all relevant licences (although it should be noted that this does not limit the Council's discretion to attach further conditions to or omit standard conditions from a particular licence, should the circumstances justify this). Such standard conditions are currently used for animal boarding establishments, home boarding establishments (separate conditions for cats and dogs), dog breeding establishments, pet shops, and riding establishments.
- 2.2. Conditions attaching to DWA and zoo licences are typically species-specific, and as such are determined on a case-by-case basis rather than using a schedule of standard conditions. For many such wild animal species, specific guidance is issued by DEFRA's zoo inspectorate which will be taken into account when compiling conditions.
- 2.3. The Chartered Institute of Environmental Health (CIEH), together with the British Veterinary Association (BVA) and in consultation with numerous animal welfare organisations and animal trade bodies, publish and maintain guidance and model licence conditions for many of these licences, and it is believed that Dacorum's conditions were originally adopted from earlier versions of these documents. As technology, animal care and business practices have evolved, the model conditions have likewise been updated, and new versions of the model conditions have been published in recent months for pet shops, dog breeding and cat boarding (in part following a fatal fire at a Staffordshire cattery in 2013). The model conditions for dog boarding are currently unrevised since 1995, although a review is ongoing – however, as these are more comprehensive than the current standard conditions in use, it is intended to look again at these and to see if any unimplemented measures may be appropriate to adopt and use.
- 2.4. It is proposed that Dacorum's standard licence conditions be revised in accordance with the updated and more comprehensive model conditions, and that consultation with affected businesses should now be carried out prior to a final decision being made.
- 2.5. At this time, no changes are proposed to the standard conditions applying to riding establishments. Like the other standard conditions, these are in need of review – however, due to the extremely specialised nature of equine care there are no such model conditions available. It is therefore proposed to hold discussions with businesses and with other advisors (including the Council's appointed equine veterinary surgeon) on whether changes to the standard conditions are necessary.

2.6. The following documents are attached to this report:

Annex A - Current animal licences issued by Dacorum Borough Council
Annex B – Current standard conditions for pet shop licences

Appendices C – K can be accessed via the following link and copies will be placed in the Group Rooms.

<https://www.dropbox.com/s/gm2t9u1touhozqr/Item%207%20annexes.zip>

Annex C – CIEH Model Conditions for Pet Vending Licensing 2013
Annex D – Current standard conditions for dog breeding establishments
Annex E – CIEH Model Conditions for Dog Breeding Establishments 2014
Annex F – Current standard conditions for animal boarding establishments
Annex G – Current standard conditions for home boarding (dogs) licences
Annex H – Current standard conditions for home boarding (cats) licences
Annex I – CIEH Model Conditions for Cat Boarding Establishments 2013
Annex J – CIEH Model Conditions for Dog Boarding Establishments 1995
Annex K – Current standard conditions for riding establishment licences

3. OTHER CHANGES

- 3.1. The review of the standard licence conditions is one part of a wider operational review of the Council's animal licensing functions, which are currently underdeveloped and fail to fully capture and assess the complex nature of many of the businesses carried on. It is also intended to strengthen inspection protocols to ensure that risks are identified more fully and proprietors given appropriate advice, thus improving levels of animal welfare and compliance with the Act.
- 3.2. Premises inspections are currently carried out by licensing enforcement officers, who have only cursory training in this specialist area. It is intended in future that a number of these inspections will be carried out by environmental health officers, who will report their findings to Licensing to enable decisions to be made on licensing applications. It is expected that some existing EH functions (e.g. street trading licences) would transfer back to the Licensing team as a result of this change.
- 3.3. It is also intended to review the use of veterinary surgeons for inspections. Although all 6 licensing schemes make provision for inspections to be carried out by qualified vets, at the present time only DWA and riding establishment licensing applications involve a mandatory inspection by a vet at the request of the council (the cost of which is subsequently recharged to applicants). In particular, it is believed that veterinary inspections of commercial boarding premises and dog breeding establishments would provide greater assurance as to the condition of animals and standard of accommodation being provided.
- 3.4. In the case of licensing schemes where differing provisions are made internally by the Council (e.g. home boarding v commercial boarding), it will be necessary to examine whether there should be greater convergence between these provisions, particularly given the recent *Hemming* case on licensing fees which effectively prohibits cross-subsidy between licence classes. It is therefore proposed to look at these administration and enforcement processes afresh, and to review whether it is in the public interest to maintain such separate provisions.

- 3.5. New, more detailed application forms and licence documentation are currently in development for all 6 types of animal licence, as well as stronger (online) guidance for businesses on what activities require licensing.

4. RECOMMENDATION

- 4.1. That Committee instruct officers to begin consultation with licence-holders on revising the Council's standard conditions for animal boarding establishment licences, dog breeding establishment licences and pet shop licences, as per the model conditions attached to this report, and for riding establishments following discussions with suitable advisors and businesses, and report the results to a future meeting of the Committee.

**Current animal licences issued by Dacorum Borough Council
(correct as of 15 April 2014)**

a) Animal boarding establishment licences: **18 total (6 commercial, 12 home)**

Barking Mad (1), Berkhamsted (H)
Barking Mad (2), Berkhamsted (H)
Barking Mad (3), Tring (H)
Barking Mad (4), Tring (H)
Bulldog & Bone, Hemel Hempstead (H)
Cestreham Kennels, Flaunden (C)
Creature Comforts Pet Care, Northchurch (H)
Ellie's Ark, Flamstead (H)
Gaddy Row Pet Services, Gaddesden (H)
Greenfields Boarding Cattery, Markyate (C)
Happicats, Northchurch (C)
Hazel Corner Dog Hotel, Markyate (C)
Padi Paws (1), Flamstead (H)
Padi Paws (2), Flamstead (H)
The Old Pastures Boarding Kennels, Tring (C)
Pet Relief, Hemel Hempstead (H)
Pilgrim Cottage Cattery, Chipperfield (C)
Saddlers Cottage, Water End (H)

b) Dangerous wild animal licences: **2**

Private address in Bovington (arachnids and reptiles)
Private address in Hemel Hempstead (serval and savannah cats)

c) Dog breeding establishment licences: **1**

Hawbush Farm, Great Gaddesden

d) Pet shop licences: **8 total (5 all animals, 3 fish only)**

Ameyzoo, Bovington (AA)
Animaltastic, Hemel Hempstead (AA)
Deep Blue Aquatics, Hemel Hempstead (FO)
Doolittles Pets, Kings Langley (AA)
Fairydell Farm, Kings Langley (AA)
Maidenhead Aquatics, Chipperfield (FO)
Pets at Home, Apsley (AA)
Woods of Berkhamsted, Berkhamsted (FO)

e) Riding establishment licences: **4**

Centre of Horseback Combat, Gaddesden Estate
Hastoe Hill Riding School, Hastoe, Tring
Kings Langley Riding School, Kings Langley
Old Town Riding School, Hemel Hempstead

f) Zoo licences: **0**

Current standard conditions for pet shop licences

The Notes are not part of the conditions, but an aid to the interpretation of the Conditions

1. No animal shall be kept on the premises unless the trader is sufficiently familiar with the care and welfare of that animal.
2. Animals shall, at all times, be kept in accommodation that is adequate in construction, size, amenities and position in the premises.

Notes: (a) No animal (including birds and fish) should be exposed to excessive light, heat or lack of adequate warmth.

(b) Animals (other than fish or reptiles) should not be kept in cellars unless there is adequate ventilation and light to maintain health.

(c) Animals should not be placed in cages exposed to draughts when doors or windows are open.

(d) All cages should be so sited that the floor of the cage is readily visible.

(e) All walls and floors of cages, hutches, boxes or receptacles which are liable to be contaminated by excreta should be constructed of impervious material and floors should be adequately drained.

(f) Where dangerous animals are kept, the cages must be constructed of well fixed 2.5 cm bars or weld mesh. A protective safety barrier should also be present.

(g) Fish should not be held in recirculating systems at densities greater than 0.5 grammes per litre (or 5 small fish per litre).

3. Where animals are kept in cages, hutches, boxes or other receptacles which are placed on top of other cages, hutches, boxes or other receptacles, effective means should be provided for preventing water, food or other droppings falling onto or contaminating the animals food or other surroundings which are underneath.

4. Animals shall be adequately supplied with suitable food and drink, and shall be visited at suitable intervals. All accommodation shall be cleaned daily or often as is necessary. Suitable and sufficient exercise facilities shall be made available and used where appropriate.

Notes: (a) Animals and birds should be visited at intervals not exceeding 24 hours.

(b) The receptacles in which food and drink are supplied shall be so constructed and placed as to reduce faecal contamination to the minimum.

Note: For the purposes of this condition the term "rodent" excludes domesticated rodents intended for sale and the term "insects" excludes insects for sale and for feeding.

10. All animal foods shall be stored in suitable covered metal or other impervious closed containers so that the quality of the food can be preserved. These containers should be of such design as to allow easy cleaning.

11. Animals shall not be handed to customers in unsuitable containers.

Note: The proprietor must have adequate facilities for crating and transporting animals humanely and safely, with special reference to exotic species.

12. Suitable written instructions as to their care and welfare must be made available for all animals being offered for sale. No animal shall be sold without such written instructions being provided to the purchaser by the licensee. These instructions must be available on demand by the authorised Inspector.

13. The licensee shall ensure that a responsible person shall at all times be in or within reasonable distance of the premises for the purpose of giving warning and taking other necessary steps in the event of fire or other emergency. In case of absence of the responsible resident, the licensee shall appoint a responsible person residing within a reasonable distance of the premises to have custody of a duplicate key. The name, address and telephone number of such persons shall be notified to the police.

Note: In the case of pet shops within other premises, the owner of other responsible person shall have access to the premises containing pets at all times.

14. Animals and stock shall not be placed or kept in or outside the shop so as to obstruct entrance to or exit from the shop in the case of fire or other emergency.

Note: "Stock" referred to in this condition includes stocks of food and items for resale, as well as shop fittings.

15. Fire Fighting equipment, including extinguishers, shall be provided as approved. The licensee shall ensure that the fire appliances remain accessible and maintained in a good condition.

16. No animal which is suffering from or could reasonably be suspected of having come into contact with any other animal suffering from, any infectious or contagious disease or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.



PET ANIMALS ACT 1951 LICENSING CONDITIONS FOR PET SHOPS WITHIN THE BOROUGH OF DACORUM

The Council licences pet shops under the Pet Animals Act 1951.

These conditions made under Section 1 of the Act covers the keeping, display and sale of animals from Pet Shops within the Borough of Dacorum.

Failure to comply with the Conditions will result in the refusal to grant or renew the Licence and may lead to prosecution.

The meaning of the term 'keep a pet shop' is defined at section 7(1) of the Pet Animals Act 1951 and it means the carrying on at premises of any nature (including a private dwelling) of a business of selling animals as pets and it includes keeping animals in such premises with a view to their being sold in the course of such a business whether by their keeper or by any other person.

- (c) Adequate feeding space should be provided when more than one animal are caged together. As a guide 12.6 cm. min of trough space should be provided for small caged birds.
 - (d) All animals that so require it should have suitable food and drink provided at least once every twelve hours, except where an adequate supply of food and drink is constantly available.
5. No animal shall be offered for sale which is clinically unhealthy or has a significant abnormality which will materially affect the quality of its life. No mammal shall be sold unweaned or, if weaned, at an age at which it should not have been weaned.

Notes: (a) Puppies or kittens should be not sold until they are at least six weeks old.

(b) Random checks on the age of animals being presented for sale will be carried out.

6. No animals shall be displayed in a cage, hutch, box or other receptacle in such a position that it can be interfered with by other animals or unauthorised persons.

Notes: (a) This condition is to prevent the positioning of animals in a pet shop where they can be handled by members of the public and children, and also to prevent interference from other animals.

(b) The proprietor should be aware that individuals of many species will not mix readily in small areas. This particularly applies to carnivores.

(c) Carnivorous or omnivorous species should not be put in cages close to animals which might form part of their normal prey in the wild state.

7. Animals should not be displayed for sale outside the premises during unsuitable weather.

8. All excreta and soiled bedding shall be stored in suitably covered metal or other impervious containers until removed from the premises as soon as practicable and disposed of to the satisfaction of the appropriate local authority. All refuse containers shall be maintained in a clean condition.

Note: Attention should be paid to the method approved for the disposal of animal waste and its potential hazard to health.

9. All necessary precautions shall be taken to prevent the introduction to the premises, or harbourage, of rodents, insects and any other pests.

22. A register of animals obtained shall be kept by the proprietor of the pet shop which must be produced on demand by the authorised Inspector.

Note: The register need not list every animal separately. It must contain the following:

Description of animals
Date of arrival and departure
Name and address of supplier
Name and address of purchaser

23. Pet shops selling animals on the Schedule to the Dangerous Wild Animals Act should ascertain that the buyer is licensed to keep such animals.

24. No trader through his act, default or sufferance shall cause cruelty or suffering to any animal within his charge and shall take all reasonable steps to ensure that all livestock purchased or consigned by him shall be transported in accordance with relevant legislation and guidance; General movements - Transit of Animals (General) Order 1973; rail transport - British Rail guidelines.

Note: No animal which has adversely suffered from recent transportation shall be sold until it has received appropriate rest and attention.

25. No animals shall be sold to a person whom the trader has reasonable cause to believe is under the age of 12 years.

Note: Contravention of this requirement is an offence under s.3 of the Pet Animals Act 1951.

26. No animal shall be sold to any person whom the trader has reasonable cause to believe is under the age of 17 years, but over the age of 12 years who is unknown to him, unless that person is accompanied by a parent or legal guardian, or provides appropriate written consent.

- Notes:
- (a) In the case of imported animals each batch of arrivals should be isolated from all other animals.
 - (b) It is recognised that in the majority of cases effective isolation on pet shop premises will not be possible, and may have to be off the premises.
 - (c) Puppies and kittens should be kept as isolated litters and not added to, or mixed with, other litters.
 - (d) Imported fish should be quarantined for at least five days, during which time any diseases occurring must be treated. This period allows time for fish to settle and to be acclimatised to new water conditions and feeding practices.

17. All sick or injured animals shall received proper care and treatment which shall include the assistance of a veterinary surgeon in appropriate circumstances.

18. The maximum numbers of types of animals permitted to be kept on the premises to which the Licence refers are as set out in the Licence and shall not be exceeded.

Note: While it is recognised that the emphasis of a pet shop owner's business could change from one type of animal to another, the Licence should stipulate the maximum number and type of animals to be kept. If any change in business is anticipated by the licensee, then application should be made to the local authority for amendment of the Licence.

19. The number of animals which may be kept on the premises must be displayed on the premises.

Note: This condition is included as pursuant of s.1(3)(a) of the Act, but display of the whole Licence and Conditions is not legislated for in the Act.

20. Exhibition animals kept in the shop should be provided with proper accommodation and any animals not for sale should have a note stating that fact.

Note: Animals living semi permanently in a shop may need larger accommodation than those for sale.

21. No animals shall be directly imported to a pet shop except by licensees who have satisfied the local authority as to their ability to quarantine or handle consignments of animals under suitable conditions.



AGENDA ITEM: 8

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	29 April 2014
PART:	1
If Part II, reason:	

Title of report:	Delegation of Powers to Sub-Committees and Officers
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To propose changes to the current scheme of delegations from the Committee to its Sub-Committees and officers.
Recommendations	That the Licensing, Health & Safety and Enforcement Committee delegate responsibility for the exercise of those powers listed in Annex A of this report to the Council's Assistant Director (Chief Executive's Unit).
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • Efficiencies • Reputation and profile delivery
Implications:	<u>Risk Implications</u> Failure to ensure a correct scheme of delegation may result in successful legal challenges against the authority's decisions, with the risk of reputational damage and significant costs awards against the council. <u>Financial / Value for Money / Equalities / Health & Safety</u> None.
Consultees:	None
Background papers:	Dacorum Borough Council Constitution
Glossary of acronyms and any other abbreviations used in this report:	LHSE: Licensing, Health & Safety and Enforcement [Committee / Sub-Committee] LAG: Licensing of Alcohol and Gambling Sub-Committee

1. BACKGROUND

- 1.1 Many of the Council's powers in respect of licensing and regulatory activities have been delegated to the Licensing, Health & Safety and Enforcement Committee to exercise. Where appropriate to do so and permitted by law, the Committee has then further delegated many of the more regularly used powers either to its Sub-Committees or to officers. The scheme of delegation is set out in part 3 of the Council's Constitution.
- 1.2 These delegations are periodically reviewed to ensure that they remain appropriate, and to take account of any change to the legislative provisions which empower the Council to act or carry out certain functions.
- 1.3 A first report, covering delegations for alcohol, entertainment, late night refreshment, gambling, sex establishment and hypnotism licences, was considered by the Committee on 4 February 2014.
- 1.4 This report deals with several further licensing areas, including animal licences, charity collection licences, and skin piercing registrations.

2. CURRENT POSITION

- 2.1 At present, the Committee has delegated many of its powers relating to the determination of individual applications to its two Sub-Committees and to officers.
- 2.2 The Licensing, Health & Safety and Enforcement (LHSE) Sub-Committee may currently carry out any of the functions of the full Committee in respect of the determination of individual applications (policy matters remain with the full Committee), with the exception of functions otherwise delegated to the Licensing of Alcohol and Gambling (LAG) Sub-Committee.
- 2.3 The LAG Sub-Committee may determine individual applications and notices under the Licensing Act 2003 and the Gambling Act 2005. The format and procedures for Sub-Committees exercising functions under this legislation and their meetings is prescribed in Regulations.
- 2.4 Officers have been granted delegated powers from the full Committee to exercise many functions in respect of uncontested applications or which are time-limited.

3. PROPOSED CHANGES

- 3.1 Officers are now reviewing all applicable legislation utilised when exercising the Council's functions, comparing the statutory provisions and powers to that currently listed in the scheme of delegation. Where powers are currently omitted or incorrectly reflect the terminology of the statutory provision, updates have been proposed. A list of all of the proposed revised delegations is included at Annex A (for delegation to Sub-Committees) and Annex B (for delegation to officers).
- 3.2 Where a proposed delegation would duplicate a power currently listed in the scheme of delegation (which may be due to a rephrasing of a statutory power), it is intended that the existing delegation will be deemed rescinded upon the commencement of the new delegation.

3.3 One Licensing Act 2003 matter is included in the proposals, which was inadvertently omitted from the previous report. As part of its functions as a licensing authority, the Council may set binding recommendations in respect of the admission of children to film exhibitions. While the British Board of Film Classification (BBFC) issue age ratings for mainstream theatrical releases, it may not be cost-effective for some independent or foreign films with limited UK distribution to be rated by the BBFC. In such circumstances, licensing authorities are able to issue a local recommendation, effective within that council's area only, and the proposed delegation will enable officers to issue these. Licensing authorities may also overrule a rating made by the BBFC if a particular film gives rise to local concerns. This power will not be passed to officers under the proposed delegation, remaining with the full Committee.

4. RECOMMENDATION

4.1 That the Licensing, Health & Safety and Enforcement Committee delegate responsibility for the exercise of those powers listed in Annex A of this report to the Council's Assistant Director (Chief Executive's Unit).

PROPOSED DELEGATIONS TO OFFICERS

Delegation of the following powers to the **Assistant Director (Chief Executive's Unit)** is proposed, with a view to onward authorisation as appropriate:

1. Licensing Act 2003

- oo. To make recommendations and notifications on behalf of the licensing authority in respect of the admission of children to films which have not already been assessed by a film classification body (s.20)

2. Animal licences

- a. Defence of appeals brought against decisions made by the authority
- b. To institute proceedings in respect of contraventions under the following legislation

Animal Boarding Establishments Act 1963

- c. To grant licences to keep an animal boarding establishment
- d. To authorise officers, veterinary surgeons or veterinary practitioners to enter and inspect animal boarding establishments

**Breeding of Dogs Acts 1973 and 1991;
Breeding and Sale of Dogs (Welfare) Act 1999**

- e. To grant licences to keep a breeding establishment for dogs
- f. To authorise officers, veterinary surgeons or veterinary practitioners to enter and inspect dog breeding establishments, licensed or otherwise

Dangerous Wild Animals Act 1976

- g. To grant and renew licences to keep dangerous wild animals
- h. To vary licences to keep dangerous wild animals by specifying new conditions, or varying or revoking existing conditions
- i. To authorise veterinary surgeons, veterinary practitioners or other competent persons to enter and inspect premises where dangerous wild animals are, or are proposed to be, kept.

Pet Animals Act 1951

- j. To grant licences to keep a pet shop
- k. To authorise officers, veterinary surgeons or veterinary practitioners to enter and inspect pet shops

Riding Establishments Acts 1964 and 1970

- l. To grant licences to keep a riding establishment
- m. To grant and extend provisional licences to keep a riding establishment
- n. To authorise officers, veterinary surgeons or veterinary practitioners to enter and inspect riding establishments, licensed or otherwise

Zoo Licensing Act 1981

- o. To grant, renew, alter and transfer licences to operate a zoo
- p. To appoint inspectors for periodic inspections of zoos
- q. To carry out special inspections of zoos, including closed zoos, and authorise persons to conduct such inspections
- r. To carry out informal inspections of zoos, and appoint inspectors to conduct such inspections

3. Skin piercing, electrolysis, etc (Local Government (Miscellaneous Provisions) Act 1982, as amended)

- a. To register persons to carry on the practice of acupuncture
- b. To register premises for the practice of acupuncture
- c. To register persons to carry on the business of tattooing, ear-piercing or electrolysis
- d. To register premises for the business of tattooing, ear-piercing or electrolysis
- e. To authorise officers to enter premises
- f. To institute proceedings in respect of contraventions under the Act

4. Charitable collections

- a. Defence of appeals brought against decisions made by the authority
- b. To institute proceedings in respect of contraventions under the following legislation

House to House Collections Act 1939

- c. To grant licences for house to house collections

Police, Factories, &c. (Miscellaneous Provisions) Act 1916 and regulations made thereunder

- d. To issue permits for street collections, and to exercise the Council's other powers under relevant regulations

9. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to:

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

04 FEBRUARY 2014

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Present –

MEMBERS:

Councillors Lawson (Chairman), Bhinder, Mrs G Chapman, Conway, Fantham, Mrs Green, Link, Peter, Ryan, G Sutton, Whitman.

OFFICERS:

R Hill	Licensing Team Leader
B Lisgarten	Barrister, Legal Governance Team Leader
C Thorley	Member Support Officer

Other Persons Present:

Tabrez Khan	Chairman of Taxi Driver's Association
John McIlvaney	Taxi Driver's Association
Sajid Ahmed	Proprietor, Choice Taxi's

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meeting held on 26 November 2013 were confirmed by the Members present and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies were made on behalf of Councillor Taylor.

3. DECLARATIONS OF INTERESTS

The Chairman said that declarations of interest would be handled at each item.

4. PUBLIC PARTICIPATION

The Chairman said that public participation would be handled at each item.

5. REVIEW OF TAXI TABLE OF FARES –CHANGES TO TARIFF 2 TIMES

The Chairman began by acknowledging the large presence of taxi drivers who had attended the meeting in respect to the proposed changes set out in item 5. The Chairman said that those who had previously registered to speak in relation to this item would be given four minutes each to address the Committee.

R Hill then introduced the report stating that the matter has been returned to the Committee under exceptional circumstances only, and that the Licensing team had made it clear that this in no way formed a precedent for further challenges of decisions made by the Committee.

R Hill explained that following the October meeting at which a recommendation to Cabinet in respect of fares was made, officers attended a meeting with members of the taxi trade association, at which concerns were raised in respect to the proposed changes to applicable times for tariff 2. Following advice from the Legal Governance Group Manager at Dacorum Borough Council, it was agreed to undertake a further short consultation period specifically on that aspect of the recommendation, and to return any feedback to the Committee, prior to consideration of the recommendation by Cabinet.

R Hill said that a significant response had been received from individual drivers, together with a petition in excess of 200 signatories. The prevailing opinion expressed was that the reduction in the applicable times would adversely affect the economic viability of taxi services, with many respondents suggesting that an undersupply of vehicles on Sundays would occur.

R Hill asked that, in regards to this additional feedback, the Committee consider whether it would be appropriate to make amendments to their recommendation to Cabinet, or whether to affirm the previous recommendation.

R Hill said that the table of fares setting out the Committee's recommendation was appended at Annex B on page 8. A copy of the petition and the individual comments followed in Annexes C and D.

The Chairman thanked R Hill for his introduction and invited the first speaker to address the committee.

T Khan introduced himself and stated that the taxi trade was opposed to the changes regarding tariff 2. T Khan said that as demonstrated by the large public presence of drivers at the meeting this was a large concern amongst the trade and that the general feeling was that the proposals were unfair and unjust.

T Khan said that the trade were still looking to raise the minimum fare rate and that the suggestion to disallow the application of tariff 2 on Sundays combined with pushing it back to a later time on other days would mitigate the rise overall and would regress earnings of the trade back to the levels they were in 2004 which, with the combined increases seen in fuel prices and insurance costs was inconsistent with the rising levels of running expenses drivers were incurring.

T Khan said that the feeling amongst the trade was that the Committee did not recognise the difference between Hackney Carriages and Private Hire vehicles and that comments made by Councillors at previous meetings concerned negative experiences with Private Hire drivers and not Hackney Carriage drivers.

T Khan said that Dacorum was 124 on the league table of taxi fares for the country which demonstrated that prices charged by Dacorum taxi drivers were not at all unreasonable in comparison.

T Khan commented that often the Licensing team would make reference to the surrounding areas such as Watford in regards to Sunday charges but that they neglected to realise that drivers in those areas typically did more mileage.

T Khan asked that Councillors considered the fact that the taxi trade in Dacorum was now at saturation point, the taxi rank near the Marlowes had now gone and that there was a

20% increase in licensing fees. In addition a number of taxi drivers were illegally working in the borough. This, and a number of other factors, meant that the income of legitimate drivers was already negatively affected and it would become even more difficult if the proposed changes were implemented.

The Chairman then thanked T Khan and invited J McIlvaney to address the committee. J McIlvaney commented that ten years ago he had been part of an elected committee tasked by the Council to look at how to get more taxis out into the borough on a Sunday which had resulted in the time and a half tariff on a Sunday being implemented. J McIlvaney said that with the proposed changes there was likely to be a reduction in the number of taxis on a Sunday. J McIlvaney said that in the past at 11pm there had been instances of people fighting for taxis and that the trade and Council thought it would be safer for the public if tariff 2 was implemented at 11pm. J McIlvaney explained that this implementation of tariff 2 at 11pm was not just a monetary issue as it meant that more taxi's were likely to work later providing more services for the public and therefore alleviating the issues of antisocial behaviour at taxi ranks.

J McIlvaney said that the original implementation of tariff 2 was done via a democratic process and that he did not feel that the recent proposals were democratic also. J McIlvaney said that he thought that it was a shock tactic by the Council and was unfair and had not been done with any proper consultation. J McIlvaney said that the practice of adopting tariff 2 at 11pm was a national one and it did work.

The Chairman then asked S Ahmed to address the committee. S Ahmed said that the residents of Dacorum had a choice of over 200 Private Hire firms. S Ahmed said that he was aware that the Licensing team at Dacorum Borough Council had been implementing a lot of changes recently but that he felt that the trade was not always properly consulted on issues. S Ahmed said that people had fewer options to use Hackney Carriages following the removal of the taxi rank in the town centre. S Ahmed finished by saying that ultimately, if the proposed changes were implemented, the town would suffer as the taxi trade diminished.

The Chairman thanked T Khan, J McIlvaney and S Ahmed for their comments. The Chairman then asked the Members if they wished to say anything in response to the comments.

Councillor Whitman said that he acknowledged and agreed with some of the points made by the taxi drivers but that he still felt that Monday-Saturday tariff 2 should not be applied until midnight as many members of the public were not happy in the rise in taxi fare at 11pm.

Councillor Mrs Green said that after hearing the feedback from the trade she felt that the Committee had previously been unaware of the repercussions in regards to the loss of income if the proposed changes were implemented.

Councillor Bhinder also commented that he thought the statements given by the taxi trade were very articulate and he thanked them for their input.

Councillors Conway, Link and Ryan also registered their agreement with the taxi trade's viewpoint.

The Chairman acknowledged this and consulted with B Lisgarten as to what the options were for the committee. B Lisgarten stated that as per the recommendations outlined in the report the Committee could either affirm the previous recommendation made on the 29 October as shown in the draft table of fares at annex B or make a new recommendation to Cabinet in respect to the fixing of fares and charges payable in connections to the hire of licensed Hackney Carriages in Dacorum. The Chairman said that a new recommendation

would be made to Cabinet so that the proposed changes to tariff 2 would not be implemented.

The Committee voted as follows:

- Make a new recommendation to Cabinet in respect of the fixing of fares and charges payable in connection with the hire of licensed hackney carriages in Dacorum.


For: 10 Against: 0 Abstentions: 1

Resolved:

The Licensing, Health & Safety and Enforcement Committee recommend that Cabinet fix the fares and charges for the hire of hackney carriages in Dacorum at the levels set out in the recommendation of 29 October 2013, with the following additional amendments:

- tariff 2 to apply between the hours of 11pm and 7am on any day
- tariff 2 to apply between the hours of 7am and 11pm on Sundays.

The revised recommendation is illustrated in the draft table of fares set out below.



Licensed Hackney Carriage Table of Maximum Fares

Tariff One	For the whole distance of 440 yards (~402.3 m) or part thereof:- For each subsequent 220 yards (~201.2 m) or part thereof:- Waiting time for each period of 45 seconds or part thereof:-	£2.80 £0.25 £0.25	<i>Valid from XX XXXX 20XX</i>
Tariff Two	For the whole distance of 440 yards (~402.3 m) or part thereof:- For each subsequent 220 yards (~201.2 m) or part thereof:- Waiting time for each period of 45 seconds or part thereof:-	£4.20 £0.37 £0.37	Applies to journeys commencing: <ul style="list-style-type: none"> • between 11pm and 7am on any day; • between 7am and 11pm on Sundays; • on any official Bank Holiday; or • between 6pm and midnight on Christmas Eve and New Year's Eve
Tariff Three	For the whole distance of 440 yards (~402.3 m) or part thereof:- For each subsequent 220 yards (~201.2 m) or part thereof:- Waiting time for each period of 45 seconds or part thereof:-	£5.60 £0.50 £0.50	Applies to journeys commencing: <ul style="list-style-type: none"> • at any time on Christmas Day • at any time on Boxing Day • at any time on New Year's Day
Extra Charges	For each passenger carried in excess of two:- For each item of luggage conveyed outside of the passenger compartment and/or over 2 feet long:- Soiling requiring the vehicle to be taken out of service for cleaning:- Surcharge for payment of fare by credit or debit card (where card payment option is available):- The passenger(s) shall be liable for any additional tolls, charges, tariffs, or city centre congestion charges including the Central London congestion charge.	£0.30 £0.10 per item, to a maximum of £0.50 £55.00 £0.50	

Enquiries regarding any property accidentally left in a hackney carriage should be made to Hertfordshire Constabulary.

Figure 1: Recommended table of fares, as amended

6. TAXI AND PRIVATE HIRE VEHICLES LICENSING STANDARDS

R Hill introduced the item and explained that consultation was carried out last year on proposals to both consolidate and update the applicable vehicle standards adopted by the Council over the last few years, for both hackney carriages and private hire vehicles. R Hill highlighted that an age policy for first licensing of vehicles was proposed, in an attempt to encourage the use of newer vehicles.

R Hill said that a significant response was received from the taxi and private hire trades in respect of the proposed age policies, including a petition organised by the Association, and further individual responses.

R Hill said that after considering the responses received, officers had revised the proposals in respect of age policy. Instead of a maximum age on first licensing policy, it was now proposed to require vehicles over a specified age; 10 years at the time of licensing, to undergo a second MOT and compliance test half-way through the duration of the licence. By checking older vehicles more frequently, R Hill said that it was believed that developing faults attributed to the age of the vehicle would be detected earlier. R Hill said that it also eliminated many of the affordability concerns raised in consultation, as proprietors would retain the ability to licence older vehicles which remained suitable.

R Hill said that as the table on page 38 showed there were currently 117 vehicles which would be affected by this proposal, out of a total of 414 licensed vehicles in the area.

R Hill explained that the revised policy represented a downgraded measure than what was initially consulted upon, and that further consultation has not been undertaken, although the proposals had been discussed and agreed with the Driver's Association's committee.

R Hill commented that other revisions within the proposals attracted less attention, and no further changes had been made. R Hill explained that some verbal comments were made in respect of the need for an engine capacity standard, particularly in light of developing electric vehicle technology, and assurances had been given that the Council would consider departing from certain standards in respect of particular vehicles when deemed appropriate. R Hill explained that this power had previously been delegated to officers.

R Hill pointed out that revised draft standards were appended at Annexes A and B, and that the feedback received in respect of the originally proposed age policy followed at Annexes C and D.

Councillor G Sutton asked why age had been the determining factor in testing the vehicle as opposed to mileage. R Hill said that mileage had been looked at but there were various issues with using this as a measure as it was possible to illegally alter the mileage and that often drivers that did a lot of mileage typically maintained their cars to a higher level.

The Chairman acknowledged there was no notification of public participation but that he would invite J McIlvaney to comment on the report if he wished. J McIlvaney said that he was not involved in the consultation but that he did agree with the point that cars with a higher mileage were often better maintained. He noted that drivers often bought ex-fleet cars with a higher mileage as they were cheaper so he agreed that perhaps mileage would not be the best measure to use. He also commented that he did not think two tests a year for a car over the age of 10 years was unreasonable.

The Committee then voted in regards to the two recommendations outlined in the report:

For: 11 Against: 0

Resolved:

The Licensing, Health & Safety and Enforcement Committee adopt the Vehicle Standards for Hackney Carriages and Vehicle Standards for Private Hire Vehicles as the Councils pre-licensing criteria for Hackney Carriages and Private Hire vehicles with effect from the 1 June 2014; and that licensing officers shall monitor the average age of licensed vehicles for two years following the implementation of the revised criteria and report any change or trends to Committee following that period.

7. TAXI ENFORCEMENT –“THREE STRIKES” APPROACH

R Hill introduced the report and said that it outlined a further piece of work following the revision of the licensing enforcement policy last year in respect to taxi enforcement. R Hill explained that, although the policy stated that multiple or repeat infractions would result in an escalation of enforcement action, previously there had been no guidance around how and when this would occur, leading to unclear and inconsistent application. R Hill explained that the process had been looked at and a standardised approach to this issue had been developed. R Hill said that the process outlined on p69 would ensure that if a driver, vehicle proprietor or operator in the borough incurred three warnings for applicable infractions they would automatically be referred to the Licensing Sub-Committee for a review of the applicable licence. R Hill pointed out that this approach did not however in any way stipulate the outcome of the review carried out by the Licensing Sub-Committee, who would retain full discretion in each matter they considered.

The Chairman acknowledged that the process needed to be standardised to ensure that high standards were being upheld in regards to the conduct of taxi licence holders in Dacorum. All members of the Licensing Committee agreed with this.

Resolved:

The Licensing, Health & Safety and Enforcement Committee unanimously agreed with the proposed approach for dealing with individuals with numerous complaints/infractions and noted the report.

8. LICENSING FEES AND CHARGES 2014-2015

R Hill introduced the report and explained that it set out the proposed licensing application fees and charges for the financial year 2014-2015 and followed on from a report brought before the committee on the 26 November 2013. He stated that no responses to the consultation had been received, and as such no further changes had been made to the initial proposals. Addressing the large number of taxi drivers present, R Hill highlighted that there were no changes to base taxi fees but there were some changes in regards to change of vehicle and change of vehicle ownership.

Resolved:

The Licensing, Health and Safety and Enforcement Committee set as the fees and charges payable by applicants in connection with applications and other processes for licences, registrations and permits the fees and charges as set out in the annexed document, 'Licensing Fees and Charges 2014-15', for the period from 1st April 2014 to 31st March 2015.

9. DELEGATION OF POWERS TO SUB-COMMITTEES AND OFFICERS

R Hill explained that the purpose of the report was to clarify the delegation of licensing powers in light of recent legislation changes. This was the first part in an ongoing review process which would be continued in future reports to the Licensing, Health and Safety and Enforcement Committee. R Hill said that the most noticeable change in delegation of power would be to move the sex establishment licence applications from the Licensing, Health & Safety and Enforcement Sub-Committee to the Licensing of Alcohol & Gambling Sub-Committee, as the format of this meeting was better placed to accommodate public participation.

Resolved:

The Licensing, Health & Safety and Enforcement Committee agreed that responsibility for the exercise of the powers specified in Annexes A and B of the report be delegated to the Licensing of Alcohol and Gambling Sub-Committee and the Assistant Director (Chief Executive's Unit), respectively; and that the terms of reference for the Licensing, Health & Safety and Enforcement Sub-Committee be revised in accordance with the recommendation.

10. EXCLUSION OF THE PUBLIC

None.

The meeting ended at 8:20 pm