



THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE AGENDA

TUESDAY 27 OCTOBER 2015 AT 7.30 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 S Adshead	Cllr Link
Cllr Barnes	Cllr Mills
Cllr Mrs Bassadone	Cllr Peter
Cllr Conway	Cllr R Sutton
Cllr Fantham (Vice-Chairman)	Cllr Taylor
Cllr P Hearn (Chairman)	Cllr Whitman
Cllr Howard	

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.

PART I

Item		Page
1.	Minutes	2
2.	Apologies for Absence	2
3.	Declarations of Interest	2
4.	Public Participation	2
5.	Review of Licensing Policies for Alcohol, Entertainment and Gambling Licences	3
6.	Animal Licence Application Forms	25
7.	Licensing Fees and Charges 2016-17	56
8.	Taxis and Passengers in Wheelchairs	66
9.	Exclusion of the Public	71
Appendix A	Minutes of the Licensing and Health and Safety Enforcement Committee held on 28 July 2015	72

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1. MINUTES

To confirm the minutes of the meeting held on 28 July 2015.

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 and Enforcement Committee
Date of meeting:	27 October 2015
PART:	I
If Part II, reason:	

Title of report:	Review of licensing policies for alcohol, entertainment and gambling licences
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To report the results of consultation on draft revisions to the Council’s Statement of Licensing Policy (Licensing Act 2003) and Statement of Principles (Gambling Act 2005)
Recommendations	<ol style="list-style-type: none"> 1. That the Committee endorse the revised draft Statement of Licensing Policy under the Licensing Act 2003 for the period 2016 – 2021, and refer it to Full Council for approval and adoption; and 2. That the Committee endorse the revised draft Statement of Principles under the Gambling Act 2005 for the period 2016 – 2019, and refer it to Full Council for approval and adoption.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment <p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Performance excellence • Reputation and profile delivery
Implications:	<p><u>Equalities Implications</u> A Community Impact Assessment has been prepared and will be circulated separately.</p> <p><u>Financial / Value for Money / Risk / Health And Safety Implications</u> None identified.</p>

Consultees:	<p>The draft policies were published on the Council's website and comments invited for an 8-week period in August and September. Notifications were sent directly to responsible authorities, borough and county councillors, town and parish councils, local community groups, licensed trade representative bodies, and representatives of licence-holders. Comments were also invited via messages on the Council's social media accounts, and an article in Dacorum Digest.</p> <p>8 responses were received, which are reproduced at Annex A.</p>
Background papers:	<p>Draft Statement of Licensing Policy 2016-2021 Draft Statement of Principles 2016-2019 <i>(both circulated separately)</i></p>
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Two of the major regulatory regimes under which the Council has statutory responsibilities are the licensing of alcohol supplies, regulated entertainment and late night refreshment under the Licensing Act 2003; and of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005.
- 1.2. Both of these Acts require licensing authorities (district councils or unitary authorities) to publish written policies, setting out how they intend to exercise the licensing and enforcement powers conveyed to them under the Acts, the principles that they will follow, and their expectations of licensees. These policies must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
- 1.3. Dacorum last reviewed its licensing policies in 2010 (Licensing Act 2003) and 2012 (Gambling Act 2005). Both policies are due for review and replacement by January 2016, in order to satisfy the statutory requirements in the Acts.

2. CONSULTATION RESULTS

- 2.1. At the Committee's meeting on 28 July 2015, consultation was approved on draft versions of policy documents under both Acts. The report considered at that meeting detailed the major changes made to each policy.
- 2.2. Consultation took place over an 8-week period in August and September 2015. Notification was sent by email to: the responsible authorities, borough and county councillors, town and parish councils, local MPs, local community groups, multiple licence-holders (companies holding two or more premises licences), representative trade bodies and licensing-focussed legal firms.
- 2.3. The consultation was also publicised via the council's website and social media accounts, and an article in Dacorum Digest. An online survey form was also provided for the duration of the consultation but received no responses.

2.4. A total of 8 written responses were received to the consultation, all of which are reproduced at Annex A. The responses break down as follows:

- Three from responsible authority officers
- Two from ward councillors
- One from a council officer (non-responsible authority)
- One from a gambling licence-holder
- One from a gambling trade representative body

2.5. A number of further changes have been made to the draft policy documents after considering the consultation responses, and these are detailed within Annex A, after each response.

2.6. The final decision to adopt or revise a licensing policy under these Acts must be made by Full Council. The Committee are now asked to resolve to recommend the adoption of the revised policies (with the additional revisions) by Full Council.

3. RECOMMENDATION

3.1. That the Committee endorse the revised draft Statement of Licensing Policy under the Licensing Act 2003 for the period 2016 – 2021, and refer it to Full Council for approval and adoption; and

3.2. That the Committee endorse the revised draft Statement of Principles under the Gambling Act 2005 for the period 2016 – 2019, and refer it to Full Council for approval and adoption.

Annex A – Consultation responses *(ordered as received)*

Philip Stanley

Assistant Team Leader, Planning Enforcement, Dacorum Borough Council

From: Philip Stanley
Sent: 05 August 2015 08:28
To: Licensing Policy Mailbox
Subject: RE: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Hello Ross,

I have read the Draft policy document (but not the annexes) and it is a very thorough and informative document. Certainly it is interesting to read the scope of considerations your team have to take into account. And this policy only covers one area of licensable activities!

You appear to have everything covered. A couple of small points:

7.2 Could this be changed to 'Dacorum Local Planning Authority'?

26.2 Could you stress that in particular no works should be made to listed buildings without first applying to the Local Planning Authority for listed building consent where appropriate?

Phil.

Officer comments

The suggested changes have been incorporated.

Councillor Julian Ashbourn
Berkhamsted West ward councillor, Dacorum Borough Council

From: Julian Ashbourn
Sent: 05 August 2015 09:04
Cc: Licensing Mailbox
Subject: Revisions to documentation

Thank you for posting these proposed revisions.

My observations are as follows;

That both documents are very comprehensive and clearly laid out and will be easily read and understood by a wide audience.

However, I have some concerns over a couple of points which I feel may be interpreted in a negative manner by some.

Firstly, the word 'promotion' while I understand the context in which it is offered, may not be welcomed by some who may feel that it is not the part of Council to 'promote' anything in the commercial sector, especially when there are implications around cultural or societal wellbeing. I would not have recommended the use of such terms.

Secondly, in both documents, we seem to be at pains to point out that we "...will not take into account any moral objections to the carrying on of licensable activities..." This will not be welcomed by those who will hold that the first responsibility of Council is surely towards its residents - not to those who are seeking to exploit residents. Furthermore, we should have a keen appreciation of societal wellbeing and the impact of certain commercial activities upon the same. In this context, we cannot deny the moral issue.

On this last point, we are already seeing changes in our local towns which many will see as detrimental from a cultural perspective. In addition, the presence of such commercial activities undoubtedly influences the character of the towns themselves, including the streetscapes. To completely disassociate any moral responsibility in relation to these acts is a stance which I believe will not be welcomed by many, whether or not they understand the precise context in which these statements are made.

Just thought I would make these points.

Kind regards,

Julian Ashbourn
Berkhamsted West Ward

Officer comments

One reference to 'promote' has been replaced, at para 2.7 of the Statement of Licensing Policy. Other references relate to the promotion of the licensing objectives, which is the phrase used in the primary legislation to describe the key duty of licensing authorities.

References to moral objections have been adjusted to make clear that these provisions refer to generalised moral or ethical objections to the licensable activities themselves rather than to specific incidents arising from the operation of local premises. This position is established by case law and the statutory guidance, rather than any intention to distance the authority from such issues.

PS Mike Saunders
Dacorum Community Safety Unit, Hertfordshire Constabulary

From: Mike Saunders
Sent: 04 September 2015 18:17
To: Ross Hill GCSX mailbox
Subject: FW: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Hi Ross.

I've just managed to finish reading the draft copy of the Dacorum Statement of Licensing Policy and Statement of Principles that you recently published and appreciate that producing such high quality documents must have taken up quite a bit of your time.

As a result of reading through it I would respectfully like to highlight the following points regarding the Statement of Licensing Policy that you might like to consider:

1. I've spotted a possible typo in the second line of para 16.2 where the first word "and" has been typed instead of the word "any".
2. With regards to para 17.1, the last line of the last bullet point could be misinterpreted as referring to someone that is supplying controlled drugs to the police and recommend that the last line should be amended to read – "and reporting to the police any person suspected of supplying controlled drugs".
3. Whether it is possible within para 19.7 to incorporate a sentence that supplying CCTV footage to the police within a 24 hour period is also encouraged (the thought process behind this request is the number of times that officers attend Service Stations to request/collect CCTV and no-one is available to provide the necessary footage due to the CCTV only being under the control of a manager or supervisor).
4. Unfortunately the interpretation of Sect 63 ASCP Act 2014 in para 24.2 where the person with alcohol needs to be creating disorder or acting in an anti-social manner is at odds with legal references available to police. The following is an extract from the Police National Legal Database:

Section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 provides for actions to be taken when a breach of a prohibition in the order has occurred.

63(1) This section applies where a constable or an authorised person reasonably believes that a person (P) –

- (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
- (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section authorised person means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

63(2) The constable or authorised person may require P -
(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
(b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

63(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

63(4) and 63(5).....

63(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

With regards to Primary Authority Partnerships, is there a list available to show which premises licence holders or gambling operators are involved?

Kind regards

Mike

PS 795

Dacorum and St Albans
Community Safety Unit

Officer comments

The suggested changes have been incorporated.

With respect to the 4th point, the original draft text was an attempt to illustrate the statutory test for the creation of a public space protection order. In hindsight, including this within a reference to the exercise of powers under an existing order was confusing, and this has now been amended accordingly.

A link to the BRDO's register of primary authority partnerships has been added.

Jim Guiton

CCTV / Community Control Centre Team Leader, Dacorum Borough Council

From: Jim Guiton

Sent: 16 September 2015 09:29

To: Licensing Mailbox

Subject: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Hi,

As the CCTV Team Leader for Dacorum Borough Council I would make the following comments in relation to the Draft Licensing Policy specifically section 19 Security / 19.6 CCTV

The surveillance Commissioners Code of Practice makes reference to relevant Authorities who have a licensing function and I have included the extract below.

In the draft policy reference is made to the Data Protection Act however this authority has to have regard for the Surveillance Code and this should be mentioned in the Policy.

We need to consider if an applicant offers CCTV as a condition that it is proportionate to the pressing need.

I am happy to meet with Ross to discuss further if he wishes.

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

1.16 A failure on the part of any person to act in accordance with any provision of this code does not of itself make that person liable to criminal or civil proceedings. This code is, however, admissible in

evidence in criminal or civil proceedings, and a court or tribunal may take into account a failure by a relevant authority to have regard to the code in determining a question in any such proceedings.

- 1.17 Other operators of surveillance camera systems who are not defined as relevant authorities are encouraged to adopt this code and its guiding principles voluntarily and make a public commitment to doing so. Such system operators are not, however, bound by any duty to have regard to this code.

Regards

Jim

Jim Guiton

CCTV / Community Control Centre Team Leader

Resident Services

Dacorum Borough Council

Officer comments

Additional paragraphs summarising the licensing authority's duty under the Surveillance Camera Code of Practice have been added.

Association of British Bookmakers



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1, Queens Gardens, Hull, HU1 3DZ. Tel: 01482 324252. Fax: 0870 600 5984.
E: info@gosschalks.co.uk W: www.gosschalks.co.uk DX: 11902 – Hull

Dacorum Borough Council
Licensing
Civic Centre
Marlowes
Hemel Hempstead
HP1 1HH

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHK / 097505.00004
#GS376608
Your ref:
Date: 21 September 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984
E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 – Hull

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Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

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Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

Paragraph 2.3

This paragraph indicates that the licensing authority is required to exercise its functions "with a view to promoting the licensing objectives". This is incorrect. As recognised later in the policy (at paragraph 4.1) the requirement of the licensing authority is that it must have regard to the licensing objectives as set out in s1 Gambling Act 2005. The only body with a duty to promote the licensing objectives within the Gambling Act 2005 is the Gambling Commission.

Paragraph 4.5

This paragraph acknowledges that the licensing authority must distinguish between disorder and nuisance. The paragraph would be assisted by including a statement that nuisance is not a relevant consideration under Gambling Act 2005 and that the Gambling Commission has defined disorder as "intended to mean activity that it is more serious and disruptive than mere nuisance."

Paragraph 7.4

This paragraph deals with representations and reviews and states that in order to take action to refuse or revoke or to suspend a licence in review proceedings the authority "will usually need to see evidence which substantiates the grounds cited in representations or review applications..." We respectfully submit that the word "usually" should be deleted. If the licensing authority were to refuse a licence, revoke or suspend a licence without evidence then the decision to do so would be corrected upon appeal especially given the requirement (as acknowledged earlier in the policy) that the authority is required to "aim to permit" the use of premises for gambling.

Paragraph 10 – Gaming Machines

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984
E info@goschalks.co.uk W www.goschalks.co.uk DX 11902 – Hull

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Paragraphs 10.1 to 10.7 deal with gaming machines. The policy would be assisted by a statement that certain types of licences entitle the holder to operate specified numbers of gaming machines. For example s172(8) Gambling Act 2005 entitles the holder of a betting premises licence to make up to 4 gaming machines of category B, C or D available for use.

Paragraph 11.7

This paragraph causes the ABB significant concern. The ABB will always work with councils to discuss any concerns but we respectfully submit that this paragraph should be deleted. It is emotive and adds nothing to the policy. It refers to controversy around the issue of fixed odds betting terminals which was not borne out in any of the evidence of the Gambling Prevalence Surveys or subsequent health surveys. The purpose of the policy is to state the principles that the authority will propose in exercising its function and not to pass comment.

Paragraph 12 – Conditions

This section of the policy starts by acknowledging that premises licences issued under Gambling Act 2005 are already subject to mandatory and default conditions. The policy would be assisted an acknowledgement that in the vast majority of cases, the mandatory and default conditions will suffice to ensure that the operation of a premises is reasonably consistent with the licensing objectives. The mandatory and default conditions will only need to be supplemented where there is specific evidence in a hearing that there is a need to do so.

Paragraph 12.5 – Door Supervisors

This paragraph starts with a statement that if the licensing authority is concerned that a premises licence may attract disorder then it may impose a condition relating to door supervision. We would remind the licensing authority that a mere concern is not enough to consider imposing a condition. There would need to be evidence of a particular risk in a particular case for the committee to consider imposing such a condition.

Location

This section of the policy causes the ABB serious concerns. The policy would be assisted by a statement that gambling is a lawful pastime and for the vast majority of people causes no problem whatsoever. Operators have strict policies in place to ensure the continued safety of staff and customers and all betting operators are required to actively promote responsible gambling.

Paragraph 13.2

This states that the local area profile will be produced by the authority and published on the website. It would be helpful if the local area profile was actually attached to the licensing policy. Thereafter, there is a list of potential issues – large levels or vulnerable persons, the proximity of schools, youth centres and medical facilities or a high level of deprivation are factors which the authority believes should be taken into consideration. The authority is reminded that betting

offices in particular have operated in areas of high population (and therefore close to schools, youth centres, parks and medical facilities) without any problem for over 50 years. Furthermore, the policy seems to imply that deprived areas are areas which are likely to include a greater number of residents who may be considered to be vulnerable persons. This does not follow. The policy itself acknowledges at paragraph 4.11 the definition of vulnerable persons as being persons who, for example, gamble more than they want to, gamble beyond their means and people who may not be able to take informed or balanced decisions about gambling due to mental health needs etc. It does not follow that simply because an area has lower income levels that people in that area are more vulnerable. The policy should be amended to reflect this.

It is important that the local area profile is based upon evidence. The overriding principle in s153 Gambling Act 2005 is that authorities are to “aim to permit” the use of premises for gambling. If the authority proceeds without evidence then this could potentially undermine the overriding principle.

Paragraph 17.2

This paragraph refers to the fact that a licensing authority may initiate a review of a premises licence where premises have not provided for facilities for gambling for some time. Whilst this is correct, thereafter there is a statement that the purpose of this is to prevent people from applying for licences in a speculative manner without intending to use them. There may be many reasons why a premise hasn't offered facilities for gambling and it cannot be assumed that operators would apply for licences in a speculative manner. There is no reason to do so given that there is no quota/maximum number. We submit that this final sentence of this paragraph should be removed.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984
E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 – Hull

A list of partners is available for inspection at the above address.
This firm is authorised and regulated by the Solicitors Regulation Authority under number 6121



Yours faithfully,



GOSSCHALKS

Officer comments

Para 2.3: this was a misstatement which has now been corrected.

Para 4.5: nuisance is referenced at para 4.2 as not being of relevance to this regulatory scheme. Although the Statement of Principles references the Guidance in a number of places, it is not intended to duplicate it wholly, and when considering any matters the authority will consult both documents, side-by-side.

Para 7.4: redrafted

Para 10: as machine stake/prize reviews occur on a different schedule to statement of principle reviews, and machine entitlements have historically changed at short notice, we previously removed all machine categorisation and entitlement information to a separate document, signposted from this section, to allow for easier updating.

Para 11.7: redrafted

Para 12: this is already referenced within para 12.1

Para 12.5: redrafted

Para 13/13.2: The approach of maintaining the local area profile as a separate document is supported by GLA5 para 6.51. As the finalised Guidance was only published at the end of September, given the time constraints for preparation of the Statements of Principles it was not possible to produce a full area profile in time for inclusion within this document. Work on the area profile will now be undertaken in early 2016, prior to the commencement of the corresponding operating licence conditions and codes of practice in April 2016. The authority will examine a range of data sources in compiling its area profile. Ex-para 13.4, on deprivation, has been removed from the draft Statement, but may be reconsidered during the compilation of the area profile, if applicable data is collated.

Para 17.2: this was a historic clause from an early version of the Statement, which has now been removed.

John Liddle
Director of Development – Coral Retail, Coral Racing Limited



Licensing Policy Review,
Dacorum Borough Council,
Civic Centre,
Marlowes,
Hemel Hempstead,
HP1 1HH

24th September 2015

Dear Sir,

Consultation on Dacorum Borough Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Coral Racing Limited do note that in paragraph 3.5, the Statement makes references to premises being located within the proximity of schools as being a possible relevant consideration in order to consider additional measures, to enable the licensing objectives to be upheld.

Coral knows of no evidence that the location of a licensed betting office within the proximity of schools causes harm to the licensing objectives nor that children coming from schools are gaining access to betting offices. Our general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

In paragraph 13.4 (Local Area Profile), the Draft Statement notes in relation to areas of deprivation:-

Where an application is made for a premises licence within one of these areas, we will expect the operator to demonstrate a full range of measures that they intend to take to promote all of the licensing objectives, with particular attention to the protection of vulnerable persons.

Coral Racing are of the opinion that all shops, wherever located, operate by our same strict standards and controls. Licensed betting offices are in the vast majority of cases, located in areas of high footfall, with the local population numbers determining the financial viability (as with many high street shops) and all vulnerable people, no matter where they reside, receive the same care and consideration.



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050



a company

Coral Racing Limited recognise the requirement to supply risk assessments (Section 13.5 to 13.7 inclusive) with future applications & variations following the consultation completion (requirement is from 6th April 2016) and we are pleased to recognise that Council is not specifying a particular format. Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.

If we can provide any further information, we would be pleased to do so. I would like to thank you for the clear format of your Draft Statement with the areas of change highlighted.

Yours faithfully,



John Liddle
Director of Development – Coral Retail

Officer comments

Para 3.5 (now 3.4) paraphrases para 6.38 of the Gambling Commission's guidance to licensing authorities, but has now been adjusted to bring it in line with the latest edition, which still references schools but with the qualifier 'certain types of gambling'.

Ex-para 13.4, on deprivation, has been removed from the draft Statement, but may be reconsidered during the compilation of the area profile, if applicable data is collated.

Para 13.5 has been adjusted to make clear that the risk assessment requirement is expected to come into effect in April 2016.

Robin O'Connor
Fire Protection Manager, Hertfordshire Fire and Rescue Service

From: Robin OConnor
Sent: 26 September 2015 16:44
To: Licensing Policy Mailbox
Subject: RE: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Dear Sir/Madam

Consultation on Draft Statement of Licensing Policy 2016-2021 under the Licensing Act 2003

1. Should you deem it appropriate to provide contact details for the Fire Authority in consideration of Licensing matters or for fire safety advice then please use;

Hertfordshire Fire and Rescue Service
Fire Protection
Postal Point MU 103
Mundells
Welwyn Garden City
Hertfordshire
AL7 1FT

administration.cfs@hertfordshire.gov.uk

Telephone 01707 292310

2. We request you consider the attached document which is an information guidance sheet provided by Hertfordshire Fire and Rescue Service to assist event organisers and premises licence holders in relation to organised events; and ask if it could be included within the policy by way of either a reference numbered hyperlink with the document saved to your website or within Annex B? At present the document is not yet on Hertsdirect as the site is undergoing improvement works and to date the fire protection information has not been covered.

Consultation on Draft Statement of Principles 2016 - 2019 under the Gambling Act 2005

I have read the draft policy with minor changes on behalf of Hertfordshire Fire and Rescue Service as a statutory consultee and have no comment to make.

Yours Sincerely

Robin O'Connor

Fire Protection Manager

Hertfordshire Fire and Rescue Service
Fire Protection
Mundells-MU103, Welwyn Garden City
Hertfordshire AL7 1FT

Website: www.hertsdirect.org

Officer comments

Full contact details have not been included in the policy documents, but are available as a separate document on our website, to allow for easier updating as office relocations take place.

The guidance sheet has been added to the 'Event safety' section of our website, and referenced in Annex B of the Statement of Licensing Policy.

Councillor Janice Marshall
Boxmoor ward councillor and Portfolio Holder for Environmental, Sustainability and Regulatory Services, Dacorum Borough Council

From: Janice Marshall
Sent: 26 September 2015 20:40
To: Licensing Policy Mailbox
Subject: RE: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Thank you Ross for your email.

Concerning the Policy, in particular paragraphs 5.18 and 5.19, the Policy as drafted appears to me too weak concerning the applicants' obligation. In para 5.18, I would change in the second line "..., the licensing authority *require* a comprehensive operating schedule". In para 5.19, 5th line, I would change to "Applicants are *required* to include measures"

I note that para 6.13 of the Principles states "Interested parties can be persons who are democratically elected, such as borough or county councillors or MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor MP represents the ward or constituency likely to be affected". Splendid phrasing. Could it be please be replicated at 7.5 of the Policy.

Finally, a query regarding Local Area Profile (13.2-13.4) in the Principles. When will the local area profiles be produced?

Regards,

Janice Marshall
Councillor for Boxmoor
Dacorum Borough Council

Officer comments

The suggested changes have been incorporated.

The wording from the Statement of Principles concerning elected representatives has not been reproduced exactly in the Statement of Licensing Policy, as the primary legislation is slightly different. Under the Gambling Act 2005, councillors/MPs can only make representations if they are representing a local resident or business. The Licensing Act 2003 on the other hand has seen deregulation to remove this restriction, allowing councillors/MPs (or any other person/body) to make representations in their own right.

In respect of the Local Area Profile, the corresponding operating licence conditions and codes of practice (LCCP) as set and enforced by the Gambling Commission, which will require the submission of local risk assessments with premises licence applications do not come into effect until April 2016. It is intended to have an initial profile in place by then, which will evolve over the coming years, as relevant evidence and intelligence becomes available.



AGENDA ITEM: 6

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	27 October 2015
PART:	I
If Part II, reason:	

Title of report:	Animal Licence Application Forms
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To agree new application formats and required content for use in various animal licence applications.
Recommendations	<p>To adopt, with effect from 1 November 2015, as the Council’s standard format for animal licence applications:</p> <ul style="list-style-type: none"> a) For animal boarding establishment licences under section 1 of the Animal Boarding Establishments Act 1963, the form at Annex A; b) For pet shop licences under section 1 of the Pet Animals Act 1951, the form at Annex B; c) For riding establishment licences under section 1 of the Riding Establishments Act 1964, the form at Annex C; d) For dog breeding establishment licences under section 1 of the Breeding of Dogs Act 1973, the form at Annex D; e) For dangerous wild animal licences under section 1 of the Dangerous Wild Animals Act 1976, the form at Annex E; <p>and to require all information requested therein to be provided with each application made for a licence.</p>
Corporate objectives:	<p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Efficiencies

Implications:	<p><u>Value for Money / Health And Safety</u> Requiring a greater degree of information to be provided at the time of application will reduce the duration of licensing officer inspections of applicant's premises which are currently spent collating this information, thus reducing the cost incurred by the council in processing applications. It will also enable a better understanding of any special risks or hazards prior to the officer going to the site.</p> <p><u>Financial / Risk / Equalities Implications</u> None identified.</p>
Consultees:	None
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

1.1. Dacorum Borough Council is responsible for the issue of six types of animal welfare licence, namely:

- a) Animal boarding establishment licences (businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet daycare)
- b) Dangerous wild animal licences (keeping prescribed exotic animals)
- c) Dog breeding establishment licences (commercial breeding of dogs)
- d) Pet shop licences (any premises retailing animals to be kept as pets)
- e) Riding establishment licences (premises providing horses, ponies, etc, for riding)
- f) Zoo licences (premises exhibiting non-domesticated animals which are open to the public)

1.2. Additional animal licence types, including animal movement orders and performing animal registrations, are issued by the County Council.

1.3. The legislation governing all of these licence types gives licensing authorities wide discretion on the matters they may consider prior to issuing a licence, although issues relating to the welfare of the animals and the protection of the public must take primacy.

1.4. The Council currently has basic application forms¹ available for each of its licences except zoos, which in some cases ask for little more than the address of the premises and the name of the proprietor. Any additional information required to determine the application is then gathered either by the licensing enforcement officer or the veterinary surgeon appointed by the Council, during the inspection of the premises. In turn, this means that inspections then take considerably longer

¹ See www.dacorum.gov.uk/home/environment-street-care/licensing/animal-welfare-licences

than if this information did not have to be gathered, increasing the cost of those inspections.

- 1.5. The Council also subscribes to the Government's GOV.UK Licensing online application system, which provides more comprehensive e-forms for animal boarding establishment, pet shops, riding establishment and zoo licences, although these are infrequently used.
- 1.6. The lack of detail in the current animal licence application forms was recently identified as an area for improvement by the Council's Internal Auditor during a recent audit of the Licensing service, and the adoption of new, more comprehensive forms will serve to satisfy a recommendation made by the Auditor.

2. PROPOSAL

- 2.1. It is now proposed to introduce more comprehensive application forms for five of the six types of licence issued by the Council, so that most of the required information is gathered at the time of application, rather than during the pre-licensing inspection. This should encourage a more efficient approach to the processing of these application types, and reduce the costs incurred by the Council.
- 2.2. Revised application forms are attached at Annexes A-E.
- 2.3. As there are currently no zoos within Dacorum and no suggestion that one will be opening in the near future, it is not intended to develop a local zoo licence application form at this time. The GOV.UK e-form, which was developed in conjunction with DEFRA, is available should an operator wish to apply for a licence of this type.
- 2.4. In addition to the application form itself, it is also intended to introduce a new requirement for each type of licence requiring the submission of a scale plan of the premises. This will again allow officers to better assess the suitability of the premises, and to identify any areas requiring closer attention, prior to the inspection taking place. The precise requirements for each type of plan are detailed within the guidance notes attached to each application form.

3. RECOMMENDATIONS

- 3.1. To adopt, with effect from 1 November 2015, as the Council's standard format for animal licence applications:
 - a) For animal boarding establishment licences under section 1 of the Animal Boarding Establishments Act 1963, the form at Annex A;
 - b) For pet shop licences under section 1 of the Pet Animals Act 1951, the form at Annex B;
 - c) For riding establishment licences under section 1 of the Riding Establishments Act 1964, the form at Annex C;
 - d) For dog breeding establishment licences under section 1 of the Breeding of Dogs Act 1973, the form at Annex D;
 - e) For dangerous wild animal licences under section 1 of the Dangerous Wild Animals Act 1976, the form at Annex E;

and to require all information requested therein to be provided with each application made for a licence.

Annex A – Application form for an animal boarding establishment licence



Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Animal Boarding Establishments Act 1963

Application for a licence to keep an Animal Boarding Establishment

I am applying for a: <i>(tick one)</i> See notes 1 and 2.	<input type="checkbox"/> New licence <i>(valid for the remainder of the current calendar year)</i> <input type="checkbox"/> New licence <i>(valid for the whole of the next calendar year)</i> <input type="checkbox"/> Renewal of a licence <i>(valid for the whole of the next calendar year)</i> <input type="checkbox"/> Variation of licence conditions (including change to number of animals)
--	---

Please write legibly in **block capitals**, and ensure that your answers are inside the boxes and written in **black ink**. All questions must be answered. Incomplete applications will not be processed.

Before completing, please read the guidance notes at the end of the form.

You may wish to keep a copy of the completed form for your records.

Section 1: Current licence		<i>This section should be left blank on new licence applications</i>	
Licence number:		Expiry date of current licence:	31 st December 20____

Section 2: Boarding establishment details	
Trading name <i>(if any)</i> :	
Full address: <i>(including postcode)</i>	
Telephone number(s):	
Business website <i>(if any)</i> :	
This premises is [proposed to be] used for providing: <i>(tick all that apply and state the number of animals accommodated for each activity)</i>	
See note 3.	Maximum number of animals to be accommodated
<input type="checkbox"/> Daytime accommodation for dogs	
<input type="checkbox"/> Overnight accommodation for dogs	
<input type="checkbox"/> Daytime accommodation for cats	
<input type="checkbox"/> Overnight accommodation for cats	
Are animals [proposed to be] accommodated only within a domestic environment? <i>(known as 'home boarding')</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the premises been granted planning permission for this use (or has it been confirmed that planning permission is not required)?	<input type="checkbox"/> Yes – permission granted <input type="checkbox"/> Yes – permission not required <input type="checkbox"/> No

Section 3: Applicant(s) detailsThe application is made by:
(tick one)

- | | |
|---|---|
| <input type="checkbox"/> A single individual | <i>Please give details in part A</i> |
| <input type="checkbox"/> Multiple individuals | <i>Please give details in parts A & B</i> |
| <input type="checkbox"/> A limited company | <i>Please give details in part C</i> |

Part A: First individual applicant Mr Mrs Ms Other _____

Full name:	
Home address:	
Date of birth:	/ /
Daytime phone number:	
Email address:	

Part B: Second individual applicant (if any) Mr Mrs Ms Other _____

Full name:	
Home address:	
Date of birth:	/ /
Daytime phone number:	
Email address:	

If there are more than two individual applicants, please give the details of further individuals on a separate sheet.**Part C: Limited company applicant**

Registered name:	
Registered office address:	
Company registration number:	<input type="checkbox"/> UK: Companies House <input type="checkbox"/> Other: _____
Daytime phone number:	
Email address:	

Section 4: Accommodation and animal husbandry

See note 4.

Please describe the accommodation being provided for boarded animals. Where multiple types of accommodation are available, please describe each of them (use additional pages if necessary).

--

(Home boarders only): How many rooms are there on the ground floor of the premises?

See note 5.

What steps do you intend to take to secure that animals will, at all times, be kept in accommodation which is suitable in construction, size, occupancy, temperature, lighting, ventilation and cleanliness?

--

What steps do you intend to take to secure that animals will be adequately supplied with suitable food and drink, provided with clean bedding material, are adequately exercised, and visited regularly?

--

Section 5: Resident animals

How many pet animals are ordinarily resident at the premises, or will otherwise be present during the operation of the boarding establishment (e.g. owner's pets, animals belonging to staff members)?

Dogs	Cats	Others (please list)

Section 6: Fire safety*See note 4.*

What steps do you intend to take to ensure that animals will be protected in case of fire or other emergency? (please include a list of any fire prevention/detection equipment which is operated)

--

Please note: All animal boarding establishments, including home boarders, are subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005, which requires businesses to take general fire precautions, to carry out a fire safety risk assessment, and if necessary to install fire detection and fire-fighting equipment.

Further information is available at www.gov.uk/workplace-fire-safety-your-responsibilities

Section 7: Disease control*See note 4.*

What steps will be taken to prevent and control the spread of infectious or contagious disease among animals boarded at the premises? (please include a list of any quarantine/isolation facilities provided)

--

Section 8: Veterinary treatment

Please give the details of a veterinary surgeon or practitioner who provides services to this business:

Name:	
Address:	
Telephone number:	

Section 9: Security	<i>See note 4.</i>
What steps will be taken to prevent unauthorised access to the premises (or parts of the premises to which the public are not to be admitted), unauthorised removal of animals, or escape by animals?	

Section 10: Waste disposal	<i>See note 4.</i>
What measures will be used for the disposal of waste produced in the course of the business? (this may include soiled bedding materials, empty packaging, food remnants, or animal excreta)	
<p>Please note: Waste produced in the course of a business may be considered to be commercial waste, which should not be disposed of via domestic waste bins or public litter bins. Where no alternate disposal arrangements have been made, businesses may need to consider utilising a commercial waste service.</p>	

Section 11: Liability insurance details	<i>See note 6.</i>			
Please detail any relevant liability insurance policies held in respect of your business:				
Type	Held?	Name of insurer(s):	Amount insured	Policy expiry date
Public liability	<input type="checkbox"/>		£	/ /
Employer's liability	<input type="checkbox"/>		£	/ /
Other: _____	<input type="checkbox"/>		£	/ /

Section 12: Licence conditions	
Dacorum Borough Council has adopted standard conditions applying to various types of boarding business, which can be viewed on our website, www.dacorum.gov.uk/licensing	
Does the accommodation and care you intend to provide satisfy the relevant licence conditions for the type(s) of business operated?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, please detail any conditions below which you would not be able to satisfy:	
<p>Please note: The Council may, at its discretion, vary or substitute any of the standard conditions, or impose any other condition it considers necessary to achieve the aims set out in the Act. In such cases, the applicant will be advised of any proposed conditions prior to the grant of any licence.</p>	

Section 13: Offences, disqualifications, etc.

Convictions or cautions which are considered 'spent' under the Rehabilitation of Offenders Act 1974 need not be disclosed.

Is the applicant (or are any of the applicants, or any of the directors/officers of a limited company applicant) currently disqualified:

- | | |
|--|--|
| a) From keeping a boarding establishment for animals, under the Animal Boarding Establishments Act 1963? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b) From keeping a pet shop, under the Pet Animals Act 1951? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c) From having the custody of animals, under the Protection of Animals (Amendment) Act 1954? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| d) Under section 32(2), (3) or (4) of the Animal Welfare Act 2006? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| e) Under section 40(1) of the Animal Health and Welfare (Scotland) Act 2006? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Has the applicant (or have any of the applicants, or any of the directors/officers of a limited company applicant) been convicted or cautioned for an offence under the above-mentioned legislation or any similar animal welfare legislation, where that conviction or caution is not considered to be 'spent' at this time?

Yes No

To their knowledge, is the applicant (or are any of the applicants, or any of the directors/officers of a limited company applicant) currently subject to legal proceedings for an offence of a type mentioned above?

Yes No

Has the applicant (or have any of the applicants, or any of the directors/company officers of a limited company applicant) ever been refused a boarding establishment licence, by this or any other authority, or had such a licence cancelled?

Yes No

If any of the above questions have been answered 'yes', please provide further details in respect of those matters in the space below:

Section 14: Enclosures

Scale plan *Please tick to confirm*

I enclose a scale plan, showing the layout of the premises (*see guidance notes*).

Application fee *Please tick one of the following options*

I enclose a cheque for £____, payable to Dacorum Borough Council.

I wish to pay the application fee(s) by credit or debit card – please contact me to arrange payment.

Section 15: Declaration and signatures*Every applicant must sign the form*

- I/We hereby apply for a licence to keep a boarding establishment for animals under the Animal Boarding Establishments Act 1963, and declare that to the best of my/our knowledge and belief, the above particulars are true in every respect.
- I/We understand that a licence may be refused if I am/We are found to have knowingly or recklessly made a false statement or omitted any material particular in giving information required in this form.
- I/We understand that the above-mentioned premises will be inspected by an authorised officer of the authority, an authorised veterinary surgeon or practitioner, or both, prior to any decision being made in respect of this application, and agree to facilitate this.
- I/We have read the applicable standard licence conditions and undertake in the event of a licence being granted to observe and adhere to such conditions.
- I/We understand that we will be notified of any other condition that the council may propose to grant a licence subject to prior to the making of such a decision, and that we may appeal against such a proposal to a magistrates' court prior to the issue of a licence.

Signed:		Print name:		Date:	
Signed:		Print name:		Date:	

If there are more than two applicants, a copy of this page should be taken to allow all applicants to sign. Where the application is made by a limited company, the form should be signed by an officer of the company.

Completed application forms should be submitted, along with payment of the appropriate fee(s) and a scale plan of the premises (see below for requirements), to:

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Data Protection – PLEASE READ THIS NOTICE CAREFULLY

We will use the information you provide in this form and in any supporting documents to process and determine your application for a licence. The information will be held on internal databases and electronic document management systems, and included in such public registers as the Council may be required to maintain.

The information supplied may be passed to other bodies, including law enforcement agencies and government departments, as allowed by law. We may check information you have provided, or information about that that another person has provided, with other information we hold. We may also obtain information about you from, or provide information to, organisations such as government departments, law enforcement agencies, other local authorities, and private sector organisations such as banks, insurance companies or legal firms, to:

- Verify the accuracy of information,
- Prevent or detect crime, or
- Protect public funds.

We will not give your information to anyone else, or use information about you for other purposes, unless the law requires us to.

Dacorum Borough Council is the data controller for the purposes of the Data Protection Act. If you would like to know more about what information we hold about you, or the way we use it, please contact us.

Office use only

Date received:		Fee received:	£
Receipt number:			<input type="checkbox"/> Chq <input type="checkbox"/> Card
Appn complete:		Lic. approved:	
Licence valid from:		Licence expires:	

Guidance notes for applicants

Under the Animal Boarding Establishments Act 1963, businesses which provide accommodation for dogs and cats belonging to other people must be licensed by the applicable local council. Premises operated by these businesses are known as animal boarding establishments.

The Act provides exemptions for businesses where the accommodation is ancillary to an unrelated primary activity (for example, veterinary surgeries accommodating animals which are receiving treatment).

The Act does not stipulate any time periods for the provision of accommodation, and therefore, in the Council's opinion, businesses providing day-time pet accommodation (sometimes known as 'dog day care', 'cat crèches' or similar) will require licences in the same way as traditional kennels and catteries which provide overnight accommodation. Businesses providing accommodation in a domestic setting (known as 'home boarding') will also require licences.

1. The Act requires that licences are issued in respect of calendar years, and that they expire on 31st December each year. If you are applying for a new licence part way through a calendar year, you may choose whether you wish the licence to have effect until the end of the current calendar year (in which case it will be valid for less than 12 months), or for the next calendar year (so that it runs for 12 months from 1st January, but will not have effect in the current year). Our application fees are set based on the work involved in issuing a licence, and will not be reduced for licences which will be valid for less than 12 months.
2. Renewed licences will be valid from 1st January to 31st December in the next calendar year.
3. Please state the maximum number of animals to be accommodated in each category. This number should only include animals being accommodated in the course of the boarding business – you will be asked later about any animals which are ordinarily resident at the premises.
4. Should you need additional space to complete your response to these questions, please continue on a blank page, indicating clearly which question you are responding to. We may also accept copies of documents (e.g. operational manuals) in place of individual responses to these questions, providing that they cover all required matters.
5. Where animals are to be accommodated within a domestic environment, the licensing authority will not usually grant a licence for a greater number of animals (including resident animals) than there are rooms on the ground floor of the property. This is so that, if the need arises (e.g. in the event of an attack incident, or an outbreak of a transmittable illness), all animals can be isolated in separate rooms. A room is considered to be a fully enclosed internal structure which is safe and suitable for containing an animal, with a door that can be closed – open plan conjoined rooms (e.g. lounge/diners) will be counted as one room. Rooms may include lounges, reception rooms, dining rooms, kitchens, bedrooms BUT NOT hallways (which will typically be needed to access the other rooms) nor pantries, storage rooms or utility rooms (unless it can be demonstrated that these are large enough to safely accommodate an animal).
6. The licensing authority strongly recommends that an appropriate level of public liability insurance is held by every animal boarding business. Where the business employs other persons, employer's liability insurance should also be held. As every business is different we do not consider it appropriate to specify minimum coverage levels, which should be discussed with a suitable insurance adviser.

Scale plan requirements

If you are applying for a new licence, or have made significant changes to the layout of the premises since your last licence was granted, we will require you to provide a scale plan, which clearly shows the (internal) layout of your premises.

Plans may be drawn to any appropriate scale (please indicate what scale you have used). There is no requirement to have plans professionally drawn – we will accept any reasonable plan, which shows all areas of your premises which will be used in the course of the boarding business, including animal accommodation, food preparation areas, isolation facilities and exercise areas, and which includes, as a minimum:

- All internal and external walls or fences, and the boundary of your premises
- Access and egress points to and from the premises
- Location of emergency escape routes from the premises (if different to above)
- Areas used for accommodating animals (including any permanent enclosures, structures or pens)
- Areas used for exercising animals (including any permanent enclosures, structures or pens)
- Areas used for storage/preparation of food for animals
- Location of fire detection/safety equipment
- Location of any medical equipment/isolation facility
- Location of any heating/ventilation sources

Home boarders – please note that we will only require a plan showing the ground floor of your premises, we do not require other floors to be shown as we will not typically licence these.

If you have previously submitted a scale plan of your premises (i.e. if you are applying to renew an existing licence), and no changes have been made to the layout or structure of the premises since your licence was granted, it is not necessary to submit a further plan with this application.

Annex B – Application form for a pet shop licence



Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Pet Animals Act 1951

Application for a licence to keep a Pet Shop

I am applying for a: <i>(tick one)</i> See notes 1 and 2.	<input type="checkbox"/> New licence <i>(valid for the remainder of the current calendar year)</i> <input type="checkbox"/> New licence <i>(valid for the whole of the next calendar year)</i> <input type="checkbox"/> Renewal of a licence <i>(valid for the whole of the next calendar year)</i> <input type="checkbox"/> Variation of licence conditions <i>(including change to number of animals)</i>
--	--

Please write legibly in **block capitals**, and ensure that your answers are inside the boxes and written in **black ink**. All questions must be answered. Incomplete applications will not be processed.

Before completing, please read the guidance notes at the end of the form.

You may wish to keep a copy of the completed form for your records.

Section 1: Current licence		<i>This section should be left blank on new licence applications</i>	
Licence number:		Expiry date of current licence:	31 st December 20____

Section 2: Pet shop details	
Trading name <i>(if any)</i> :	
Full address: <i>(including postcode)</i>	
Telephone number(s):	
Business website <i>(if any)</i> :	www.
Nature of premises:	<input type="checkbox"/> Commercial / retail unit <input type="checkbox"/> Private dwelling <input type="checkbox"/> Other <i>(please describe: _____)</i>
Has the premises been granted planning permission for this use <i>(or has it been confirmed that planning permission is not required)?</i>	<input type="checkbox"/> Yes – permission granted <input type="checkbox"/> Yes – permission not required <input type="checkbox"/> No

Please give details of an individual responsible for the management of the premises: <i>(we will contact this person to arrange the pre-licensing inspection, and for any enforcement or compliance issues)</i>	
Full name:	
Daytime telephone number:	
Email address: <i>(if any)</i>	

Section 3: Applicant(s) detailsThe application is made by:
(tick one)

- A single individual
 Multiple individuals
 A limited company

*Please give details in part A**Please give details in parts A & B**Please give details in part C***Part A: First individual applicant** Mr Mrs Ms Other _____

Full name:

Home address:

Date of birth:

/ /

Daytime phone number:

Email address:

Part B: Second individual applicant (if any) Mr Mrs Ms Other _____

Full name:

Home address:

Date of birth:

/ /

Daytime phone number:

Email address:

If there are more than two individual applicants, please give the details of further individuals on a separate sheet.**Part C: Limited company applicant**

Registered name:

Registered office address:

Company registration number:

 UK: Companies House
 Other: _____

Daytime phone number:

Email address:

Section 4: Animals to be sold

See note 3

Please give details of the animals which are [proposed to be] sold from the pet shop, including the maximum number of each type to be stocked at any one time, the minimum age at which animals will be sold, and the accommodation provided at the premises (use additional pages if necessary):

Type of animal	To be sold?	Maximum number stocked	Minimum age at which sold	Details of accommodation
Large mammals				
Dogs & puppies	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Cats & kittens	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Large domesticated mammals	<input type="checkbox"/> Yes <input type="checkbox"/> No			
	<i>Please specify species:</i>			
Primates	<input type="checkbox"/> Yes <input type="checkbox"/> No			
	<i>Please specify species:</i>			
Other:				
Small mammals				
Hamsters	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Guinea pigs (cavies)	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Rabbits	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Rats, mice & gerbils	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Chinchillas & degus	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Chipmunks	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Sugar gliders	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Pygmy hedgehogs	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other:				

Section 4: Animals to be sold (continued)				
Type of animal	To be sold?	Maximum number stocked	Minimum age at which sold	Details of accommodation
Reptiles				
Tortoises & turtles	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Snakes & lizards	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other: _____				
Birds				
Budgerigars, finches & other small birds	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Parrots, parakeets & macaws	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Pigeons	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other large birds	<input type="checkbox"/> Yes <input type="checkbox"/> No			
	<i>Please specify species:</i>			
Other: _____				
Fish				
Tropical fish	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Marine fish	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Coldwater fish	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other: _____				
Any other species (please specify)				

Part 5: Accommodation and animal husbandry

See note 4

What steps do you intend to take to secure that animals will at all times be kept in accommodation suitable in construction, size, temperature, lighting, ventilation and cleanliness?

What steps do you intend to take to secure that animals will be adequately supplied with suitable food and drink, and (so far as necessary) will be visited at regular intervals?

What steps do you intend to take to secure that mammals will not be sold at too early an age?

What steps do you intend to take to secure that all reasonable precautions will be taken to prevent the spread of infectious or contagious diseases among animals, including the provision of isolation / quarantine facilities for each type of animal stocked?

Please describe any steps that will be taken in the event of a fire or other emergency at the premises, including details of any fire prevention, detection and suppression equipment in use:

For any of the above questions, please continue on an additional sheet if further space is required. Relevant documentation (e.g. operating policies) may be submitted in support of your answers.

Section 6: Liability insurance details			See note 5	
Please detail any relevant liability insurance policies held in respect of your business:				
Type	Held?	Name of insurer(s):	Amount insured	Policy expiry date
Public liability	<input type="checkbox"/>		£	/ /
Employer's liability	<input type="checkbox"/>		£	/ /
Other: _____	<input type="checkbox"/>		£	/ /

Section 7: Offences, disqualifications, etc.	
Convictions or cautions which are considered 'spent' under the Rehabilitation of Offenders Act 1974 need not be disclosed.	
Is the applicant (or are any of the applicants, or any of the directors/officers of a limited company applicant) currently disqualified:	
a) From keeping a pet shop, under the Pet Animals Act 1951?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b) From having the custody of animals, under the Protection of Animals (Amendment) Act 1954?	<input type="checkbox"/> Yes <input type="checkbox"/> No
c) Under section 32(2), (3) or (4) of the Animal Welfare Act 2006?	<input type="checkbox"/> Yes <input type="checkbox"/> No
d) Under section 40(1) of the Animal Health and Welfare (Scotland) Act 2006?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the applicant (or have any of the applicants, or any of the directors/officers of a limited company applicant) been convicted or cautioned for an offence under the above-mentioned legislation or any similar animal welfare legislation, where that conviction or caution is not considered to be 'spent' at this time?	<input type="checkbox"/> Yes <input type="checkbox"/> No
To their knowledge, is the applicant (or are any of the applicants, or any of the directors/officers of a limited company applicant) currently subject to legal proceedings for an offence of a type mentioned above?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the applicant (or have any of the applicants, or any of the directors/company officers of a limited company applicant) ever been refused a pet shop licence, by this or any other authority, or had such a licence cancelled?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If any of the above questions have been answered 'yes', please provide further details in respect of those matters in the space below:	

Section 8: Licence conditions

Dacorum Borough Council has adopted standard conditions applying to pet shops, which can be viewed on our website, www.dacorum.gov.uk/licensing

Does the business you intend to operate satisfy the relevant licence conditions for the type(s) of business operated?

Yes No

If no, please detail any conditions below which you would not be able to satisfy:

--

Please note: The Council may, at its discretion, vary or substitute any of the standard conditions, or impose any other condition it considers necessary to achieve the aims set out in the Act. In such cases, the applicant will be advised of any proposed conditions prior to the grant of any licence.

Section 9: Enclosures

Scale plan

Please tick to confirm

I enclose a scale plan, showing the layout of the premises (*see guidance notes*).

Application fee

Please tick one of the following options

I enclose a cheque for £____, payable to Dacorum Borough Council.

I wish to pay the application fee(s) by credit or debit card – please contact me to arrange payment.

Section 10: Declaration and signatures

Every applicant must sign the form

- I/We hereby apply for a licence to keep a pet shop under the Pet Animals Act 1951, and declare that to the best of my/our knowledge and belief, the above particulars are true in every respect.
- I/We understand that a licence may be refused if I am/We are found to have knowingly or recklessly made a false statement or omitted any material particular in giving information required in this form.
- I/We understand that the above-mentioned premises will be inspected by an authorised officer of the authority, an authorised veterinary surgeon or practitioner, or both, prior to any decision being made in respect of this application, and agree to facilitate this.
- I/We have read the applicable standard licence conditions and undertake in the event of a licence being granted to observe and adhere to such conditions.
- I/We understand that we will be notified of any other condition that the council may propose to grant a licence subject to prior to the making of such a decision, and that we may appeal against such a proposal to a magistrates' court prior to the issue of a licence.

Signed:		Print name:		Date:	
Signed:		Print name:		Date:	

If there are more than two applicants, a copy of this page should be taken to allow all applicants to sign. Where the application is made by a limited company, the form should be signed by an officer of the company.

Completed application forms should be submitted, along with payment of the appropriate fee(s) and a scale plan of the premises (see below for requirements), to:

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Data Protection – PLEASE READ THIS NOTICE CAREFULLY

We will use the information you provide in this form and in any supporting documents to process and determine your application for a licence. The information will be held on internal databases and electronic document management systems, and included in such public registers as the Council may be required to maintain.

The information supplied may be passed to other bodies, including law enforcement agencies and government departments, as allowed by law. We may check information you have provided, or information about that that another person has provided, with other information we hold. We may also obtain information about you from, or provide information to, organisations such as government departments, law enforcement agencies, other local authorities, and private sector organisations such as banks, insurance companies or legal firms, to:

- Verify the accuracy of information,
- Prevent or detect crime, or
- Protect public funds.

We will not give your information to anyone else, or use information about you for other purposes, unless the law requires us to.

Dacorum Borough Council is the data controller for the purposes of the Data Protection Act. If you would like to know more about what information we hold about you, or the way we use it, please contact us.

Office use only			
Date received:		Fee received:	£
Receipt number:			<input type="checkbox"/> Chq <input type="checkbox"/> Card
Appn complete:		Lic. approved:	
Licence valid from:		Licence expires:	

Guidance notes for applicants

Under the Pet Animals Act 1951, businesses which sell animals to be kept as pets must be licensed by the applicable local council. Premises operated by these businesses are known as pet shops, and may include private dwellings.

The Act provides exemptions for selling pedigree animals bred by the seller, or the occasional sale of offspring of a pet animal kept by that person.

1. The Act requires that licences are issued in respect of calendar years, and that they expire on 31st December each year. If you are applying for a new licence part way through a calendar year, you may choose whether you wish the licence to have effect until the end of the current calendar year (in which case it will be valid for less than 12 months), or for the next calendar year (so that it runs for 12 months from 1st January, but will not have effect in the current year). Our application fees are set based on the work involved in issuing a licence, and will not be reduced for licences which will be valid for less than 12 months.
2. Renewed licences will be valid from 1st January to 31st December in the next calendar year.
3. For each type of animal which you intend to stock, please state the maximum number of animals to be stocked at any time, the minimum age at which animals of that type will be sold, and describe the accommodation in which animals of that type will be kept. Where multiple animal types will be accommodated together in a single enclosure, please indicate which animal types which be accommodated together. If you need further space to complete your responses in this section, please continue on additional, blank pages.
4. Should you need additional space to complete your response to these questions, please continue on a blank page, indicating clearly which question you are responding to. We may also accept copies of documents (e.g. operational manuals) in place of individual responses to these questions, providing that they cover all required matters.
5. The licensing authority strongly recommends that an appropriate level of public liability insurance is held by every pet shop. Where the business employs other persons, employer's liability insurance should also be held. As every business is different we do not consider it appropriate to specify minimum coverage levels, which should be discussed with a suitable insurance adviser.

Scale plan requirements

If you are applying for a new licence, or have made significant changes to the layout of the premises since your last licence was granted, we will require you to provide a scale plan, which clearly shows the (internal) layout of your premises.

Plans may be drawn to any appropriate scale (please indicate what scale you have used). There is no requirement to have plans professionally drawn – we will accept any reasonable plan, which shows all areas of your premises which will be used in the course of the business, which includes, as a minimum:

- All internal and external walls or fences, and the boundary of your premises
- Access and egress points to and from the premises
- Location of emergency escape routes from the premises (if different to above)
- Areas used for accommodating animals (including any permanent enclosures, structures or pens)
- Areas used for exercising animals (including any permanent enclosures, structures or pens)
- Areas used for storage/preparation of food for animals
- Location of fire detection/safety equipment
- Location of any medical equipment/isolation facility
- Location of any heating/ventilation sources

If you have previously submitted a scale plan of your premises (i.e. if you are applying to renew an existing licence), and no changes have been made to the layout or structure of the premises since your licence was granted, it is not necessary to submit a further plan with this application.

Annex C – Application form for a riding establishment licence



Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Riding Establishments Act 1964

Application for a licence to keep a Horse Riding Establishment

I am applying for a: <i>(tick one)</i> See note 1	<input type="checkbox"/> New licence <input type="checkbox"/> Renewal of a licence <input type="checkbox"/> Variation of licence conditions (including change to number of animals)
--	---

Please write legibly in **block capitals**, and ensure that your answers are inside the boxes and written in **black ink**. All questions must be answered. Incomplete applications will not be processed.

Before completing, please read the guidance notes at the end of the form.

You may wish to keep a copy of the completed form for your records.

Section 1: Current licence		<i>This section should be left blank on new licence applications</i>	
Licence number:		Expiry date of current licence:	

Section 2: Riding establishment details	
Trading name <i>(if any)</i> :	
Full address: <i>(including postcode)</i>	
Telephone number(s):	
Business website <i>(if any)</i> :	

If the riding establishment will operate only for part of the year, please state the period(s) during which it is intended to operate:	
Has the premises been granted planning permission for this use (or has it been confirmed that planning permission is not required)?	<input type="checkbox"/> Yes – permission granted <input type="checkbox"/> Yes – permission not required <input type="checkbox"/> No

How many horses do you intend to keep for use at the riding establishment, if a licence is granted? <i>See note 2.</i>	
---	--

Renewals and variations only Is this:	<input type="checkbox"/> The same number as permitted by my/our current licence <input type="checkbox"/> An increase from the number permitted by my/our current licence <input type="checkbox"/> A decrease from the number permitted by my/our current licence
---	--

Please complete Annex A with details of all of the horses to be kept for use at the riding establishment.

Section 3: Applicant(s) detailsThe application is made by:
(tick one)

- A single individual *Please give details in part A*
 Multiple individuals *Please give details in parts A & B*
 A limited company *Please give details in part C*

Part A: First individual applicant Mr Mrs Ms Other _____

Full name:

Home address:

Date of birth:

/ /

Daytime phone number:

Email address:

Part B: Second individual applicant (if any) Mr Mrs Ms Other _____

Full name:

Home address:

Date of birth:

/ /

Daytime phone number:

Email address:

If there are more than two individual applicants, please give the details of further individuals on a separate sheet.**Part C: Limited company applicant**

Registered name:

Registered office address:

Company registration number:

 UK: Companies House
 Other: _____

Daytime phone number:

Email address:

Section 4: Management of the establishment

Please give the details of the manager/person with direct control of the riding establishment:

Full name:	
Qualifications held:	<input type="checkbox"/> Instructor's Certificate of the British Horse Society <input type="checkbox"/> Intermediate Instructor's Certificate of the British Horse Society <input type="checkbox"/> Assistant Instructor's Certificate of the British Horse Society <input type="checkbox"/> Fellowship of the British Horse Society <input type="checkbox"/> Fellowship of the Institute of the Horse <input type="checkbox"/> None of the above (<i>please summarise experience in management of horses below</i>)
Relevant experience:	

Please detail any qualifications held by other applicants or staff members employed at the premises:

--

Section 5: Accommodation and animal husbandry*See note 3.*

Please describe the accommodation and other facilities being provided for use of horses. Where multiple types of accommodation are available, please describe each of them (*use additional pages if necessary*).

--

What steps do you intend to take to secure that horses will be kept in accommodation which is suitable in construction, size, occupancy, lighting, ventilation, drainage and cleanliness?

--

What steps do you intend to take to secure that horses will be adequately supplied with suitable food and drink, provided with clean bedding material, are adequately exercised, groomed and rested, and visited regularly?

In the case of any horses maintained at grass, what steps do you intend to take to secure that, while so maintained, adequate pasture, shelter and water will be available, and supplementary feeds will be provided as and when required?

If not detailed above, please describe the accommodation / storage provided for forage, bedding, stable equipment and saddlery?

Section 6: Fire safety

See note 3.

What steps do you intend to take to ensure that animals will be protected and extricated in case of fire or other emergency? Please include a list of any fire prevention/detection equipment which is operated:

Please note: All riding establishments are subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005, which requires businesses to take general fire precautions, to carry out a fire safety risk assessment, and if necessary to install fire detection and fire-fighting equipment.

Further information is available at www.gov.uk/workplace-fire-safety-your-responsibilities

Section 7: Disease control*See note 3.*

What steps will be taken to prevent and control the spread of infectious or contagious disease among horses kept at the premises? Please include a list of any quarantine/isolation facilities and veterinary first aid equipment provided and maintained in the premises:

--

Section 8: Veterinary treatment

Please give the details of a veterinary surgeon or practitioner who provides services to this business:

Name:	
Address:	
Telephone number:	

Section 9: Liability insurance details*See note 4.*

Please detail any relevant liability insurance policies held in respect of your business:

Type	Held?	Name of insurer(s):	Amount insured	Policy expiry date
Public liability	<input type="checkbox"/>		£	/ /
Employer's liability	<input type="checkbox"/>		£	/ /
Other: _____	<input type="checkbox"/>		£	/ /

Section 10: Licence conditions

Dacorum Borough Council has adopted standard conditions applying to horse riding establishments, which can be viewed on our website, www.dacorum.gov.uk/licensing

Does the accommodation and care you intend to provide satisfy the relevant licence conditions for the type(s) of business operated? Yes No

If no, please detail any conditions below which you would not be able to satisfy:

--

Please note: The Council may, at its discretion, vary or substitute any of the standard conditions, or impose any other condition it considers necessary to achieve the aims set out in the Act. In such cases, the applicant will be advised of any proposed conditions prior to the grant of any licence.

Section 11: Offences, disqualifications, etc.

Convictions or cautions which are considered 'spent' under the Rehabilitation of Offenders Act 1974 need not be disclosed.

Is the applicant (or are any of the applicants, or any of the directors/officers of a limited company applicant) currently disqualified:

- | | |
|--|--|
| a) From keeping a riding establishment, under the Riding Establishments Act 1964? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b) From keeping a pet shop, under the Pet Animals Act 1951? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c) From having the custody of animals, under the Protection of Animals (Amendment) Act 1954? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| d) From keeping a boarding establishment for animals, under the Animal Boarding Establishments Act 1963? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| e) Under section 32(2), (3) or (4) of the Animal Welfare Act 2006? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| f) Under section 40(1) of the Animal Health and Welfare (Scotland) Act 2006? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Has the applicant (or have any of the applicants, or any of the directors/officers of a limited company applicant) been convicted or cautioned for an offence under the above-mentioned legislation or any similar animal welfare legislation, where that conviction or caution is not considered to be 'spent' at this time?

Yes No

To their knowledge, is the applicant (or are any of the applicants, or any of the directors/officers of a limited company applicant) currently subject to legal proceedings for an offence of a type mentioned above?

Yes No

Has the applicant (or have any of the applicants, or any of the directors/company officers of a limited company applicant) ever been refused a riding establishment licence, by this or any other authority, or had such a licence cancelled?

Yes No

If any of the above questions have been answered 'yes', please provide further details in respect of those matters in the space below:

Section 12: Enclosures

Scale plan *Please tick to confirm*

I enclose a scale plan, showing the layout of the premises (*see guidance notes*).

Details of horses *Please tick to confirm*

I enclose Annex A, completed with details of every horse [to be] kept at the riding establishment.

Application fee *Please tick one of the following options*

I enclose a cheque for £____, payable to Dacorum Borough Council.

I wish to pay the application fee(s) by credit or debit card – please contact me to arrange payment.

Section 13: Declaration and signatures*Every applicant must sign the form*

- I/We hereby apply for a licence under the Riding Establishments Act 1964 to keep a horse riding establishment, and declare that to the best of my/our knowledge and belief, the above particulars are true in every respect.
- I/We understand that a licence may be refused if I am/We are found to have knowingly or recklessly made a false statement or omitted any material particular in giving information required in this form.
- I/We understand that the above-mentioned premises will be inspected by an accredited equine veterinary surgeon nominated by the licensing authority, prior to any decision being made in respect of this application, and agree to facilitate this. I understand that the cost of this inspection will be recharged to me/us in full and undertake to pay the licensing authority's invoice in this respect.
- I/We have read the applicable standard licence conditions and undertake in the event of a licence being granted to observe and adhere to such conditions.
- I/We understand that we will be notified of any other condition that the council may propose to grant a licence subject to prior to the making of such a decision, and that we may appeal against such a proposal to a magistrates' court prior to the issue of a licence.

Signed:		Print name:		Date:	
Signed:		Print name:		Date:	

If there are more than two applicants, a copy of this page should be taken to allow all applicants to sign. Where the application is made by a limited company, the form should be signed by an officer of the company.

Completed application forms should be submitted, along with payment of the appropriate fee(s) and a scale plan of the premises (see below for requirements), to:

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Data Protection – PLEASE READ THIS NOTICE CAREFULLY

We will use the information you provide in this form and in any supporting documents to process and determine your application for a licence. The information will be held on internal databases and electronic document management systems, and included in such public registers as the Council may be required to maintain.

The information supplied may be passed to other bodies, including law enforcement agencies and government departments, as allowed by law. We may check information you have provided, or information about that that another person has provided, with other information we hold. We may also obtain information about you from, or provide information to, organisations such as government departments, law enforcement agencies, other local authorities, and private sector organisations such as banks, insurance companies or legal firms, to:

- Verify the accuracy of information,
- Prevent or detect crime, or
- Protect public funds.

We will not give your information to anyone else, or use information about you for other purposes, unless the law requires us to.

Dacorum Borough Council is the data controller for the purposes of the Data Protection Act. If you would like to know more about what information we hold about you, or the way we use it, please contact us.

Office use only

Date received:		Fee received:	£
Receipt number:			<input type="checkbox"/> Chq <input type="checkbox"/> Card
Appn complete:		Lic. approved:	
Licence valid from:		Licence expires:	

Annex A: Details of horses to be kept at the riding establishment

Please give the details of any horse which is [proposed to be] kept at the riding establishment. Please continue on an additional page where necessary.

Name of horse	Sex M/F	Age in years	Passport no.	Description, including size	Purpose for which kept e.g. riding instruction, let out on hire for riding	Age range of people who ride this horse

Guidance notes for applicants

Under the Riding Establishments Act 1964, businesses which keep horses for the purposes of letting them out on hire for riding, or using them in the provision of riding instruction must be licensed by the applicable local council. Premises operated by these businesses are known as riding establishments.

The Act provides exemptions for businesses operating at premises managed by the Ministry of Defence, nor for businesses providing horses solely for police purposes or run by the Zoological Society of London or the Royal Zoological Society of Scotland.

Riding schools and businesses hiring horses for riding will therefore require licences. However, livery stables, which provide accommodation for horses owned by other people but which do not provide horses for hire or tuition, will not require licences.

1. All licences will be issued for a period of 12 months, at the end of which they must be renewed if it is intended to continue operating a riding establishment. In some cases, such as where an issue requiring rectification is identified during an inspection, we may decide to issue a provisional licence for a shorter period, followed by a full licence for the remaining period after the issue has been adequately rectified.
2. Please state the maximum number of horses which are to be kept at the riding establishment, including any horses which you intend to procure but have not yet done so. Details of all horses kept should be given in Annex A. Horses belonging to other people which are stabled at the premises but are not hired out for riding nor used for riding instruction need not be included in the total nor Annex A.
3. Should you need additional space to complete your response to these questions, please continue on a blank page, indicating clearly which question you are responding to. We may also accept copies of documents (e.g. operational manuals) in place of individual responses to these questions, providing that they cover all required matters.
4. The licensing authority strongly recommends that an appropriate level of public liability insurance is held by every animal boarding business. Where the business employs other persons, employer's liability insurance should also be held. As every business is different we do not consider it appropriate to specify minimum coverage levels, which should be discussed with a suitable insurance adviser.

Scale plan requirements

If you are applying for a new licence, or have made significant changes to the layout of the premises since your last licence was granted, we will require you to provide a scale plan, which clearly shows the internal and external layout of your premises and applicable buildings or structures.

Plans may be drawn to any appropriate scale (please indicate what scale you have used). There is no requirement to have plans professionally drawn – we will accept any reasonable plan, which shows all areas of your premises which will be used in the course of the riding establishment business, including animal accommodation, riding arenas or paddocks, medical facilities and exercise areas, and which includes, as a minimum:

- All internal and external walls or fences, and the boundary of your premises
- Access and egress points to and from the premises
- Location of emergency escape routes from the premises (if different to above)
- Areas used for accommodating animals (including any stables, boxes, paddocks or similar)
- Enclosed areas used for exercising animals (including any permanent arenas or paddocks)
- Areas used for storage of food for animals, saddlery and tack, and other equipment
- Location of fire detection/safety equipment
- Location of any first aid equipment/isolation facility
- Location of any heating/ventilation sources

If you have previously submitted a scale plan of your premises (i.e. if you are applying to renew an existing licence), and no changes have been made to the layout or structure of the premises since your licence was granted, it is not necessary to submit a further plan with this application.

Annex D – Application form for a dog breeding establishment licence

Form to follow

Annex E – Application form for a dangerous wild animal licence

Form to follow



AGENDA ITEM: 7

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	27 October 2015
PART:	I
If Part II, reason:	

Title of report:	Licensing Fees and Charges 2016-17
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To set the fees and charges payable in connection with licensing applications for the financial year 2016-17
Recommendations	That the fees and charges payable in connection with licensing applications from 1 April 2016 to 31 March 2017 are set at the levels proposed in Annex B.
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • VFM
Implications:	<p><u>Financial</u> There will be a small cost in adoption of fees, as some require public notice to be given. The proposed fee amendments are projected to result in an increase in Licensing service revenue of approximately 1.6% over the financial year.</p> <p><u>Value for Money</u> The proposed fees have been calculated using recent costs incurred by the Licensing service, with the aim of ensuring that administrative, processing and certain compliance costs are recovered in full.</p> <p><u>Risk / Equalities / Health and Safety</u> None</p>
Consultees:	See section 3 for commentary. Proposed fee levels have been discussed with the service accountant, for inclusion within 2016-17 budget-setting.

Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Dacorum Borough Council has statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. Many of these schemes allow the Council to charge a fee, payable by an applicant for a licence, in order to cover the costs (or a proportion thereof) of the administration of those licence types. In some cases, costs are also permitted to cover other aspects of providing the regulatory scheme, such as enforcement.
- 1.2. The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years have confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed regularly (generally annually) to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits may be carried forward to future years to be redistributed or recouped, as applicable.
- 1.3. Many licensing schemes fall within the definition of ‘services’, under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. For such schemes, fees and charges must “*be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities*”.² This principle was affirmed by the Supreme Court in *R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council*.³
- 1.4. The table at Annex A summarises the Council’s powers to set its fees in respect of licensing applications, and any limitations on those powers.

2. PROPOSALS

- 2.1. A proposed list of service-wide fees and charges (excluding those fees set by statute or under executive arrangements) for the period from 1 April 2016 to 31 March 2017, is appended to this report as Annex B.
- 2.2. The following comments are made on specific proposals:

Section 3: The review of animal licence application forms (see report earlier in this agenda) will mean a greater amount of information is provided at the time of application rather than being gathered during the site visit by the enforcement officer. This, in turn, will reduce the length (and thus cost) of inspections, hence a number of fees have been reduced. Moves continue to equalise the fees for new licences and renewals, as fee disparities are no longer justified by a significantly differing amount of work involved in these two types of application.

² Reg 18(4), Provision of Services Regulations 2009 (S.I. 2009 / 2999)

³ [2015] UKSC 25

Section 4.3: Gambling premises licence application fees had previously been estimated at a proportion of the maximum fee permitted under regulations, as the licensing authority had received too few applications of this type to enable an accurate calculation of time spent and costs incurred. An estimation of these costs has now been performed using data from comparable application types to enable more accurate application fees to be set. Although there are five licence types available, the costs incurred in dealing with applications for all types of licence are viewed as similar, meaning that fees for all five licence categories are proposed to be set at the same amount. The only fee type with differing fees are annual fees, due to the additional compliance costs incurred for three of the licence types (due to additional work typically relating to the larger gaming machine entitlements in bingo and AGC premises, or the typical size of track premises).

Section 6.1: From October 2015, a single licence duration / fee is payable in respect of driver licences, following statutory changes under the Deregulation Act 2015. Shorter licences may be granted by the Licensing Sub-Committee in response to specific circumstances, although as these fees do not include an ongoing enforcement component this will not reduce the application fee payable.

Section 6.2: At present, applicants undertaking the communication skills assessment only pay the cost of the assessment itself. From next year, it is proposed to levy an administration fee on top of this cost, to cover the cost incurred in delivering and invigilating the assessment.

Section 6.3: With the taxi testing station contract due for renewal in 2016, officers are currently examining whether an alternate approach to vehicle licence applications would be desirable and achievable. To provide maximum flexibility in this process, vehicle licence fees have been listed both including and excluding the cost of the MOT and compliance test.

- 2.3. In addition to the fees charged directly in connection with applications for licences and registrations, it is also intended to introduce a new paid-for pre-application advice service, similar to that already operated by Planning. This will remain an entirely-optional service, with applicants free to consult any adviser of their choosing for professional assistance should they so choose. The introduction of this service will require approval by Cabinet in due course.

3. CONSULTATION

- 3.1. In previous years, fee proposals have been announced and published, and a consultation exercise run. This year, a different approach has been taken, and consultation has not been carried out prior to the decision to set fees.
- 3.2. Where a licensing authority is legally obliged to set its fees on a cost recovery basis, costs are the only factor it should consider, and comparisons with fees charged by other authorities, comparisons with inflation rates or other indices (including regulated taxi fares) or responses generally opposing an increase as it will raise costs for businesses should carry little weight. In previous years almost all of the responses received to consultations have fallen under these descriptions, as it is very difficult for third parties to make any other comment on the costs incurred by the licensing authority.
- 3.3. The Committee will be only too aware that any increase in fees and charges will be unwelcome among licensed businesses, and for this reason any increases in fees have been minimized insofar as is possible. Licensing officers continue to investigate options to streamline procedures and reduce costs in future, such as a

switch towards online applications and electronic communications, replacing many of the current paper-based forms and messages.

- 3.4. By continuing to publish this report and discussion by the Committee at a meeting which is open to the public, the aim of achieving transparency in the decision-making process will still be achieved.
- 3.5. For fees covered by a public notice requirement, an opportunity will be available to make representations on the proposed fees prior to their going live, following the publication of a public notice in a local newspaper. The authority must consider any representations received prior to deciding whether to go ahead with the proposed fee levels. Any other fee may be challenged by way of a judicial review.

4. RECOMMENDATIONS

- 4.1. In pursuance of the fee-setting powers conferred upon the Council as specified in Annex A of this report, that the Licensing, Health & 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 Annex B, for the period from 1st April 2016 to 31st March 2017; and**
- 4.2. That authority to consider any objections arising from statutory notices pertaining to these fees be delegated to the Group Manager (Legal Governance) in consultation with the Chairman of the Licensing, Health & Safety and Enforcement Committee.**

Annex A
Summary of powers to set application fees

Section	Area	Power arises from
General principle		Reg 18(4), Provision of Services Regulations 2009 Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.
2.1 – 2.5	Alcohol, entertainment, etc	Prescribed in regulations made by the Secretary of State under the Licensing Act 2003. Section 197A of that Act will allow licensing authorities to set fees locally on a cost-recovery basis, but is yet to be commenced.
3.1	Animal boarding	s.1(2), Animal Boarding Establishments Act 1963 Fee as may be determined by LA.
3.2	Dangerous wild animals	s.1(2)(e), Dangerous Wild Animals Act 1976 Sufficient to meet direct and indirect costs incurred
3.3	Dog breeding	s.3A(2), Breeding of Dogs Act 1973 Reasonable costs incurred in administration and enforcement.
3.4	Pet shops	s.1(2), Pet Animals Act 1951 Fee as may be determined by LA.
3.5	Riding establishments	s.1(2), Riding Establishments Act 1964 Fee as may be determined by LA. Cost of veterinary inspection.
3.6	Zoos	s.15(1), Zoo Licensing Act 1981 Sufficient to cover the reasonable expenditure incurred by the authority. Special provisions for inspections, closures, and direction making.
4.1, 4.3	Gambling notices, premises licences	Set on a cost recovery basis by the authority, up to maximum amounts prescribed in regulations made under the Gambling Act 2005. No fee chargeable for OUN's
4.2, 4.4	Gaming permits, lotteries	Prescribed in regulations made by the Secretary of State under the Gambling Act 2005
5.1, 5.2	Charity collections	No fees chargeable
6.1	HC/PH drivers	s.53(2), Local Gov't (Misc. Provisions) Act 1976 Recovering the costs of issue and administration. Refundable if licence not granted.
6.2, 6.3	HC/PH vehicles, PH operators	s.70(1), Local Gov't (Misc. Provisions) Act 1976 Sufficient to cover the cost of: inspection of vehicle for licensing purposes, providing hackney carriage stands, or other costs for administration and control/supervision of vehicles. Refundable if licence not granted. <i>Maximum fees must be advertised.</i>
7.1	Hypnosis	No fees chargeable (except by London boroughs)

8.1	Scrap metal	Sch 1 para 6, Scrap Metal Dealers Act 2013 Fee set by the authority, with regard to guidance FEE-SETTING IS AN EXECUTIVE FUNCTION
9.1	Sex establishments	Sch 3, para 19, Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee
10.1	Skin piercing, etc	s.14(6), 15(6) , Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee

Annex B
Proposed licensing fees and charges 2016-17

Item		Current fee 2015-16	Proposed fee 2016-17	% change
1.1 General service charges				
Photocopies (per A4 side, at officers discretion, subject to legal restrictions)		0.20	0.20	0.0%
Copy of interview recording following PACE interview (per tape/disc)		15.00	15.00	0.0%
Copy of public register entry (where kept and made available by statute) (per entry)		15.00	15.00	0.0%
Request for duplicate copy of licence following loss/theft/damage (where not otherwise listed)		15.00	15.00	0.0%
Licensing pre-application advice (per whole or part hour)		-	42.00	
3.1 Animal boarding				
Application for new animal boarding establishment licence (up to 1yr)	<i>plus vet inspection</i>	320.00	287.00	-10.3%
Application to renew animal boarding establishment licence (1yr)	<i>plus vet inspection</i>	220.00	237.00	7.7%
Application to vary animal boarding establishment licence	<i>plus vet inspection</i>	145.00	145.00	0.0%
Application for new animal boarding establishment licence (home boarding) (up to 1yr)		180.00	193.00	7.2%
Application to renew animal boarding establishment licence (home boarding) (1yr)		120.00	140.00	16.7%
Application to vary animal boarding establishment licence (home boarding)		100.00	90.00	-10.0%
Veterinary inspection of premises		Recharged at cost		
3.2 Dangerous wild animals				
Application for licence to keep dangerous wild animals (2yr)	<i>plus vet inspection</i>	325.00	302.00	-7.1%
Application to renew licence to keep dangerous wild animals (2yr)	<i>plus vet inspection</i>	325.00	302.00	-7.1%
Application to vary licence conditions (new species/increased numbers of animals)		210.00	192.00	-8.6%
Application to vary licence conditions (administrative matters only)		65.00	62.50	-3.8%
Veterinary inspection of premises		Recharged at cost		
3.3 Dog breeding				
Application for new dog breeding licence (up to 1yr)		252.00	200.00	-20.6%
Application to renew dog breeding licence (1yr)		195.00	200.00	2.6%
Veterinary inspection of premises		Recharged at cost		
3.4 Pet shops				
Application for new pet shop licence (up to 1yr)		189.00	161.00	-14.8%
Application for new pet shop licence (fish only) (up to 1yr)		142.00	161.00	13.4%

Item		Current fee 2015-16	Proposed fee 2016-17	% change
Application to renew pet shop licence (1yr)		130.00	150.00	15.4%
Application to renew pet shop licence (fish only) (1yr)		95.00	120.00	26.3%
Veterinary inspection of premises		Recharged at cost		
3.5 Riding establishments				
Application for riding establishment licence (1yr)	<i>plus vet inspection</i>	318.00	295.00	-7.2%
Veterinary inspection of premises		Recharged at cost		
3.6 Zoos				
Application for new zoo licence (4yr)		2,000.00	1,805.00	-9.8%
Application to renew zoo licence (6yr)		1,600.00	1,325.00	-17.2%
Application to vary zoo licence		1,600.00	1,325.00	-17.2%
Application to transfer zoo licence		600.00	221.00	-63.2%
Veterinary inspection of premises		Recharged at cost		
4.1 Gambling notices				
Temporary use notice submission fee		350.00	355.00	1.4%
Duplicate copy of temporary use notice following theft/loss/damage		15.00	15.00	0.0%
Occasional use notice submission fee		No fee	No fee	0.0%
4.3 Gambling premises licences				
Application for new premises licence (without provisional statement)	<i>Adult gaming centre</i>	1,340.00	1,040.00	-22.4%
	<i>Betting (track)</i>	1,670.00	1,040.00	-37.7%
	<i>Betting (other)</i>	2,000.00	1,040.00	-48.0%
	<i>Bingo</i>	2,450.00	1,040.00	-57.6%
	<i>Family entertainment centre</i>	1,200.00	1,040.00	-13.3%
Application for new premises licence (with provisional statement)	<i>Adult gaming centre</i>	800.00	700.00	-12.5%
	<i>Betting (track)</i>	640.00	700.00	9.4%
	<i>Betting (other)</i>	800.00	700.00	-12.5%
	<i>Bingo</i>	840.00	700.00	-16.7%
	<i>Family entertainment centre</i>	570.00	700.00	22.8%
Application for provisional statement	<i>Adult gaming centre</i>	1,340.00	1,040.00	-22.4%
	<i>Betting (track)</i>	1,670.00	1,040.00	-37.7%
	<i>Betting (other)</i>	2,000.00	1,040.00	-48.0%
	<i>Bingo</i>	2,450.00	1,040.00	-57.6%
	<i>Family entertainment centre</i>	1,200.00	1,040.00	-13.3%
Application for variation of premises licence	<i>Adult gaming centre</i>	670.00	700.00	4.5%
	<i>Betting (track)</i>	840.00	700.00	-16.7%
	<i>Betting (other)</i>	1,000.00	700.00	-30.0%
	<i>Bingo</i>	1,225.00	700.00	-42.9%
	<i>Family entertainment centre</i>	600.00	700.00	16.7%
Application for transfer of premises	<i>Adult gaming centre</i>	800.00	300.00	-62.5%

Item		Current fee 2015-16	Proposed fee 2016-17	% change
licence	<i>Betting (track)</i>	640.00	300.00	-53.1%
	<i>Betting (other)</i>	800.00	300.00	-62.5%
	<i>Bingo</i>	840.00	300.00	-64.3%
	<i>Family entertainment centre</i>	570.00	300.00	-47.4%
Application for reinstatement of premises licence	<i>Adult gaming centre</i>	800.00	300.00	-62.5%
	<i>Betting (track)</i>	640.00	300.00	-53.1%
	<i>Betting (other)</i>	800.00	300.00	-62.5%
	<i>Bingo</i>	840.00	300.00	-64.3%
	<i>Family entertainment centre</i>	570.00	300.00	-47.4%
Annual fee (payable 30 days after the licence takes effect, and then annually on the anniversary of the grant of the licence)	<i>Adult gaming centre</i>	670.00	515.00	-23.1%
	<i>Betting (track)</i>	670.00	515.00	-23.1%
	<i>Betting (other)</i>	420.00	440.00	4.8%
	<i>Bingo</i>	700.00	515.00	-26.4%
	<i>Family entertainment centre</i>	450.00	440.00	-2.2%
Duplicate copy of licence following theft/loss/damage		15.00	15.00	0.0%
Change of name or address on premises licence		35.00	35.00	0.0%
5.1-5.2 Charity collections				
Application for street collection licence		No fee	No fee	0.0%
Application for house to house collection licence		No fee	No fee	0.0%
6.1 Taxi and private hire drivers				
Application for HC driver licence (3 years)		138.00	145.00	5.1%
Application for PH driver licence (3 years)		138.00	145.00	5.1%
Application for dual driver licence (3 years)		207.00	215.00	3.9%
Interim application for dual driver licence	<i>(+ £1/unexpired month)</i>	34.00	35.00	2.9%
Licence badge deposit (refundable on return of badge)		50.00	50.00	0.0%
Replacement licence badge		20.00	20.00	0.0%
Disclosure & Barring Service (DBS) enhanced disclosure *		44.00	Recharged at cost	
External identity check (where required for DBS route 2 verification) *		7.20	Recharged at cost	
Driving licence verification check *		6.90	Recharged at cost	
6.2 Driver knowledge tests				
Written local knowledge test (full test) (non-refundable)		40.00	45.00	12.5%
Written local knowledge test (conditions only) (non-refundable)		25.00	30.00	20.0%
Communication skills assessment (administration fee) (non-refundable)		-	11.40	-
Versant English language assessment *		30.60	Recharged at cost	
6.3 Taxi and private hire vehicles				
Application for HC vehicle licence (1 year)	<i>(including compliance test)</i>	258.00	264.00	2.3%

Item		Current fee 2015-16	Proposed fee 2016-17	% change
	<i>(excluding compliance test)</i>	-	210.00	-
Application for PH vehicle licence (1 year)	<i>(including compliance test)</i>	238.00	244.00	2.5%
	<i>(excluding compliance test)</i>	-	190.00	-
Application for PH vehicle licence (1 year) (Stretch limousines)	<i>(including specialist compliance test)</i>	185.00	190.00	2.7%
	<i>(excluding specialist compliance test)</i>	-	110.00	-
Licence plate deposit (refundable on return of plates)		50.00	50.00	0.0%
Replacement rear (external) licence plate		20.00	20.00	0.0%
Replacement front (internal) licence plate		20.00	20.00	0.0%
Replacement front (internal) licence plate holder		2.50	2.50	0.0%
Transfer of ownership of licence/vehicle		64.00	64.00	0.0%
Substitution of vehicle on licence (includes compliance test fee)		173.00	173.00	0.0%
Change of vehicle particulars (reg. no., colour, capacity)		55.00	55.00	0.0%
Vehicle compliance test *		54.00	Recharged at cost	
Specialist vehicle compliance test * (stretch limos)		80.00	Recharged at cost	
6.4 Private hire operators				
Application for PH Operator licence (5 years)	<i>1-3 vehicles</i>	378.00	388.00	2.6%
	<i>4+ vehicles</i>	636.00	647.00	1.7%
6.5 Taxi and private hire – other fees				
Duplicate copy of licence following theft/loss/damage		15.00	15.00	0.0%
7.1 Hypnotism				
Hypnotism authorisation		No fee	No fee	0.0%
9.1 Sex establishments				
Application for new sex establishment licence		2,775.00	2,670.00	-3.8%
Application for renewal of sex establishment licence		2,500.00	2,405.00	-3.8%
Application for variation of sex establishment licence		1,450.00	1,215.00	-16.2%
Application for transfer of sex establishment licence		440.00	430.00	-2.3%
10.1 Skin piercing				
Application for registration of skin piercing, etc, premises		200.00	200.00	0.0%
Application for registration of skin piercing, etc, operator		89.00	90.00	1.1%

Key

* Fee is rechargeable on a full cost recovery basis, and will be adjusted automatically in accordance with any variation of the fee charged by the council's supplier.

Fee prescribed in legislation

Fee set within prescribed maxima



AGENDA ITEM: 8

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	27 October 2015
PART:	I
If Part II, reason:	

Title of report:	Taxis and passengers in wheelchairs
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To advise the Committee of a letter received from the Hertfordshire Carers Forum, expressing concerns about access to wheelchair-accessible taxis and private hire services in Dacorum.
Recommendations	That Members note the report.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment
Implications:	<p><u>Equalities Implications</u> Disability is a protected characteristic under the Equality Act 2010, and service providers may not refuse access to a service on the basis of such a characteristic. Council policies are intended to ensure a mixed licensed vehicle fleet, suitable to cater to the widest range of passengers.</p> <p><u>Financial / Value for Money / Risk / Health And Safety Implications</u> None identified.</p>
Consultees:	None
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

- 1.1. Dacorum licences a variety of vehicle types as hackney carriages (taxis) and private hire vehicles. The Council has also adopted a number of standards setting out minimum specifications which vehicles must meet to be considered suitable in design for licensing.
- 1.2. In 2003, Dacorum introduced a requirement for any new hackney carriage to be designed and constructed to safely carry passengers in wheelchairs – i.e. fitted with ramps or lifts, and suitable restraints for securing wheelchairs in place. This was in response to guidance from the Department for Transport to increase the number of wheelchair-accessible taxis nationally. The policy permitted the proprietors of existing non-accessible vehicles to replace their vehicles ‘like for like’, providing that the licence was maintained at all times for a non-wheelchair accessible vehicle – such licences are known colloquially by the trade as ‘golden plates’.
- 1.3. This policy has created a mixed hackney carriage fleet, with a number of vehicles able to carry passengers in wheelchairs, and a (larger) number which are not so adapted – i.e. saloon cars and multi-purpose vehicles. A mixed fleet is considered to be the most suitable approach, as the variety of vehicles can accommodate passengers with a wide range of disabilities – for example, many purpose-built London taxis which can carry wheelchairs also include privacy screens, which can cause difficulties for deaf or hard-of-hearing passengers. Saloon cars are also preferred by some passengers with restricted mobility, as they can be easier to enter and exit than the taller minibus-type vehicles which are common among the wheelchair-accessible vehicle types.
- 1.4. The policy only applies to hackney carriages, and is supported by case law. Legislation prohibits the use of fleet restrictions for private hire vehicles, and in the absence of an equivalent policy, the number of wheelchair-accessible private hire vehicles in use in Dacorum is not recorded.
- 1.5. The number of licensed wheelchair-accessible vehicles has declined in recent years, as part of an overall contraction in the size of Dacorum’s licensed vehicle fleet. The following statistics were collated as part of the Department for Transport’s biennial survey:

Statistic	Number licensed on 31 March:			
	2009*	2011	2013	2015
Hackney carriage vehicles:				
Wheelchair-accessible	48	64	56	49
Total	243	254	246	235
Private hire vehicles:				
Total	176	190	182	176

** figures estimated by DfT, as an incomplete return was submitted in this year*

- 1.6. The letter attached at Annex A was received earlier this year, expressing concerns from the Hertfordshire Carers Forum about difficulties in accessing taxi and private hire services in Dacorum with passengers in wheelchairs.
- 1.7. No complaints regarding such issues have been made directly to the Licensing team in a number of years.
- 1.8. Officers maintain a list of contact details on the Council’s website for proprietors of wheelchair-accessible hackney carriages who have consented to the inclusion of

their details. Last year, this list was extended to include private hire operators who indicated to us that they had wheelchair-accessible vehicles available for use and who again consented to their inclusion.

- 1.9. Where officers receive and substantiate complaints from members of the public relating to any aspect of taxi or private hire services, a full range of enforcement options are available. If a taxi or private hire driver in a wheelchair-accessible vehicle refuses to convey a passenger due to them being in a wheelchair, it is not currently possible to prosecute under the Equality Act 2010, as the relevant offences have not been commenced to date – however, alternate enforcement action could still be taken, including for taxi drivers, prosecution for the general offence of refusing to drive.
- 1.10. The first prosecution brought by Dacorum Borough Council under the Equality Act 2010 for refusing to convey a disabled passenger resulted in a successful conviction earlier this year, and the Council will not hesitate to use the full range of powers at its disposal for any further incidents of this type.
- 1.11. Warnings and reminders of taxi and private hire driver's obligations under the Equality Act 2010 have been sent via the council's e-newsletter, maintained to disseminate such information, both following the conviction earlier in the year and following receipt of the above letter.
- 1.12. It is suggested that officers monitor this issue, and report to the Committee again in the event of any further developments. At this time, officers believe that there insufficient evidence to support any change of policy in respect of the licensing of wheelchair-accessible vehicles. Officers will also liaise with the Carers Forum to try and obtain further details of specific incidents where customers have not been able to access wheelchair-accessible taxis or private hire vehicles, for whatever reason.

ANNEX A – LETTER FROM HERTFORDSHIRE COUNTY COUNCIL



Ross Hill
Team Leader
Legal Governance and Licensing
Dacorum Borough Council

COMMUNITY WELLBEING COMMISSIONING TEAM

Tim Napper
2nd Floor, SFAR 224
Farnham House
Six Hills Way
Stevenage
SG1 2FQ
Tel. No.: 01438 844466
Email: tim.napper@hertfordshire.gov.uk

27th July 2015

Dear Ross

I am writing on behalf of Councillor John Barfoot. Councillor Barfoot chairs the Carers Forum at Hertfordshire County Council, which I support. The Carers forum is a twice yearly meeting where representatives from various Carers organisations and other partner agencies within Hertfordshire meet with Carers to discuss any local and relevant issues. It aims to provide a forum for ongoing dialogue and engagement with carers, to give carer input into the development of the Hertfordshire Carers Strategy and into any commissioning decisions impacting upon carers.

We have had concerns raised at this meeting regarding a lack of available wheelchair accessible taxis within Dacorum and are making contact to pass these on you as the licencing authority.

We are reassured to see that the Dacorum Borough Council website details that you licence a number wheelchair accessible vehicles, some with additional features and that you maintain a list of a number of wheelchair-accessible taxis, allowing customers to contact them to pre-book journeys.

However the Carers forum has received reports of difficult experiences for carers trying to access a wheelchair accessible taxi within Dacorum, which is concerning to us. Carers have reported either extremely long waits before they can source a wheelchair accessible taxis or have reported not being able to source a taxi at all which has left them feeling stranded and anxious.

We wanted to make you aware of these concerns and would welcome your comments on the steps the council takes to monitor access to wheelchair accessible taxis.

I would be grateful if you could look into the matter with some urgency,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. Napper', written in a cursive style.

Tim Napper
Commissioning Manager - Carers

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

28 JULY 2015

Present –

MEMBERS:

Councillors Mrs P Hearn (Chairman), S Adshead, Barnes, Mrs Bassadone, Conway, Howard, Link, Mills, Peter, R Sutton, Taylor and Whitman

OFFICERS:

R Hill	Licensing Team Leader
C Gaunt	Solicitor
T Coston	Member Support Officer

OTHER PERSONS:

Dawn Morrish Public Health, Hertfordshire County Council

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meeting held on 3 February 2015 were confirmed by the Members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Fantham.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. PUBLIC PARTICIPATION

There was no public participation.

5. PUBLIC HEALTH IN LICENSING

Dawn Morrish from Hertfordshire County Council attended the meeting and gave a presentation to the committee to provide information on Public Health in licensing. The presentation covered the following topics:

- Public Health objectives for Alcohol
- Costs to society
- Public Health and Licensing

- Alcohol consumption in Dacorum for adults aged 16 years and over
- Public Health concerns in Dacorum
- Public Health contribution
- Alcohol related hospital admissions
- An example of local information – The Cardiff Model
- Violent crime attributed to alcohol in Hertfordshire
- Total number of applications in Hertfordshire
- Your links in Public Health

Councillor Conway asked where the data was collected from. D Morrish explained that each piece of data comes from the relevant source and is analysed, Public Health are then provided with that information.

Councillor Link asked if anything was being done in schools to make younger children aware of the dangers of alcohol. D Morrish advised they had no power with Academies but they can advise Schools of any information they needed and advise of any upcoming campaigns. She said they were working on a new project in colleges to talk to parents about the dangers of alcohol which she said can be a tricky subject to approach.

Councillor P Hearn asked if Youth Connexions had any involvement. D Morrish said they had a substance misuse team which works specifically with young people, however they were planning a review to look at the bigger picture. This will include what people are doing and what works, which is all evidence based.

Councillor Barnes asked how high risk/alcohol dependent individuals were identified and what help is available to them. D Morrish explained that there were various sources, such as from GP's and self-referrals or if they were in trouble with the Police and/or going through the court system, etc. She advised that there were many county-wide voluntary sector schemes that are available to help, for example The Living Room.

D Morrish advised that this information was passed on from hospital receptionists on a voluntary basis but she hoped that at some stage the sharing of data would become a standard procedure for all A&E departments.

R Hill advised that as Dacorum is on the edge of Hertfordshire some individuals could be taken to Buckinghamshire or Bedfordshire hospitals, whose data is not routinely shared with Hertfordshire Public Health.

As there were no further questions the committee thanked Dawn for her presentation and she left the meeting.

6. REVIEW OF LICENSING POLICIES FOR ALCOHOL, ENTERTAINMENT AND GAMBLING LICENCES

R Hill advised that he had emailed the members in the morning with copies of the draft Statement of Licensing Policy for alcohol, entertainment and late night refreshment, and the draft Statement of Principles for betting, gaming and lotteries, and he apologised for the lateness of this email. He advised that members were only asked to consider these as a first stage before seeking public consultation, and he then highlighted the major changes in the draft policies. He said they would be using several methods of publicising the consultation such as social media, information on the council's website and press releases. He advised that the consultation would be for an 8 week period and he would then bring the final version of both policies to this committee in October and to Full Council in November for approval.

Agreed:

That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the committee.

7. FILM CLASSIFICATION GUIDELINES

R Hill explained that the need for this report came after a cinema in the Borough had requested to vary their licence to allow mother and baby screenings of age-restricted films. He asked that members approve a set of interim guidelines which will be included in a revised Statement of Licensing Policy which is due to be published next year.

Agreed:

1. That the Committee delegate to the Assistant Director (Chief Executive's Unit, the Group Manager (Legal Governance), and the Team Leader (Licensing) the power to make recommendations and notifications on behalf of the licensing authority in respect of the admission of children to films, under section 20 of the Licensing Act 2003.
2. That the Committee approve the interim guidelines in section 2 of this report for use by officers when exercising the above power, until superseded by the publication of the Council's Statement of Licensing Policy (2016-2021).

8. ANIMAL BOARDING ESTABLISHMENT LICENCE CONDITIONS

R Hill gave the following verbal report to the committee:

"The Council is responsible for licensing animal boarding establishments, which are defined in legislation as businesses which provide accommodation for dogs or cats owned by other people. The premises for which licences may be required are not stipulated, and may include purpose-built premises, private dwellings, converted industrial units, or open spaces. The Act does not define the timings during which the provision of accommodation is licensable. It can therefore be argued that a licence will be required by businesses providing accommodation either overnight or at any other time.

"For many years, licensed businesses consisted of traditional kennels and catteries, caring for animals for a period of time while their owners were away, however, in recent years, the market has diversified and a host of new business types have come to the fore.

"The first major new business model was home boarding, where a smaller number of animals are cared for within the business proprietor's own home as if they were their own pets. The Council has licensed these types of business for several years, and has previously adopted specific standard conditions applying to such businesses. In some cases, franchise models have sprung up, whereby host families are affiliated with a national provider who places a dog in to their care. In such cases, the host families will need to be licensed.

"Recently, officers have noticed a significant increase in the number of dogs proposed to be accommodated at single premises, particularly where those premises consist of a large detached house. On several occasions now, the authority has been asked to licence such premises for the accommodation of 10 or more dogs. A number of these applications have been brought to the Sub-Committee for determination; as such a large number of dogs would require the

variation of some of the standard conditions, for example permitting the simultaneous boarding of dogs from more than one household.

“The second new business model is one of daycare. While a traditional boarding establishment will automatically offer daytime care as part of a prolonged stay, there are now businesses which only offer daytime care of dogs or cats, while their owners are at work, with no overnight accommodation – the animals are collected or delivered home at the end of each day. These are frequently referred to as doggy daycare centres, or cat creches.

“Because no overnight accommodation is offered at such premises, many of the standard conditions which the Council applies to licences are not relevant – for example, businesses will not generally provide significant amounts of bedding and sleeping areas, as the animals are expected to be active during the day.

“We are also aware of one business within the borough which provides day care in an outdoors, rural setting, with dogs free to roam around a large enclosed field. Again, the standard conditions would be unsuitable for such a business model, which has no permanent buildings on the site.

“Finally, we are now starting to receive enquiries from home day carers. These are again requesting permission for larger numbers of dogs than would typically be permitted for overnight home boarding, as they are not providing sleeping accommodation for the dogs.

“Until now, the authority has managed to exercise its functions using a small number of sets of standard conditions. However with the increased diversification of business models, it is becoming increasingly difficult to pigeonhole businesses and apply a single set of conditions.

“The current scheme of delegation only allows officers to grant a licence subject to the Council’s standard conditions, and any variation from these requires referral to a Sub-Committee. This often means a lengthy delay in determining an application, increased uncertainty for the business, and generally is an inefficient way to consider applications.

“Officers are therefore requesting that the scheme of delegation be amended in order that senior officers may grant a licence with amendments to the standard conditions, and also that they may set and amend as applicable the schedules of standard conditions.

“In any case where officers are not satisfied that a variation from standard conditions would be appropriate, or where any other concerns about the suitability of the applicant or premises arise, cases would continue to be referred to the Sub-Committee for determination.

“The standard conditions adopted previously by the Council are based upon model conditions drawn up by the Chartered Institute of Environmental Health in 1995. A working group has been reviewed current practices and veterinary advice with a view to updating the model conditions and updated guidance is expected to be published next year. The Committee has already revised other sets of standard conditions for animal licences in accordance with updated CIEH models, and it is envisaged that we will do the same as and when the new model conditions are published.”

Councillor Mrs Bassadone asked how many animals they were proposing as she often sees people walking across fields with a large amount of dogs at one time. R Hill advised that

these conditions only related to dogs on private property, not on public land. He said in one case they had 40-60 dogs on site at one time.

Councillor Mrs Bassadone queried the minimum amount of dogs in a property at one time. R Hill advised that the legislation does not stipulate an amount; it just says one or more.

Councillor Mrs Bassadone asked what a neighbour should do if they had concerns. R Hill suggested they contact Planning, Environmental Health and/or Licensing as they all work together.

Agreed:

That the Committee delegate authority to impose and vary animal boarding establishment licence conditions to the Assistant Director (Chief Executives Unit), the Group Manager (Legal Governance) and the Team Leader (Licensing).

9. LICENSING SUB-COMMITTEE PROCEDURES

R Hill explained that the purpose of this report was to standardise procedures so there was less variation between the Licensing of Alcohol and Gambling Sub-Committee and the Licensing and Health and Safety Enforcement Committee. He said there had always been a presumption that the Alcohol and Gambling Sub-Committee would be debated in public but that has now been removed to give members more freedom and allow them to determine an application and compose their reasons in private.

Agreed:

That the revised procedures be adopted for use by the Licensing, Health and Safety and Enforcement Sub-Committee and the Licensing of Alcohol and Gambling Sub-Committee.

10. DEREGULATION ACT 2015 – PRIVATE HIRE SERVICES

R Hill advised that new changes in legislation had made this report necessary and it is focused on the changes to taxi and private hire licensing. He summarised that the main changes to the Act were:

1. To standardise the licence duration for hackney carriage and private hire driver's licences to three years, and private hire operator's licences to five years.
2. To allow unlicensed persons to drive off-duty private hire vehicles for social, domestic and pleasure purposes.
3. To allow sub-contracting of private hire bookings between licenced private hire operators across council boundaries.

R Hill explained that the officers were not particularly happy with these new legislative requirements; however they have to respect them and make the necessary changes. He highlighted that it would cause an increase in fees and administration work.

Councillor Mrs Bassadone asked that if she ordered a taxi which came from another area, would she pay Dacorum's rates. R Hill explained that it related to private hire vehicles rather than hackney carriage so fares were set by the operator who originally accepted the booking, and it was possible to agree a fare on the phone with them.

Agreed:

The Committee approved the following changes to licensing procedures, with effect from the 1st October 2015:

1. That the option of applying for a 1 year hackney carriage driver, private hire driver, or dual driver licence be withdrawn;
2. That use of the DBS Update service will be permitted for driver, in place of the requirement to obtain a new DBS Enhanced Disclosure certificate (the original disclosure certificate must state the applicants occupation as either a taxi driver, private hire driver or similar, and must be an enhanced disclosure. Where an update cannot be obtained, a new enhanced disclosure must be supplied);
3. That the standard duration of private hire operator's licences granted shall increase to 5 years;
4. That the fee payable for a private hire operator's licence for applications be set for the period 1st October 2015 to 31st March 2016 at:
 - i. £378, for operators with 1-3 private hire vehicles
 - ii. £636, for operators with 4+ private hire vehicles.

The meeting ended at 8.32 pm