



Licensing and Health and Safety Enforcement Committee

TUESDAY 20 SEPTEMBER 2016 AT 7.30 PM

Council Chamber - Civic Centre

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.

Membership

Councillor Barnes	Councillor Link
Councillor Mrs Bassadone	Councillor Mills
Councillor Conway	Councillor Peter
Councillor Fantham (Vice-Chairman)	Councillor R Sutton
Councillor P Hearn (Chairman)	Councillor Taylor
Councillor Howard	Councillor Whitman

For further information, please contact Trudi Coston - 01442 228224

AGENDA

- 1. MINUTES** (Pages 3 - 7)
To confirm the minutes of the meeting held on 26 January 2016.
- 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 or ask questions in accordance with the rules as to public participation

5. REVIEW OF LICENSING POLICIES (Pages 8 - 50)

6. CHANGES TO TAXI/PRIVATE HIRE DRIVER LICENSING ARRANGEMENTS & PRIVATE HIRE SIGNAGE (Pages 51 - 60)

7. DRIVING QUALIFICATIONS FOR NEW TAXI/PRIVATE HIRE DRIVERS (Pages 61 - 64)

8. HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE FEES (Pages 65 - 67)

9. ANIMAL LICENCE APPLICATION FORMS (Pages 68 - 90)

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

26 JANUARY 2016

Present –

MEMBERS:

Councillors P Hearn (Chairman), Barnes, Mrs Bassadone, Conway, Fantham, Howard, Link, Peter, R Sutton and Taylor

OFFICERS:

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
T Cawthorne	Environmental Health Officer
D Ryder	Environmental Health Officer
T Coston	Member Support Officer

ALSO PRESENT:

Item 6 - Mr Terry Carrington (Member of the Dacorum Taxi Drivers Association)

Item 6 - Mrs Theresa King (Hackney Carriage driver)

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meeting held on 24 November 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 S Adshead.

Councillor Mills and Whitman were absent.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. PUBLIC PARTICIPATION

There was no public participation.

5. APPLICATION TO AGREE THE CONDITIONS OF A CAMP SITE LICENCE FOR DACORUM BOROUGH COUNCIL

D Ryder advised they had updated the standard model conditions following the meeting in November 2015 and she welcomed any questions the committee may have.

Councillor Mrs Bassadone said at the last meeting she suggested speaking to the Boys Brigade and the Ruckler's Lane site and queried if that had been followed up. D Ryder said there were a number of exemptions detailed in the report, one of which was the Boys Brigade.

Councillor Taylor felt he wasn't kind about the previous report but he congratulated the team on their improvements. He then queried a couple of points in the report but he was advised that they were direct quotes from legislation and couldn't be changed.

Resolved:

That the Licensing and Health and Safety Enforcement Committee unanimously agreed the set of standard conditions which will be used when any Camp Site or Touring Caravan site application is received by the Council.

6. TAXI MOT/COMPLIANCE TESTING ARRANGEMENTS

The Chairman invited Terry Carrington and Theresa King to speak on this item.

Mr Carrington advised that the petition they had submitted was to request a second testing station for MOT's and compliance tests and they had received 190 signatures. He explained that several drivers had conflicts with the current provider and if there were two stations available the drivers could choose where they went.

Mrs King explained that she was a Hackney Carriage driver and was supporting Mr Carrington. She said Dacorum was the only authority apart from Aylesbury to only offer 1 testing station and she believed that if we used more garages it would encourage them to be more competitive, give drivers a greater choice and help their businesses grow. She highlighted that if anything unforeseen happened at the garage there was no contingency plan in place for the drivers to go elsewhere. She also felt that there were some discrepancies and she gave a couple of examples of her personal experience with the garage to back this up. She said their proposal wouldn't cost anything and it would make life much easier for the drivers. She said if it was down to cost then why wasn't it reflected in the licence fee when it was reduced from 2 garages down to 1.

The Chairman asked R Hill if he had anything to add to the report.

R Hill said that members who were on the Committee prior to the Election may recall a petition presented by taxi drivers in respect of the testing station policy followed by the Council. Since 2005, all prospective hackney carriages and private hire vehicles have been required to attend and pass both an MOT and a compliance test at a testing station nominated by the Council through a competitive tender process.

Up to 2005, the Council nominated two testing stations, and the petition effectively asked for a return to that situation. The change was made by the then Head of Public Protection, as a result of numerous complaints about inconsistent application of the Council's compliance standards between the two stations.

The officer recommendation was to maintain the current position, with a single testing station selected by competitive tender. This position is advised to the small number of complaints received concerning matters other than the council-set compliance standards, and the additional work which would be necessary to ensure consistent standards across multiple test stations.

R Hill asked Mrs King if the issues she raised tonight had been reported to them. Mrs King confirmed they had but still felt there were too many inconsistencies.

R Hill explained that he had his own concerns with regards to cost as the licence fee had already increased and also his staff do not have the capacity to carry out compliance tests or the appropriate qualifications. He said they would have to look at a suitable facility to carry out the checks which would need to be enclosed and lit, and then would have to recruit someone to carry out the inspections. He added that next year we would be moving to the Forum and staff would be working from home so they wouldn't always be available for the checks.

Mrs King said that qualifications weren't needed to carry out compliance checks. R Hill said he had concerns as other authorities had been challenged on the matter.

Councillor Peter asked if officers had spoken to the garage staff about the issues raised. R Hill advised that the officers communicate with the garage and oversee the standards and was keen to continue like that.

Councillor Taylor referred to page 12 of the report and queried the cost difference if the council was to offer multiple test stations. R Hill advised the following amendments to the licence fees:

If multiple test stations:

With effect from 1 July 2016, under section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to set the fees for the following licence application types as follows:
For the grant/renewal of a hackney carriage proprietor (vehicle) licence: £228 (*was £210*)
For the grant/renewal of a private hire vehicle licence: £208 (*was £190*)

** All of the above exclusive of vehicle test fee*

If compliance in-house:

With effect from 1 July 2016, under section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to set the fees for the following licence application types as follows:
For the grant/renewal of a hackney carriage proprietor (vehicle) licence: £248 (*was £210*)
For the grant/renewal of a private hire vehicle licence: £228 (*was £190*)
For the substitution of a vehicle to a hackney carriage/private hire vehicle licence: £201 (*was £173*)

** All of the above exclusive of vehicle test fee*

Councillor Taylor felt that there was no actual data to change the procedure and suggested that as the contract was due for renewal this year they should take note of the drivers concerns and take them in to account when reviewing the contract.

Resolved:

That the Licensing and Health and Safety Enforcement Committee unanimously agreed that no change was made to the structure of the current testing station contract, other than to implement the procedural matters detailed in the report, and that the contract for a single taxi MOT/compliance testing station be opened to a competitive tender process for the period from 1st July 2016.

R Hill asked Mr Carrington and Mrs King to ensure that any issues are reported directly to him.

7. ANIMAL LICENSING REFORM – CONSULTATION

R Hill advised that there were a number of inconsistency's in animal related legislation which often leads to uncertainty for businesses. He explained that the proposal was to have single licences for the following:

- Accommodation of dogs and cats belonging to others
- Sale of animals as pets
- Breeding of dogs for sale
- Keeping of horses for riding tuition or hire

He said his thoughts on the matter were detailed in the report and he had produced a draft response to DEFRA's consultation which could be found at Annex A. The committee was asked to approve this response before it is submitted.

Councillor Taylor asked if questions 11 and 12 had the same response. R Hill replied it was difficult to answer as there had been no previous experience of performing animals.

Councillor Bassadone asked where people should report concerns for domestic animals. R Hill advised individuals could report it to DBC as we are able to prosecute, but also the RSPCA or Hertfordshire County Council.

Resolved:

The Licensing and Health and Safety Enforcement Committee unanimously approved the draft response to DEFRA's consultation.

8. DRIVING LICENCE VERIFICATION FOR TAXI/PH DRIVERS

R Hill advised that the Government abolished the paper counterpart of driving licences last year and now only issued the photocards. He said that GOV.UK was a new system they could use to check for convictions, endorsements or disqualifications. He advised that a charge is payable for each check and this would be recharged to the applicant as part of their licence fee but it would save drivers money in the long term. He highlighted that a revised application form could be found at Annex A to incorporate these changes and it would take effect from 1st April 2016.

Resolved:

That the Licensing and Health and Safety Enforcement Committee approved the use of the GOV.UK driving licence verification service as an additional option for all Hackney Carriage and Private Hire drivers licence applicants with effect from 1 April 2016, and that the corresponding changes to the Councils licence application form be adopted.

9. ELECTRIC VEHICLES AS TAXIS

R Hill explained that the proposal was to release 6 new Hackney Carriage vehicle licences as electric taxis. He said electric vehicles had proved popular in other areas and individual drivers had expressed an interest in using them. He explained that electric vehicles were very different to drive but drivers were able to hire one to test drive.

Councillor Barnes said he didn't understand why they were setting a limit of 6 electric vehicles. R Hill explained that the proposal was for six brand new licences, however someone with an existing plate could be in addition to that 6.

Councillor Fantham asked if electric vehicles required a special licence. He also asked if the MOT station they used would be capable of servicing electric vehicles. R Hill advised that the licences were the same but electric vehicles had a very different driving style. He added that the MOT's were identical and the station would be capable.

Resolved:

That the Licensing and Health and Safety Enforcement Committee agreed to:

1. Allow the release of a maximum of 6 new Hackney Carriage vehicle licences ('plates'), to permit the use of pure electric vehicles, range-extended electric vehicles or plug-in hybrid electric vehicles only. All such licences would be subject to an additional condition that the licenced vehicle may be substituted by a pure electric vehicle, range-extended electric vehicle or plug-in hybrid electric vehicle only, subject to the relevant vehicle change procedures being completed.
2. To disapply paragraph 2(a)(ii) and 2 (b)(ii) of the Council's 'vehicle standards for Hackney Carriages' and 'vehicle standards for Private Hire vehicles' in respect of any application to licence a pure electric vehicle, a range-extended electric vehicle, or a plug-in hybrid electric vehicle as a Hackney Carriage and Private Hire vehicle.

The meeting ended at 8:22 pm.

Agenda Item 5



AGENDA ITEM: 5

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	20 September 2016
PART:	I
If Part II, reason:	

Title of report:	Review of licensing policies
Contact:	Ross Hill – Licensing Team Leader, Legal Governance Sally Mcdonald – Lead Licensing Officer, Legal Governance
Purpose of report:	To present proposed updates to the Council's Sex Establishment Licensing Policy and Licensing Enforcement Policy, and to seek approval to commence public consultation in respect of the revised documents.
Recommendations	That consultation be carried out on the draft Sex Establishment Licensing Policy and the draft Licensing Enforcement Policy, with responses to be reported to a future meeting of the Committee.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment Dacorum Delivers <ul style="list-style-type: none"> • Performance excellence
Implications:	The policies referenced in this report are existing ones which are due to be reviewed, with only minor changes proposed in both cases. No new implications are expected to arise as a result.
Consultees:	This report proposes that public consultation be carried out on the revised policies, and the results reported back to the Committee.
Background papers:	Draft Sex Establishment Licensing Policy 2017-2022 Draft Licensing Enforcement Policy 2016-2021
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. In addition to publishing licensing policies under the Licensing Act 2003 and Gambling Act 2005 to fulfil its statutory duties, the Council also publishes various policies in respect of its other licensing functions. While there is no statutory duty to do so, publication is seen as best practice, as it offers guidance to applicants and other persons on how the authority will exercise its powers, and helps to ensure consistency in the Council's decision-making.
- 1.2. Two existing policies, in respect of the licensing of sex establishments and the exercise of licensing enforcement powers, are now due to be reviewed and renewed.

2. SEX ESTABLISHMENT LICENSING POLICY

- 2.1. The Council has adopted schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, so as to enable the regulation of sex establishments (sex shops, sex cinemas and sexual entertainment venues). At present there are two licensed venues within Dacorum.
- 2.2. The current sex establishment licensing policy was last reviewed in 2013, and is due to expire in February 2017.
- 2.3. The policy underwent substantial revision when last reviewed, and in the absence of significant issues, legislative change or case law only very minor changes have been proposed – generally semantic changes. Due to the similarities with the current policy, and in the absence of expected statutory change affecting this regulatory area, it is proposed that the revised policy have effect for 5 years, instead of the previous 3 year period.
- 2.4. The draft sex establishment licensing policy for 2017-2022 is appended to the report.

3. LICENSING ENFORCEMENT POLICY

- 3.1. The Council exercises a wide range of licensing powers across numerous pieces of legislation, many of which contain enforcement provisions, such as offences for carrying out particular conduct, or powers of entry and inspection to premises where licensable activities are carried on, with or without licences. These powers are underpinned by generic enforcement legislation, such as the Police and Criminal Evidence Act 1984, and associated codes of practice.
- 3.2. The enforcement policy contains guidance for licensed businesses and persons affected by such businesses on how we will exercise our legal powers. It also brings together expectations created under various number of charters, codes of practice and statutory guidance, which we will also take into account when exercising our powers.
- 3.3. The current enforcement policy was last reviewed in 2012-13. This particular review is currently overdue – however, as with the previous section, the changes are mainly semantic, and there are few significant changes proposed from the current edition, with one exception – section 3 (powers of entry) has been added, to reflect the

Home Office's guidance on the exercise of such powers, which has been released since the publication of the current policy.

3.4. As the enforcement policy references generic powers and, with the exception of section 3 which relates to statutory guidance, is largely unchanged from the current version, it is intended that this policy should also have effect for 5 years, with effect from its adoption.

3.5. The draft licensing enforcement policy for 2016-2021 is appended to the report.

4. CONSULTATION AND TIMESCALES

4.1. It is considered important that those persons who may be affected by these policies have the opportunity to comment upon and influence the proposals, and as such public consultation on both policies is proposed. As both policies are non-statutory in their nature, there are no formal requirements relating to consultation. As such it is intended to publish the draft policies on the Council's website, with notification sent to key parties, including elected representatives, parish and town councils, and trade bodies. Details of the sex establishments policy will also be sent to relevant licence-holders.

4.2. Consultation between the 26th September and the 13th November 2016 (7 weeks) is proposed, with responses being reported back to the Committee meeting scheduled for the 29th November 2016.

5. RECOMMENDATIONS

5.1. That consultation be carried out on the draft Sex Establishment Licensing Policy and the draft Licensing Enforcement Policy, with responses to be reported to a future meeting of the Committee.



Sex Establishment Licensing Policy

2017 – 2022

Date of publication	23 February 2017
Version no.	3.0 DRAFT
Review date	22 February 2022

Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

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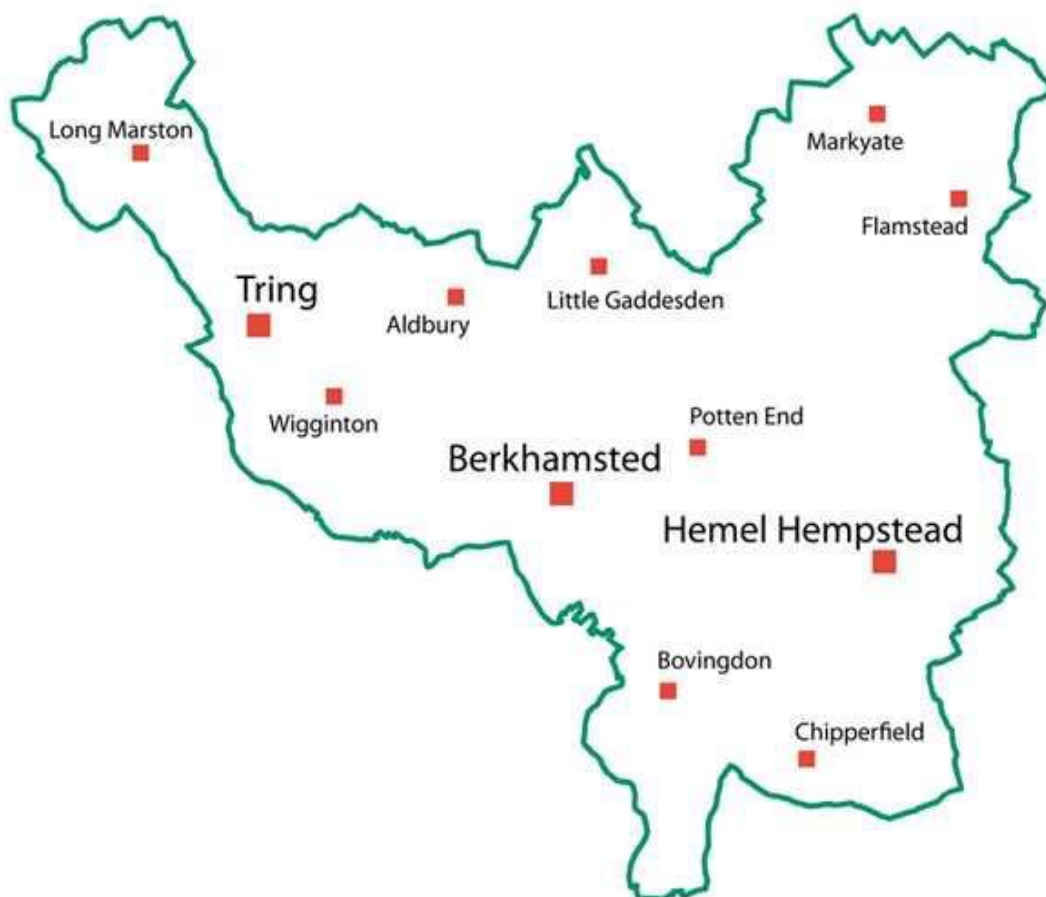
About Dacorum

The borough of Dacorum is situated in west Hertfordshire and has a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.

Hemel Hempstead was one of the first "New Towns" built after the Second World War. Its development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.

The remainder of the Borough is rural, surrounding two market towns, Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, outside towns the communities value their rural heritage as well as expecting good modern services. The conservation of building and landscape are important considerations in Dacorum, balanced with concerns to maintain thriving businesses in town centres. Dacorum Borough Council works closely with the 16 town and parish councils, which represent communities in rural areas of the Borough.

Dacorum has a population of 149,700¹, and is the largest of the Hertfordshire districts by headcount. Further information about Dacorum and the demographics of its populace can be found on the council's website via "Statistics about Dacorum".²



¹ Office of National Statistics resident population estimates June 2014

² <http://www.dacorum.gov.uk/statistics-about-dacorum>

1. General principles

- 1.1. Dacorum Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) in 1984 so as to require sex shops and sex cinemas in the borough to operate under licences issued by the Council. In 2011 the same schedule, with amendments under section 27 of the Policing and Crime Act 2009, was re-adopted to enable the Council to also licence sexual entertainment venues in the borough.
- 1.2. In licensing sex establishments, the Council takes no moral position on the activities being provided therein, and recognises that Parliament has made it lawful to operate sex establishments, and that such businesses are a legitimate part of the retail and leisure industries. The role of Dacorum Borough Council as a licensing authority is to administer and ensure compliance with the licensing regime in accordance with the law.
- 1.3. Both the 1982 Act and the 2009 Act can be viewed on the Government’s legislation website, www.legislation.gov.uk
- 1.4. In producing this policy, we have had regard to relevant provisions of the following pieces of legislation, in addition to the provisions of the 1982 Act and the 2009 Act:-
 - the Crime and Disorder Act 1998 (in particular, section 17);
 - the Regulators’ Compliance Code (made under the Legislative and Regulatory Reform Act 2006);
 - part 3 of the Provision of Services Regulations 2009.
- 1.5. We recommend that potential operators take into consideration the Local Planning Framework, which is set out in the Local Development Scheme (available on our website, www.dacorum.gov.uk) for details about the local planning authority’s approach to granting planning permission for developments where such activities may take place. Licensing and planning operate separate, albeit linked, regulatory regimes, each taking into account differing considerations, and the grant of authorisation under one scheme will not necessarily indicate the likelihood of authorisation being granted under the other. Both a licence and relevant planning permission will usually be necessary prior to the commencement of a business providing sex-related activities.

Applying for a licence

- 1.6. Businesses operating premises, vehicles, vessels or stalls, as sex shops, sex cinemas, or sexual entertainment venues, must hold appropriate licences issued by the relevant local authority, or have had the licence requirement in respect of their business waived by the authority.
- 1.7. Applications must contain such particulars as specified by the authority and must be made in accordance with the provisions of schedule 3 of the 1982 Act. Our application forms and further information on the application process may be obtained from the Licensing team or via our website (www.dacorum.gov.uk/licensing). Applications may also be made to the authority electronically, via our website.
- 1.8. Applicants must give public notice of their applications, both at the site of the premises (or stall, vehicle or vessel) and in a local newspaper, and templates for these notices are available from the Licensing team. Failure to give notice in accordance with the statutory provisions will invalidate an application.
- 1.9. The Act allows for objections to be made against applications for sex establishment licences, and these may come from any person, regardless of whether they live or work near to the proposed sex establishment. This power also extends to every type of application for a licence, including renewals,

transfers and variations in addition to new licences. Objections must be given to the Council no later than 28 days after the date of the application. In addition, the police are a statutory consultee for all applications, and must be given notice of all applications, by way of service by the applicant of a copy of the application form (unless the application was made via the Council's electronic application facility).

1.10. Any objections must:-

- Be made in writing to the local authority;
- Indicate the name and address of the author of the objection (which will not be revealed to the applicant without the objector's consent);
- Indicate the application to which the objection relates;
- Indicate the general grounds for making the objection.

1.11. Where objections citing legitimate concerns are received, or other concerns in respect of the discretionary grounds for refusal arise, that application will be considered at a public hearing by a Sub-Committee under delegated powers.

1.12. We will take the following approach when making decisions on applications:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making, although regard will be given to this policy, and to the relevant legislation and case law, in reaching any decision;
- The absence of objections will not in itself constitute grounds for automatic approval of an application. If licensing officers believe that any of the grounds for refusal (as outlined later in this document) may be engaged, the Council may refer an application to its Sub-Committee for consideration, and for that application to be amended or refused if believed necessary. Similarly, the existence of objections will not lead to an application automatically being refused, but rather will start a process of examination of the issues that may arise if the licence were to be granted.
- Persons making objections can include individuals, residents/tenants associations, community associations, businesses and trade associations. Councillors and MPs can also make objections. Ward councillors may represent objectors, where they have been requested to do so by that objector, at any hearing about the application, but may not also sit on the sub-committee determining the application in question;
- The Council will give clear reasons for its decisions.

1.13. Although the Council must consider all objections given in respect of an application prior to making its decision, less weight will be attached to those objections which are considered to be frivolous or vexatious, or which relate to moral opposition to the licensable activities (as these are outside the scope of the 1982 Act). In reaching any decision in this respect, we will rely upon the accepted dictionary definition of frivolous or vexatious.

Exchange of information

1.14. The Council may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its statutory objective of reducing crime in the area. Data may also be released in accordance with statutory provisions under the Data Protection Act 1998, the Freedom of Information Act 2000, and associated legislation.

1.15. Details of applications and the anonymised contents of objections referred to the sub-committee for determination will be published in reports which will be made publicly available in accordance with the Local Government Act 1972.

1.16. The names and addresses of persons making objections will not be disclosed to the applicant without their consent. The information will, however, be shared with the councillors sitting on the relevant sub-committee and their advisors.

Grounds for refusal of applications or revocation of licences

1.17. A number of grounds for refusing applications for sex establishment licences are set out in paragraph 12 of schedule 3 to the 1982 Act.

1.18. Applications for licences cannot lawfully be granted if:

- a) The applicant is under the age of 18 years;
- b) A licence held by the applicant has previously been revoked, which would disqualify him or her from obtaining or holding a licence in the area of that authority for 12 months from the date of revocation;
- c) The applicant, where this is an individual, is not resident in an EEA state or was not resident throughout the period of six months immediately preceding the date when the application was made;
- d) The applicant, where this is a body corporate, is not incorporated in an EEA state;
- e) The applicant has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

1.19. The authority may also decide to refuse applications for licences if:-

- a) The applicant is considered unsuitable to hold the licence, by reason of having been convicted of an offence or for any other reason;
- b) The business to which the licence relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) The number of sex establishments, either generally or of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the Council considers appropriate for that locality;
- d) The grant or renewal of the licence would be inappropriate having regard to:-
 - The character of the relevant locality, or
 - The use to which any premises in the vicinity are put, or
 - The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

1.20. "Relevant locality" means, in relation to premises, the locality where they are situated. In considering the question of the "relevant locality" the Council may take into account the following:-

- The size of the neighbourhood;
- The presence of important thoroughfares or use of the locality as a gateway district;
- The density and proximity of residential accommodation;

- The proximity of parks and children’s play areas;
- The nature, density and proximity of other retail units and their uses;
- The proximity of schools;
- The proximity of community buildings;
- The proximity of places of religious worship;
- The proximity of premises licensed for the sale by retail of alcohol and the provision of entertainment regulated under the Licensing Act 2003.

1.21. The authority will decide each application on its individual merits. However, there are a number of localities in which it is believed that the grant of a sex establishment licence would be inappropriate, due to the historic character of those localities, or that they are areas of mixed commercial use with a high density of families and younger persons frequenting premises in the vicinity. Therefore, for the purposes of paragraph 12(3)(c) of schedule 3 to the 1982 Act, the Council considers ‘nil’ to be the appropriate number of sex establishments in these localities. The localities to which this paragraph relates include:

- a) Hemel Hempstead Old Town Nil policy zone– see map of locality at Annex E
- b) Berkhamsted town centre Nil policy zone – see map of locality at Annex F
- c) Tring town centre Nil policy zone – see map of locality at Annex G

1.22. In addition to the above geographic areas, the authority will also pay close attention to the character and usage of other premises in the locality of a proposed sex establishment, and will generally not be minded to grant an application for a sex establishment which is within 200 metres of:

- a) A school, nursery, educational institution or other premises used wholly or primarily by children and young persons
- b) Places of religious worship
- c) Transport hubs and interchanges
- d) Areas in which the primary use of premises is for residential accommodation
- e) A community centre or similar premises

1.23. Applications for licences for premises which are within localities mentioned in the preceding paragraphs will, as with any application, be determined on their merits. However, the authority would expect to see, as part of any application, details from the applicant as to how their premises would operate in a way so as to be compatible with the character of the locality and usage of other premises in the vicinity, prior to determining that application.

1.24. Where applications relate to the use of a vehicle, vessel or stall as a sex establishment, the above provisions will be interpreted accordingly.

1.25. Licences may also be revoked or have renewal applications refused, subject to certain procedural requirements and due consideration, on most of the grounds set out above.

Length of licence

1.26. Unless there are exceptional reasons otherwise, licences will be granted for the maximum duration of one year, in the interests of proportionality and to provide certainty to those operating lawful businesses.

Waivers

1.27. Any request for a waiver from the requirement to hold a sex establishment licence will be considered

on its own merits and those merits will be taken fully into account prior to a decision being made.

- 1.28. The authority does not consider that it would generally be appropriate to grant a waiver from the requirement to hold a sex establishment licence in respect of a business that solely or primarily provides licensable, sex-related activities on a commercial basis (i.e. for consideration and with a view to profit).
- 1.29. Instead, the authority views the ability to seek a waiver as an option for businesses that provide the licensable activities as a minor, ancillary part of their overall trade, and will not make a profit directly from the provision of those activities. An example may be the display of pornographic materials as a stimulus for subjects at a fertility clinic.

Fees

- 1.30. The authority will require payment of an application fee with every application for a licence. These fees will be reviewed and set ahead of every financial year, and fee levels will be made available from the Licensing team or via our website. In setting fees, we will have regard to any relevant guidance, and to the requirements of the EU Services Directive and applicable case law.

2. Types of sex establishment

- 2.1. The Local Government (Miscellaneous Provisions) Act 1982 defines 'sex establishments' as three different types: Sexual Entertainment Venues, Sex Shops and Sex Cinemas.
- 2.2. Each type of establishment has a specific definition, and provides a combination of particular activities. Sex establishments can be either a premises, vehicle, vessel or stall, but not a private dwelling-house to which there is no public admission. The Council has set standard conditions that will apply to all sex establishment licences, and further conditions applying to each particular type of sex establishment. If an application is considered by a sub-committee, it may apply further specific conditions if it is deemed necessary.

Sexual entertainment venues

- 2.3. Sexual entertainment venues are considered to be "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".
- 2.4. "Relevant entertainment" is defined in schedule 3 of the 1982 Act (as amended by section 27 of the 2009 Act) as: "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person, e.g. a performance in a private booth.
- 2.5. Each type of performance or display will be judged on its own merits, but the following entertainment will generally be deemed to be "relevant entertainment":-
 - Lap dancing;
 - Pole dancing;
 - Table dancing;
 - Nude or topless waitress service;
 - Strip shows;
 - Peep shows;
 - Live sex shows.
- 2.6. Premises providing relevant entertainment on no more than 11 occasions per year, with each occasion lasting no more than 24 hours and separated from another occasion by at least a month, are exempt from the licensing requirement. For example, a pub that provided two events annually with strip-tease entertainment, on the 1st September and the 2nd October, would not require a licence. However, if the events were held on the 1st September and the 30th September, a licence would be required.
- 2.7. Entertainment which is not classed as "relevant entertainment" may still require licensing under the Licensing Act 2003.

Sex shops

- 2.8. Sex shops are used to a "significant degree" for the sale, hire, exchange, lending, display or demonstration of sex articles or other items intended for use in connection with or to stimulate or encourage sexual activity, or acts of force or restraint associated therewith. Articles containing reading matter or imagery, including printed material, sound recordings or video recordings (certified with an 'R18' rating, indicating pornographic content) which portray, stimulate or encourage sexual activity or associated acts of force or restraint, or depict genital organs, urinary or excretory functions, will also fall within the definition of a sex article.

2.9. The phrase “significant degree” is not defined in legislation, although the courts have previously considered its meaning. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, the Council will consider:

- the ratio of sex articles to other aspects of the business;
- the absolute quantity of sales;
- the character of the remainder of the business;
- the nature of the displays in the business;
- turnover generated by sales of sex articles;
- the format of any literature, publicity or advertising materials;
- other factors which appear to be materially relevant.

2.10. For the purposes of the Act, it is immaterial as to whether the sex shop is open for customers to visit, or is used to supply goods to fulfil orders made by mail or via the internet. However, it should be noted that the supply of pornographic video recordings by remote order is an offence under the Video Recordings Act 1984.

Sex cinemas

2.11. Sex cinemas are those premises, vehicles vessels or stalls used to a significant degree for the exhibition of moving pictures which portray or are intended to stimulate or encourage sexual activity or associated acts of force or restraint, or which depict genital organs or urinary or excretory functions. These films will have been certified by the BBFC and rated ‘R18’, indicating hardcore pornographic content.

2.12. The showing of films rated by a film classification body as ‘18’, which may contain limited (usually simulated) sexual activity will not in itself require a sex establishment licence. However, such films could only be publicly exhibited under an authorisation issued through the Licensing Act 2003, and would not be authorised by way of a sex establishment licence. A premises wishing to exhibit both R18-rated films and those with lower certificates would require both types of licence.

2.13. Films with sexual content which form exhibits (or parts thereof) in galleries and museums are also exempt from licensing, so long as they are organised by an exempted non-commercial society or similar, certified under section 6(6) of the Cinemas Act 1985.

2.14. Typically sex cinemas will exhibit films for the benefit of an audience, and for these purposes an audience may comprise a single person.

2.15. Exhibitions of films within a dwelling-house to which there is no public admission do not fall within the licensing requirements.

3. Consideration of applications

- 3.1. The Council considers that the suitability of the applicant and how he/she intends to operate his/her business are important factors in the consideration of an application. As sex establishments cater for a particular adult audience, the use of the premises for any of the purposes set out in section 2 of this Policy could impact on the area in which it is situated. For that reason we expect any applicants for sex establishment licences to demonstrate not only that they have taken steps to apply our conditions in preparing their operating procedures, but have also carefully considered the following when compiling their applications:-
- a) The visual impact of the premises on the surrounding area: this may be due to its appearance, signage, promotional material, and the use of any visible smoking area by its staff and customers. Applications should clearly indicate how any operator aims to ensure that activities taking place in the premises are not visible outside.
 - b) What measures will be put in place to prevent access by persons who are under 18.
 - c) Is the premises directly accessible, or is access or egress shared with another property?
 - d) The interior design and layout of the establishment, which would need to take into account the following factors:
 - Are there enough operational members of staff to adequately oversee the welfare of both performers and customers:
 - Is the whole of the area given over for use as a sex establishment visible, well lit, with no small or poorly lit alcoves or rooms which are not easily accessible;
 - Is the premises on one level – premises over several floors could complicate operating procedures and make it more difficult to provide CCTV, which is a standard condition.
 - e) Setting 'House Rules' – in particular for sexual entertainment venues – to include health, safety and welfare provisions for both staff and customers. These should include the following:
 - Providing a good 'physical environment' for performers, i.e. safe and secure changing facilities, adequate temperature regulation, rest areas and cooking facilities.
 - Setting out clear information on any commission fees or fines, and keeping records and receipts of such.
 - Clearly displaying rules for customer behaviour and ensuring these are adhered to.
 - Ensuring that performers are aware of any licensing conditions, Council policy and operating procedures and house rules of the venue.
 - Providing a sufficient number of door staff to patrol the premises at all times that the premises is providing sexual entertainment.
 - Putting measures in place to ensure the safety and welfare of both performers and customers in private booths; this could be by way of ensuring that booths are not fully enclosed, and the installation of panic buttons.
 - Introducing a policy outlining safety measures for performers when they leave the premises at the end of a shift.
 - f) Ensuring that all performers are signed up to a Code of Conduct, that will incorporate details of the measures outlined above.
 - g) Ensuring that the opening hours of the premises do not cause a detrimental impact on the locality in which the premises is situated. For example ensuring customers leaving the premises late at night do not cause a disturbance to local residents – how would the operator ensure that disturbance was minimised.
 - h) How will incidents of anti-social behaviour linked to the operation of the premises be addressed

and discouraged.

- i) Evidence of overall good record keeping, including full details and evidence of age verification and UK employment entitlement of staff members and performers.
- j) What provisions are to be provided for smokers – this could be operational staff, customers or performers.
- k) The sourcing of products and goods for sale only from reputable suppliers.
- l) Arrangements for the regular cleaning and upkeep of all areas of the premises.

3.2. Applicants will also be required to submit plans to accompany their applications. We expect plans to be drawn to an appropriate scale, to be clear and legible, and to include the following information:-

- The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- The location of points of access to and egress from the premises and, if different, the location of escape routes from the premises;
- The area(s) within the premises used for the relevant licensable activities (e.g. the locations in which sexual entertainment or exhibition of sex films will occur);
- Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.
- In a case where the premises includes a stage, podiums or raised areas, the location and height of each stage, podium or raised area relative to the floor;
- In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- In the case where the premises includes any room(s) containing public conveniences, the location of the room(s);
- The location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment;
- In the case of sexual entertainment venues, any changing or dressing facilities provided for the use of performers, and any areas in which other non-relevant entertainment is provided;
- The location of a kitchen, if any, on the premises.

The above items may be shown on the plan through the use of symbols or colour-coding, in which case a legend should also be provided to indicate the meaning of each symbol and colour used.

3.3. Applications for vehicles, vessels and stalls should be accompanied by a site plan drawn to an appropriate scale, showing the location at which the sex establishment would operate.

3.4. The Council may attach conditions to licences. Annex A sets out the standard conditions that will apply to all types of sex establishment licences, while additional conditions applying to each type of sex establishment are located at Annexes B, C and D, respectively.

3.5. Consideration may be given to the amendment or removal of certain conditions on a case by case basis, where the applicant can provide suitable evidence that inclusion of a particular condition would be disproportionate to the provision of the relevant activities.

3.6. Where it would be reasonable to do so, a sub-committee determining an application for a licence can also impose additional proportionate conditions on licences.

4. Review of Policy

- 4.1. This policy will be kept under review and updated in light of any significant changes in legislation, case law or national guidance. We will also carry out periodic reviews of the policy to ensure that it remains appropriate to the current operating environment.
- 4.2. This policy was last reviewed in 2016, and consultation on the proposed amendment was carried out between September 2016 and November 2016. Consultation was conducted with the proprietors of businesses affected by this policy and other persons affected by the activities carried on at licensed premises, vehicles, vessels or stalls.
- 4.3. We will consider any viable and sensible recommendations made in respect of our policy (unless they are not in line with central or local government policy and legislation). If you wish to comment on the policy please email licensing@dacorum.gov.uk and your comments will be considered during future policy reviews.

5. Complaints

- 5.1. If you wish to make a complaint about alleged unlicensed activity or breach of a licence then you can contact the Licensing team during normal office hours, using the contact details below. If you need to make a complaint outside of normal office hours then you can leave a message either by telephone or email which will be responded to when the office re-opens. Complaints made to the Licensing team will be investigated by a Licensing Enforcement Officer who will also inform you of any action taken as a result of your complaint.

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

Telephone: 01442 228000, and at the prompt ask for Licensing
Email: licensing@dacorum.gov.uk

- 5.2. We understand that, from time to time, persons may not be completely satisfied with the service that they receive from the Licensing team, and we would encourage any person who feels this way to let us know, so that we can develop and improve our service. We will ensure that complaints about our service are investigated fairly and thoroughly using the Council's Complaint Procedure (details of which can be found on the Council's website at www.dacorum.gov.uk). Complaints can be recorded via our website, using the form at www.dacorum.gov.uk/CustomerComplaints, or by calling 01442 228000 and asking for the Complaints Service. In cases where disputes still cannot be resolved, we will ensure that any rights of complaint or appeal against the Council's actions are explained with an indication of the likely time-scales involved.

Annex A – Standard conditions applying to sex establishment licences

The following conditions will attach to all sex establishment licences issued by the licensing authority, pursuant to paragraph 13(1) of schedule 3 to the 1982 Act:

1. In these conditions, unless otherwise stated, the following expressions shall have the following meanings:
 - a. “Sex Establishment” and “Sexual Entertainment Venue” “Sex Shop” and “Sex Cinema” shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.
 - b. “Sex Shop” and “Sex Article” shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
 - c. “Premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Schedule.
 - d. “Approval of the licensing authority” or “Consent of the licensing authority” means the approval or consent of the licensing authority in writing and “Approve”, “Approved” and “Approving” shall be construed accordingly.
 - e. “The licensing authority” means Dacorum Borough Council.
2. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a Sex Establishment, the special conditions shall prevail.
3. The granting of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Conduct and Management of Sex Establishments

4. Where the Licensee is a body corporate or unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the licensing authority within 14 days of such change and such written details as the licensing authority may require in respect of any new director, secretary or manager are to be furnished in writing within 14 days of a notice in writing from the licensing authority.
5. The Licensee or a responsible person nominated by him or her in writing for the purpose of managing the Sex Establishment in his or her absence, and of whom details (including photographs) have been supplied to and approved by the licensing authority, shall be personally responsible for, and present at the premises (or part of it), used as a Sex Establishment during the whole time it is open to the public.
6. The names of both the Licensee and the person nominated by him or her to be responsible for managing the Sex Establishment in his or her absence shall be prominently displayed within the Premises so as to be readily visible to any person visiting the Sex Establishment.
7. The Licensee or the person nominated by him or her to be responsible for managing the Sex Establishment in his or her absence shall maintain a daily register. It must record the name and address of the person who is to be responsible for managing the Sex Establishment that day and the names and addresses of those employed and present on that day in the premises. The register is to be completed each day within one hour of the Sex Establishment’s opening for business and is to be available for inspection by the Police and by authorised officers of the licensing authority.

8. The Licensee shall retain control over the part of Premises used as a Sex Establishment and shall not sell, let, sub-let, licence or otherwise part with possession or occupation of any part of the Premises and the Licensee shall ensure that the licensing authority is notified immediately, in writing, in the event that any part of the Premises is affected by the termination of a lease or any other event affecting the Licensee's occupation or control of the premises.
9. The Licensee shall maintain good order in the Premises.
10. No person under the age of 18 years shall be admitted to the Sex Establishment and persons who appear to be under the age of 25 years shall be required to provide photographic proof of age prior to admission. A notice to this effect, of a size and in a form and position to be approved by the licensing authority, shall be displayed at all times on the outside of the Premises.
11. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved for such access by the licensing authority.
12. No part of the Premises shall be used for the purposes of prostitution at any time.
13. The Licensee shall ensure that neither he or she nor any other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation anywhere in the Borough of Dacorum.
14. The Licensee shall comply with all applicable statutory provisions and any regulations made thereunder.
15. The copy of the licence and the copy of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the licensing authority. The copy of the licence and the copy of these Regulations shall be displayed in a manner and position approved by the licensing authority.
16. A change from one type of sex establishment to another shall not be effected without the Consent of the licensing authority.
17. No display, advertisement, word, letter, model, sign, placard, board, notice, device, design, representation, decoration, pattern, picture, photograph, writing, symbol, object or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
 - a. Any notice of a size and in a form and position approved by the licensing authority which is required to be displayed so as to be visible from outside the Premises by law, or by any condition or special condition of a licence granted by the licensing authority.
 - b. Such display, advertisement, word, letter, model, sign, placard, board, notice, device, design, representation, decoration, pattern, picture, photograph, writing, symbol, object or any matter or thing (whether illuminated or not) as shall have been approved by the licensing authority.
18. No external loudspeakers shall be used or installed at the Premises without the approval of the licensing authority.
19. No exterior lighting shall be used or installed at the Premises without the approval of the licensing authority.
20. The Premises shall be maintained in good repair and condition.

21. Bright lighting in all parts of the Premises, in positions and in a form and of a level of luminance approved by the licensing authority, shall be in operation continuously during the whole of the time the Sex Establishment is open to the public.
22. The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the licensing authority and shall comply with the following requirements:
 - a. All such doors or openings approved by the licensing authority shall be clearly indicated on the inside by the word "EXIT".
 - b. Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "PRIVATE".
 - c. Save in the case of emergency, no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent to the Premises.
23. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.
24. Alterations or additions, whether internal or external and whether permanent or temporary, to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the licensing authority.
25. All parts of the Premises' fixtures, fittings and displays shall be kept in a clean and seemly condition to the satisfaction of the licensing authority.

Safety

26. The Licensee shall take all appropriate precautions for the safety of the public and employees.
27. The Licensee shall ensure that CCTV is installed and maintained in working order and in use at all times to the satisfaction of Hertfordshire Constabulary, and that any images are both retained for a period of at least 31 days and made available on request to a police officer or authorised officer of the licensing authority.
28. The Licensee shall provide promptly copies of any documents required by a police officer or by an authorised officer of the licensing authority in relation to compliance with this Licence.

Annex B – Standard conditions applying to sexual entertainment venues

The following conditions will attach to sex establishment licences issued by the licensing authority in respect of sexual entertainment venues, pursuant to paragraph 13(1) of schedule 3 to the 1982 Act:

1. Any individual employed on the Premises to conduct activities of a security operative (within the meaning of Part 1 of Schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
2. The Licensee shall ensure that a suitable number of trained staff are employed and present to supervise the interior of the Premises (“floor supervisors”) at all times whilst performances are being given under this licence.
3. The Licensee shall ensure that, during the hours the Sexual Entertainment Venue is open for business, every floor supervisor wears a badge of a type approved by the licensing authority indicating his or her name and that he or she is a floor supervisor.
4. Performers shall be aged not less than 18 years. The Licensee shall maintain adequate records of the names, addresses and dates of birth of performers, including adequate identity and age checks.
5. The Licensee shall ensure to the licensing authority’s satisfaction (including, where required, obtaining planning or building control consents) that the interior of the part of the Premises used as a Sexual Entertainment Venue is not visible from the outside of the Premises or from any other part of the Premises used for a purpose other than that of a Sexual Entertainment Venue. At no point may performers be visible from outside the Premises or from any other part of the Premises used for a purpose other than that of a Sexual Entertainment Venue.
6. Where the licensing authority has specified a capacity figure in writing, the Licensee shall ensure that that figure is not exceeded at the premises at any time whilst sexual entertainment is taking place.
7. Performers shall only perform on the stage area, or in such other areas of the licensed Premises as may be approved in advance by the licensing authority and shall only perform to seated customers.
8. Performers shall remain clothed in public areas and all other areas except while performing in areas specified by the licensing authority as where sexual entertainment may be provided.
9. Performers shall dress fully at the end of each performance.
10. Performers shall not accept any telephone number, e-mail address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or his or her representative before leaving the Premises.
11. A Performer is never to be alone in the company of a customer except in an area open to the public within the Premises.
12. The Licensee shall ensure a sufficient number of staff are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and manage customers.
13. No Performer shall perform nude or semi-nude dancing of any description unless in an approved area and with a floor supervisor present within five metres of the Performer.
14. Performers are never to be in the company of one or more customers except in an area open to the

public within the Premises.

15. The Licensee shall ensure that during the performance of a table dance:-

- a. Customers are seated in an upright position against the back of the booth or seat with their hands by their sides or on a table in front of them before a Performer can start a table dance;
- b. Customers remain seated during the entire performance of the dance;
- c. For the purpose of restraint only, Performers only touch a customer above the customer's chest with their hands only;
- d. Performers do not sit next to, or on, or straddle, the customer;
- e. Performers do not place their feet on the seats.

16. The Licensee shall ensure that during performances to which this licence relates: -

- a. Performers do not perform any act that clearly simulates any sexual act;
- b. Performers do not intentionally touch a customer any time during the performance (i.e. any contact shall only be entirely accidental or entirely due to a third party);
- c. Performers do not use inappropriate, suggestive or sexually graphic language at any time;
- d. Performers do not intentionally touch the genitals or breasts of another performer or knowingly permit another Performer intentionally to touch their genitals or breasts;
- e. Performers do not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act;

17. The Licensee shall ensure that during performances to which this Licence relates:-

- a. Customers do not dance at any time except in areas approved by the licensing authority as being separate from areas for sexual entertainment;
- b. Customers remain appropriately clothed at all times.

18. Management of the premises shall maintain a document specifying all applicable house rules and disciplinary procedures, which shall be made available on request to any member of staff, performer or licensing officer. The disciplinary procedure shall not include provision to "fine" performers or otherwise impose pecuniary penalties, but may provide for verbal or written warnings, suspension of a performer's right to perform at the premises, or revocation of a performer's right to perform at the premises.

Annex C – Standard conditions applying to sex shops

The following conditions will attach to sex establishment licences issued by the licensing authority in respect of sex shops, pursuant to paragraph 13(1) of schedule 3 to the 1982 Act:

Goods available in Sex Shops

1. All Sex Articles and other things displayed for sale, hire, exchange or loan within the Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices to be charged.
2. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Shop so as to be readily visible to any person visiting the Premises, provided that this condition does not require films or video films to be exhibited (played).
3. No film or video film shall be exhibited, sold, hired, exchanged or loaned unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
4. The licensee shall, without charge, display and make available in the Sex Shop such free literature on counselling on matters related to sexual problems, on AIDS and on sexually transmitted diseases as may be published by the Family Planning Association and/or by other similar organisations as may be specified by the licensing authority. Such literature is to be displayed at all times in a prominent position adjacent to all payment points in the Sex Shop so as to be readily visible to any person at any such payment point.

External Appearance

5. A door control system shall be fitted and maintained in use at all times so as to prevent the external door and the internal (lobby) door from being opened at the same time. Guidance should be sought from the Fire Officer so as to ensure that suitable emergency access can be maintained. The entrance to the Premises shall be of a material, or covered with a material, which will render the interior of the Premises invisible to passers-by and a sample of such material shall be submitted to, and approved (which shall include approving the colour and design) by, the licensing authority.
6. Suitable and sufficient vertical blinds shall be fitted to the interior aspect of the front windows of the Premises and shall be kept closed at all times so as to ensure that the interior of the Premises is permanently obscured from the view of passers-by. Details of the positioning, material, colour and design of such blinds, with a sample, shall be submitted to, and approved by, the licensing authority.
7. Any facility for previewing a film, video recording or similar material shall be physically separated from the display area of the Sex Shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
8. No fastenings of any description (other than any fastening necessary to secure the facility specifically referred to in the immediately preceding condition) shall be fitted upon any booth or cubicle within the Sex Shop, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.

Annex D – Standard conditions applying to sex cinemas

The following conditions will attach to sex establishment licences issued by the licensing authority in respect of sex cinemas, pursuant to paragraph 13(1) of schedule 3 to the 1982 Act:

1. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
2. The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.
3. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
4. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect, and is a reproduction authorised by the owner of the copyright of the film or video film so certified. Any such film or video film shall comply with the Video Recordings Act 1984.

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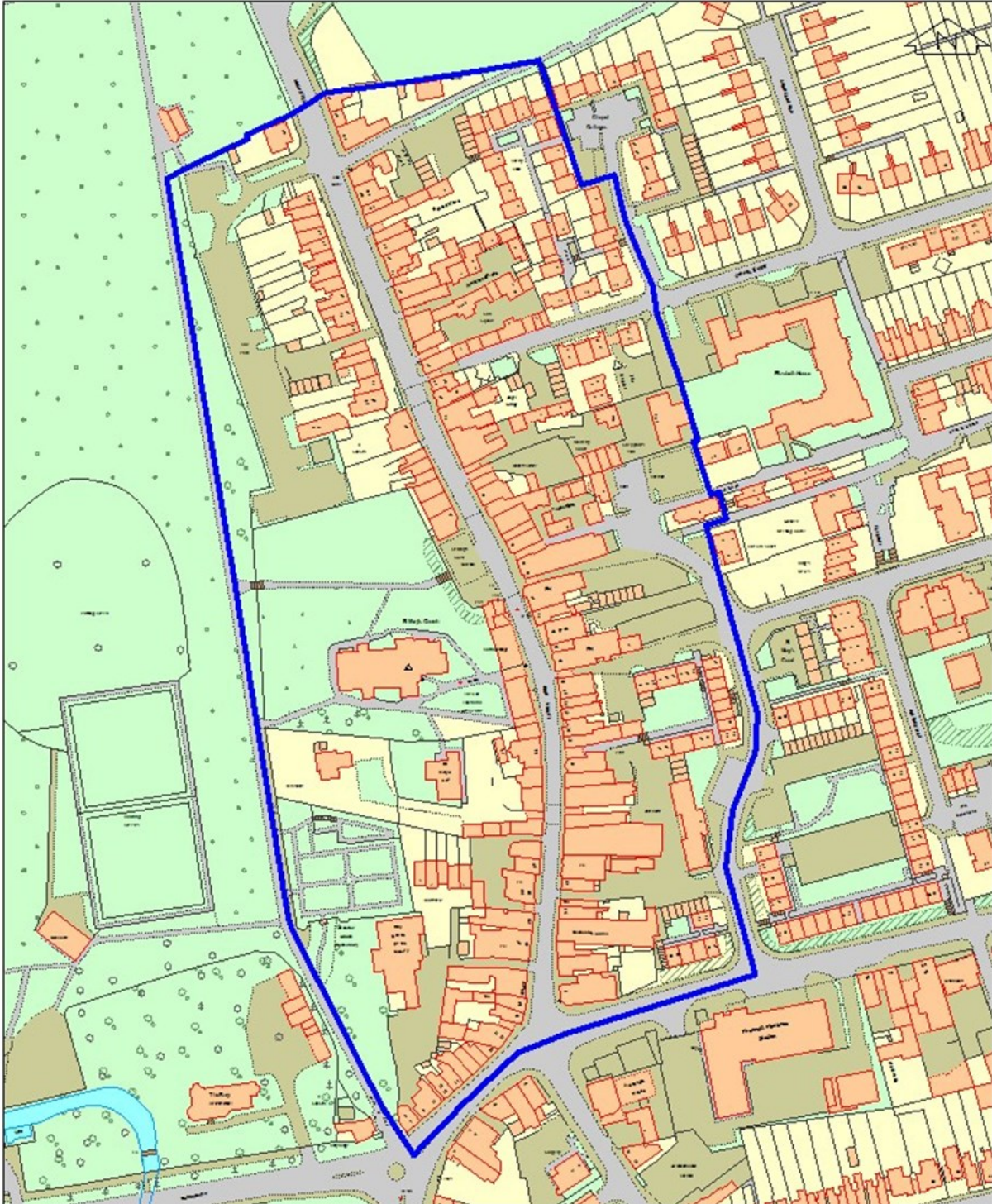
Annex E – Hemel Hempstead Old Town Nil policy zone



Dacorum Borough Council

Licensing

Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



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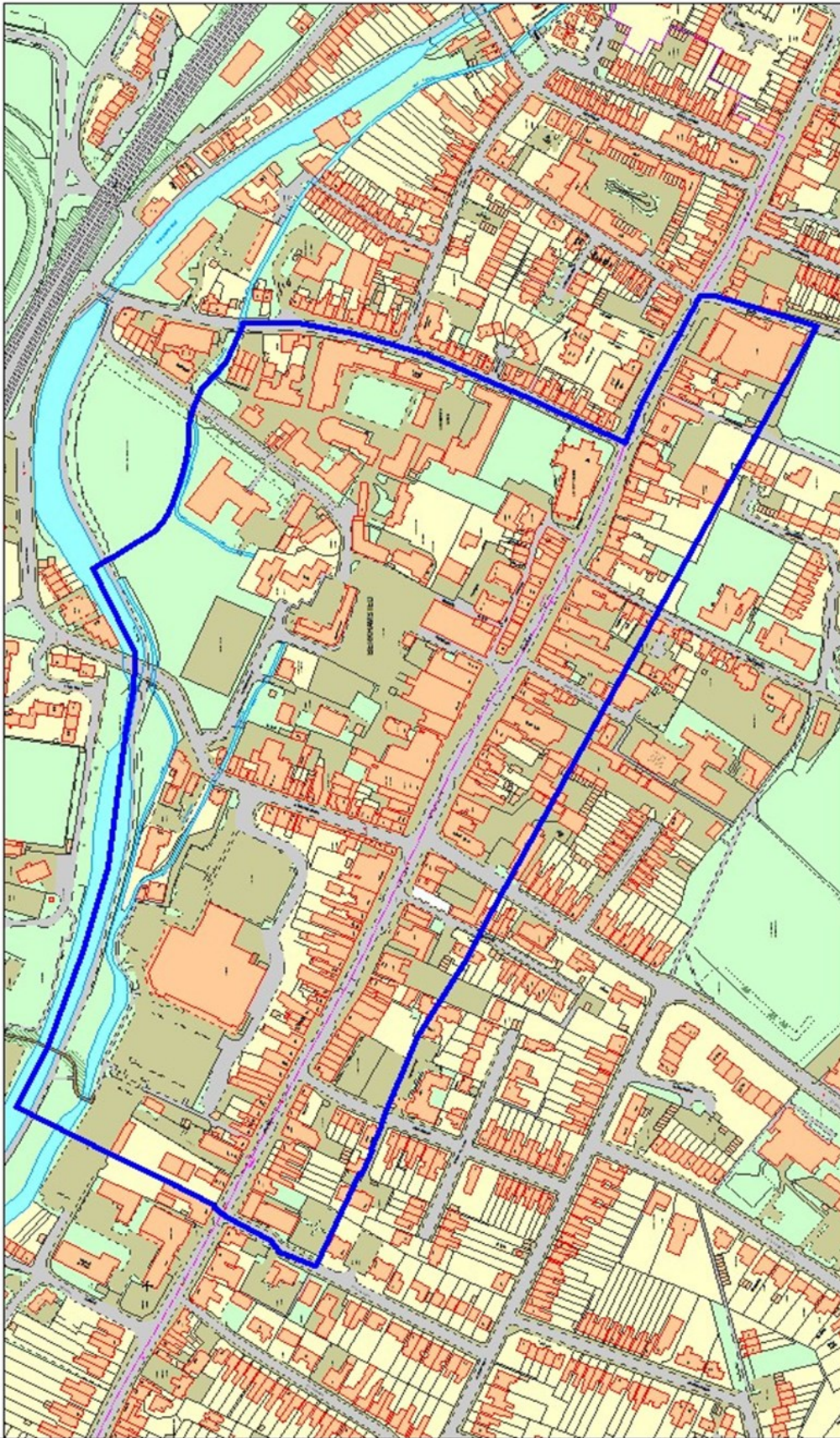
Date: 06/11/2013

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Date: 06/11/2013
OS Tile: TL0507NE

Annex F – Berkhamsted Town Centre Nil policy zone

**Dacorum Borough Council
Licensing**

Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



Scale: 1:3500
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Date: 06/11/2013

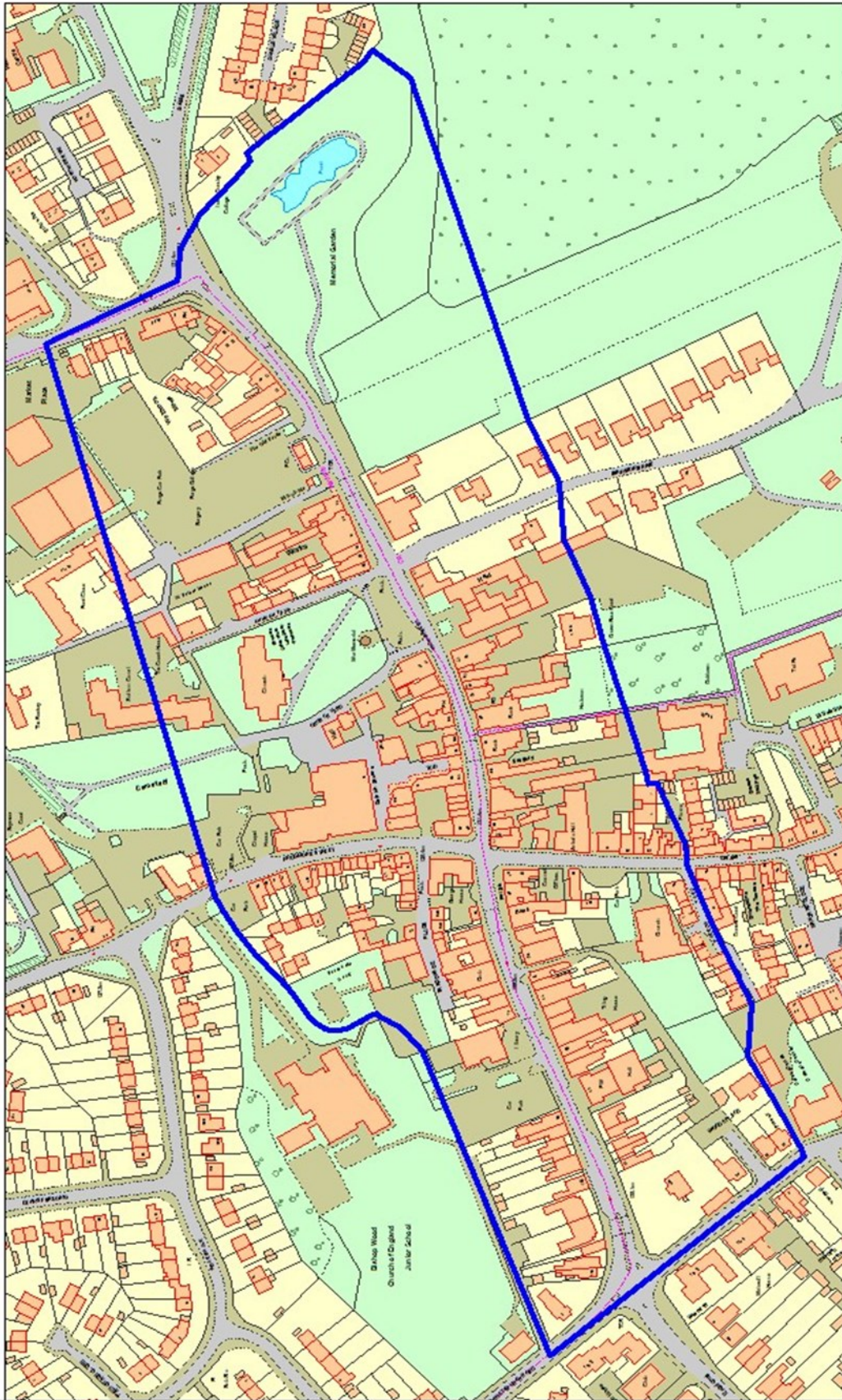
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Annex G – Tring Town Centre Nil policy zone



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To make an application or for further guidance, please visit our website:
www.dacorum.gov.uk/licensing

For informal advice or queries, please email:
licensing@dacorum.gov.uk



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Licensing Enforcement Policy

2016 – 2021

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Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers

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1. About this document

- 1.1. Dacorum Borough Council has a responsibility to protect the community it serves, using the legislative powers delegated by central government. The Council implements, administers and enforces a range of legislation intended to protect public safety, local economies and the environment from adverse effects of the provision of licensable activities.
- 1.2. The purpose of this Licensing Enforcement Policy is to set out the general principles and approach that Dacorum Borough Council will follow when taking enforcement or compliance actions under licensing legislation. The Policy aims to ensure that all enforcement action is conducted in accordance with the Better Regulation principles of proportionality, accountability, consistency, transparency and targeting.
- 1.3. Our primary objective is to achieve regulatory compliance. The Licensing Enforcement Policy therefore provides guidance to officers, businesses and the general public on the way in which we will exercise our enforcement powers to achieve compliance with the legislation enforced by the Licensing Section. However, the emphasis is primarily on the methods and principles that we will follow, and this document does not attempt to create a comprehensive list of the powers open to us.
- 1.4. This policy was adopted by the Council’s Licensing, Health & Safety and Enforcement Committee on the xx xxxx 2016, and will be periodically reviewed to ensure its continued accuracy in light of any significant changes in legislation, Codes of Practice or centrally issued guidance, or case law.
- 1.5. While we will have regard to this policy when exercising our powers, the Council will continue to consider each matter on its individual merits and circumstances. Nothing in this policy shall bind the Council to a particular action, or otherwise affect the Council’s discretion to take legal or other enforcement action, in light of the circumstances of a particular case, where this is considered to be in the public interest.
- 1.6. A draft version of this policy was consulted upon prior to adoption, with representatives of licence-holders, statutory agencies, and local residents and businesses invited to comment. All responses were considered prior to the adoption of the final policy.

2. General principles

- 2.1. In accordance with the Better Regulation principles, we will aim to ensure that any action taken to enforce or ensure compliance with legislative requirements is:
 - Proportionate
 - Accountable
 - Consistent
 - Transparent
 - Targeted
- 2.2. Dacorum Borough Council is a signatory of the Hertfordshire Local Enterprise Partnership's "*Better Business for All*" charter, which furthers the above principles and aims to lessen the impact of regulation on businesses. For more information, please visit <http://www.hertfordshirelep.com/Better-Regulation.aspx>
- 2.3. In the first instance, licensing officers will look to advise businesses, especially small and medium enterprises; residents; and other organisations, on issues of compliance and regulation. When attending premises or carrying out inspections, officers will identify themselves by name and will produce identification, unless carrying out authorised covert investigations. Contact details for an appropriate officer will be provided in the event of any further action being required.
- 2.4. When taking enforcement action, in addition to this policy we shall also have regard to the provisions within Dacorum Borough Council's Enforcement Statement.

Proportionality

- 2.5. The Council accepts that any enforcement action should be proportionate to the risks and the perceived severity of the breach, ensuring that the most serious risks are effectively targeted. We will take into account the circumstances of each case and the response of the licence holder or person concerned. The attachment of conditions to licences will follow the same principles and the Licensing Section will work with licensees to assist them in meeting their legal obligations without incurring disproportionate or unnecessary expense.
- 2.6. We will carry out our duties in a fair and reasonable manner. Except in circumstances where immediate action is required, officers will provide an opportunity to discuss the case and, if possible, resolve any point of difference before any formal action is taken. In circumstances where immediate action is considered necessary, an explanation of why such action is necessary will be given at the time. This explanation will subsequently be confirmed in writing.
- 2.7. In considering enforcement action, account will be taken of relevant codes and guidance from legal authorities, public authorities and industry bodies.
- 2.8. Advice will be put clearly and simply and confirmed in writing on request. Explanations of what action is necessary, why it is necessary and over what timescale will be given.
- 2.9. In appropriate circumstances licensing officers may facilitate training and education where this is needed to address problems attracting enforcement action. A charge may be made for the provision of formal training.

Accountability

- 2.10. This policy, which guides the enforcement actions taken by Officers on behalf of the Council, is determined by the Licensing and Health & Safety Enforcement Committee, which is comprised of

democratically elected Councillors. The Committee shall also be responsible for the exercise of many of the stronger powers available to the Council, including most cases warranting the revocation of a licence. The outcomes of other enforcement actions initiated by officers, such as prosecutions, shall be reported to the Committee at regular intervals.

Consistency

2.11. Decisions on enforcement always involve a degree of judgement and the circumstances of each case will inevitably differ in detail. The guidance from official sources that is provided for officers is reviewed on a regular basis and may directly affect enforcement decisions, as may case law. As a result there may be instances when enforcement appears from the outside to be inconsistent.

2.12. However, we will try to ensure that enforcement action is consistent by:

- Following current internal procedural and guidance notes
- Taking into account guidance from other authoritative bodies - e.g. the Home Office; Department for Culture Media and Sport; Department for Transport; Driver and Vehicle Licensing Agency; Driver and Vehicle Standards Agency; the Gambling Commission; the Local Government Association
- Taking account of new legislation or guidance impacting on licensing powers
- Taking account of new case law impacting on licensing matters
- Liaising with other enforcement agencies as appropriate – for example, Hertfordshire Constabulary, Hertfordshire Fire & Rescue Service, Hertfordshire Trading Standards, the Security Industry Authority, the Gambling Commission, DVSA, the RSPCA (in respect of animal welfare matters), and other departments of Dacorum Borough Council, such as Regulatory Services (environmental health issues), Residents Services (anti-social behaviour issues), and Planning
- Adopting an inter-agency approach where the Licensing Enforcement Officers' powers cannot be engaged – for example, ensuring that information gathered in respect of problems such as noise nuisance or anti-social behaviour at licensed premises, but where such evidence is insufficient to justify direct action, is shared with the relevant authorities, who may be able to take alternate action to remedy the issue.

2.13. To help achieve greater consistency on a regional basis, we will actively participate in local authority liaison schemes with neighbouring authorities where available.

2.14. These measures will be further supported by training for enforcement officers, and managerial checks on performance.

Transparency

2.15. We will be open about how work is to be carried out, or why it may be necessary to take enforcement action.

2.16. We will provide information and advice, wherever possible in plain language and in a suitable medium. A clear distinction will be made between what is legally required, and what is advice or guidance and is desirable but not compulsory, in written and verbal communications.

2.17. If requested officers will confirm in writing any verbal advice given.

2.18. In circumstances where remedial work is required, this will be set out clearly and simply in writing. Where there is a contravention of legislation we will indicate which legislation is being contravened and what measures can be taken to achieve legal compliance and acknowledge that other means of achieving the same effect may be taken. Clear guidance will be given as to what action must be taken in order to comply with the legislation and what is recommended as good practice.

2.19. Where immediate action is necessary, an explanation of why such action is necessary will be given, and this will be confirmed in writing.

Targeting

2.20. Enforcement activities are primarily targeted towards activities carrying high risks or where there could be a considerable impact as the result of non-compliance either with licensing conditions or the legislation. Enforcement activities may be targeted towards individuals who are primarily responsible for an activity, who have the greatest responsibility to ensure compliance with the law or who have been subject to previous enforcement action. From time to time we will engage in enforcement activities which are directed towards issues where there is a need to draw attention to the existence of legislation and its enforcement. These may represent national concerns as expressed by central government or its agencies, or local concerns as voiced by Members of the Council, residents or businesses.

2.21. We will undertake programmes of inspection and enforcement in respect of all of the activities for which we issue licences. Each licensing function is assessed against risk and this will be taken into account in establishing the nature and frequency of any inspections or enforcement activity. In the determining the level of risk Officers will consider the following:

- The nature of the licensing function
- The previous history relating to the licensing function
- The nature and extent of complaints received by the Council
- Information received from other agencies or departments
- Safety and public protection issues.

2.22. Where complaints relating to a licensable activity or licence holder are received they will be investigated, and evidence, experience, and this policy will be used to determine an appropriate enforcement action.

Equalities and human rights

2.23. This policy and all associated enforcement decisions take account of the following provisions of the Human Rights Act 1998. In particular, due regard is given to the following:

- Right to a fair trial;
- Right to respect for privacy and family life, home and correspondence.

2.24. We will endeavour to ensure that all parties affected by our enforcement and compliance activities, including both formal and informal action undertaken, receive fair and equitable treatment irrespective of their race, ethnicity, gender, sexuality, disability status or any other identifying characteristic.

3. Visits and inspection of premises (powers of entry)

- 3.1. Many pieces of licensing legislation which we enforce convey powers of entry, allowing authorised council officers to enter and inspect premises, vehicles or other structures which are being used for licensable activities, or where intelligence suggests such use otherwise than in accordance with a licence, permit or registration.
- 3.2. When we exercise a statutory power of entry, we will have regards to the Home Office's Code of Practice on Powers on Entry¹, published pursuant to the Protection of Freedoms Act 2012.
- 3.3. We anticipate that most visits to, and routine inspections of, licensed premises will be pre-arranged and carried out with the licence-holder's knowledge and consent – particularly inspections required to assess the suitability of premises prior to the grant or renewal of a licence. In such cases, the purpose of and procedures for inspections will be outlined either within application guidance and related licensing policies, or when arranging the visit or inspection.
- 3.4. For other compliance and enforcement visits and inspections, we will follow any applicable statutory prerequisites to powers of entry. We will consider whether it is appropriate and practicable to give prior notice of the visit or inspection, and will do so where we are satisfied that pre-notification will not undermine or defeat the purpose of that inspection. However, we retain the right to carry out unannounced visits or inspections where we consider this appropriate and necessary. This is likely to be the case where we receive complaints or allegations of misconduct or breaches of licences which may, if true, be detrimental to public safety and require immediate remedial action to resolve. In such circumstances, the powers of entry and purpose of the inspection will be explained to a responsible person at the start of the visit or inspection.
- 3.5. We will attempt to notify and gain consent of the owner, occupier or appropriate representatives (e.g. premises manager or member of shop staff) of premises which are to be inspected under a power of entry at or before the start of a visit or inspection. However, where exercising a statutory power of entry, such visits or inspections may proceed without consent if this is deemed to be necessary and any other applicable legal prerequisites have been satisfied. Where consent to enter premises is refused or withdrawn, we will document our efforts to obtain that consent, and this evidence may be referred to in any subsequent proceedings. We will also explain to any person who appears to be responsible for the premises the effect of the statutory power of entry and any consequences of obstructing authorised officers in the course of their duties.
- 3.6. Where appropriate for the exercise of our own statutory powers, licensing officers may accompany other authorised officers exercising relevant powers of entry at licensed premises, or be accompanied during inspections under licensing powers by authorised officers from agencies with statutory responsibilities for that premises. Examples of such joint working may include officers authorised by: other Dacorum Borough Council departments, such as Planning, Regulatory Services (environmental health), Anti-Fraud or Anti-Social Behaviour; the Gambling Commission; Hertfordshire Constabulary; Hertfordshire Fire & Rescue Service; Hertfordshire Public Health; Hertfordshire Trading Standards; Home Office Immigration Enforcement; and the Security Industry Authority. From time-to-time, we may also be accompanied by professional advisers appointed by the Council, including vehicle mechanics or veterinary surgeons/practitioners. We will however aim to ensure that the number of persons inspecting premises remains reasonable and proportionate.
- 3.7. Where prior judicial approval to utilise powers of entry is required, we will follow the applicable legislation and maintain appropriate records of steps to obtain such approval.

¹ <https://www.gov.uk/government/publications/powers-of-entry-code-of-practice>

4. Enforcement options

4.1. In any situation which requires action to ensure compliance with legislation, officers will consider the following when deciding on the most appropriate enforcement action:

- The degree of risk from the situation
- The particular circumstances of the case and likelihood of its continuation or recurrence
- Whether any harm was caused
- The aim to eliminate any financial gain or benefit from non-compliance
- The general attitude of the offender to his or her responsibilities
- The past history of the person(s), company or premises involved
- The impact of the enforcement choice in encouraging others to comply with the law.
- The likely effectiveness of the various enforcement options
- Any legal guidance
- Any Guidance document or Policy Statement issued by the Council, whether adopted under a statutory requirement or published in pursuit of the transparency principle.

4.2. Where the law has been contravened, there is a range of enforcement options available to seek compliance with the law, including both formal and informal measures. Under normal circumstances, a process of escalation will be used until compliance is achieved. Exceptions would be where there is a serious risk to public safety or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment.

4.3. As a general rule, the following options for enforcement action are open to the Council:

- To take no action
- To refer the matter to another service or agency
- Informal action – written or verbal warnings
- To administer a simple caution
- Hearings and reviews
- Refusal, suspension and revocation of licence
- Prosecution

No action

4.4. In certain circumstances, contravention of the law may not warrant any action. This may be where the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has already ceased to trade in contravention of the law and will certainly not reoffend, or where the offender is infirm and formal action could seriously damage their wellbeing. In such cases we will advise the offender of the reasons for taking no action.

Referrals to other agencies and partnership working

4.5. From time to time matters under investigation are found to fall more appropriately under the enforcement regime of another regulatory body or agency, e.g. Police, Fire Authority, Planning Department, Trading Standards or the Gambling Commission. In all cases of referred enforcement the person(s) under investigation will be notified of the reasons for referral in writing.

Informal actions

4.6. For minor breaches of the law we may give verbal or written advice. We will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which

this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of non-compliance.

- 4.7. Sometimes advice will be given about 'good practice'. In such cases, we will clearly distinguish between what steps they must carry out to comply with the law, and additional advisory steps.
- 4.8. Informal action will be recorded on departmental files and will be used as a basis for judgements on future enforcement action if there are recurrent problems with an individual or premises.
- 4.9. Failure to comply with recommendations arising from informal actions, or repeated misconduct, could result in an escalation of enforcement action.

Simple cautions

4.10. In certain cases, a simple caution may be offered instead of prosecution. It should be noted that, although not a conviction, a caution still represents an admission of the commission of a criminal act, and as such may be formally recorded and appear on future criminal records checks, or be cited during future legal actions. In circumstances where a simple caution is offered and refused then the case will usually proceed to court.

4.11. A caution may be offered if:

- It is a first offence,
- Evidence of offences warranting prosecution exists,
- The offender admits the offence and agrees to be cautioned,
- The offender is committed to preventing the likelihood of a re-occurrence, and
- It is in the public interest as detailed in the Code for Crown Prosecutors.

4.12. When considering whether to offer a simple caution, we will take into account the wilfulness with which the offence was committed, the subsequent attitude of the offender and the views of the victim. An offer of a simple caution will always be accompanied by a full explanation of the effects and implications of acceptance, and a suitable period of time will be given to allow the full consideration of the offer.

4.13. There is no inherent right to be offered a simple caution as a means of disposal of an investigation. In all cases, decisions on whether to offer a caution will be made by the Council, following consultation between the officer investigating the applicable misconduct and the Council's Legal team.

Hearings and Reviews

4.14. Certain behaviour, conduct or incidents may give cause for the referral of a licence to the Council's Licensing Committee to allow that licence to be reviewed or reconsidered. Although different legislative areas make specific provisions and processes for action of this type, typical circumstances that may warrant such action include:

- Where the licence-holder has been convicted of a relevant offence, or has otherwise committed a criminal act
- Where the licence-holder or their staff have failed to comply with a condition of the licence
- Where the licence-holder has behaved in a way which calls into question their suitability to hold a licence
- Where the licence-holder has behaved in a way which is likely to have put the public at risk, or
- Where the proprietors of licensed premises have failed to take suitable and sufficient action to promote the licensing objectives of the Licensing Act 2003 or Gambling Act 2005.

4.15. Where cases are referred to a Committee, we will:

- Give sufficient notice of the date on which the matter is to be considered
- Give proper notice to the licence-holder of the allegations against them
- Give notice to other affected parties with a right of appearance
- Allow the licence holder to obtain appropriate representation, if desired
- Provide the licence holder with the opportunity to address the Committee, present his/her case and provide supporting evidence
- Ensure the matter is determined in an impartial manner in accordance with the rules of natural justice
- Provide a written notice of the decision with reasons, and details of any right of appeal.

Licensing Act 2003

4.16. Under the Licensing Act 2003, where a review of a premises licence is carried out under sections 52, 53C or 167 of the Act, the options available to the Licensing Committee are:

- To take no action
- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

4.17. Where a review of a club premises certificate is carried out under section 88 of the Act, the options available to the Licensing Committee are:

- To take no action
- To modify the conditions of the certificate
- To exclude a qualifying club activity from the scope of the certificate
- To suspend the certificate for a period not exceeding three months
- To revoke the certificate

4.18. The following powers have been delegated to the Council's licensing officers:

- To make representations on behalf of the licensing authority in respect of applications under sections 17, 29, 34, 41A, 51, 53A, 71, 84, 86A, 87 or 167
- To apply for the review of a premises licence under section 51, and make appropriate supporting representations at the resulting committee hearing
- To apply for the review of a club premises certificate under section 87, and make appropriate supporting representations at the resulting committee hearing

4.19. The above powers shall be utilised only in cases where there is sufficient demonstrable evidence to support the grounds for representation or application, and where the content of the representation or application cannot be made by another responsible authority, either because the matter concerned falls outside of their statutory remit, or because the evidence that supports the representations is held by licensing officers (for example, evidence of a previous breach of the conditions of a licence).

4.20. In all cases, an officer exercising a power under this section shall not have any involvement in the administration of the application, nor the presentation of the application to the Committee determining the application (although that officer may appear at the hearing as the review applicant or representor, as applicable).

Gambling Act 2005

4.21. Under the Gambling Act 2005, where review of a premises licence is carried out under section 202 of the Act, the options available to the Licensing Committee are: -

- To take no action
- To exclude a default condition attached to the licence under section 168, or remove or amend an exclusion; or to add, remove or amend a condition under section 169.
- To suspend the licence for a period not exceeding three months
- To revoke the licence

4.22. The following powers have been delegated to the Council's Licensing Enforcement Officers:

- To make representations on behalf of the licensing authority in respect of applications under sections 159, 187, 188, 195, 197, 200 or 204
- To apply for the review of a premises licence under section 197, and make appropriate supporting representations at the resulting committee hearing
- To initiate reviews of premises licences of a particular class under section 201, and make appropriate supporting representations at the resulting committee hearing(s)

4.23. The above powers shall be utilised only in cases where there is sufficient demonstrable evidence to support the grounds for representation or application, and where the content of the representation or application cannot be made by another responsible authority, either because the matter concerned falls outside of their statutory remit, or because the evidence that supports the representations is held by licensing officers (for example, evidence of a previous breach of the conditions of a licence).

4.24. In all cases, an officer exercising a power under this section shall not have any involvement in the administration of the application, nor the presentation of the application to the Committee determining the application (although that officer may of course appear at the hearing as the review applicant or representor, as applicable).

Hackney Carriage / Private Hire Vehicles and Drivers

4.25. When considering an application for the grant of a licence, the Council must be satisfied that the applicant is a "fit and proper" person to hold a licence, and may refuse the application if it is not so satisfied. The term 'fit and proper' covers a wide array of matters, and is discussed in further detail in the council's published guidelines on this topic.

4.26. A number of powers are provided within the Local Government (Miscellaneous Provisions) Act 1976 for the revocation, suspension or refusal of renewal of licences issued in respect of hackney carriage and private hire drivers, vehicles and operators.

4.27. In respect of hackney carriage and private hire drivers, section 61 permits the Council to suspend, revoke or refuse to renew a driver's licence on any of the following grounds

- a) that he has since the grant of the licence—
 - i) been convicted of an offence involving dishonesty, indecency or violence; or
 - ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or of Part II of the 1976 Act; or
- b) any other reasonable cause.

4.28. A decision to suspend or revoke a licence under section 61 will take effect 21 days after notification

of the decision. The Council may, however, direct that a suspension or revocation shall have immediate effect, if this appears necessary in the interests of public safety.

- 4.29. Two distinct enforcement powers exist in respect of hackney carriage and private hire vehicles. Section 60 allows for the suspension, revocation or refusal to renew a vehicle's licence on any of the following grounds:
- a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - b) any offence under, or non-compliance with, the provisions of the 1847 Act or of Part II of the 1976 Act by the operator or driver; or
 - c) any other reasonable cause.
- 4.30. In addition, section 68 provides a power for the inspection and testing of vehicles and their taximeters, and the suspension of licences if they are found to be unsatisfactory. Under this power, suspensions remain in place until the vehicle has been reinspected and found to be satisfactory, but the licence shall be deemed to have been revoked if such reinspection has not been completed within a period of two months from the initial inspection.
- 4.31. In respect of private hire operators, section 62 permits the Council to suspend, revoke or refuse to renew an operator's licence on any of the following grounds
- a) any offence under, or non-compliance with, the provisions of this Part II of the 1976 Act;
 - b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
 - c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
 - d) any other reasonable cause.
- 4.32. In accordance with the judgement of the Administrative Court in *R (on the application of Singh) v Cardiff City Council*², the Council may take action to suspend a licence under the above powers in order to ensure the remedy of a defect (for example, a fault on a vehicle affecting its roadworthiness or appearance), or as a sanction against a licence-holder following an incident of non-compliance. However, suspension must be regarded as a final outcome – it may not be used as an interim measure, for example to provide time for further investigations to take place. This represents a significant change from the way in which the power of suspension was previously used by a large number of councils.
- 4.33. On occasion, a licence-holder may be subject to an allegation against him, or may be charged with an offence, which if substantiated would cast doubts over their fitness and propriety to continue to hold such a licence. Such allegations may come to light via a number of channels – for example, via declaration by the applicable licence-holder, notification under the common law police disclosure scheme, by way of a complaint from a member of the public, or through observations made by an officer carrying out his duties.
- 4.34. Where allegations are of a particularly serious nature and give rise to a genuine and urgent concern for the protection of the public, the Council may give consideration to the immediate revocation of a licence. It is expected that such action will usually relate to drivers and as such be taken under section 61 of the 1976 Act – however, where allegations concern the suitability of a vehicle or operator, similar action may be taken under the respective powers. Such action will be reserved for the most serious allegations only – for example, if a licence-holder is linked to a sexual or violent

² [2012] EWHC 185 (Admin)

offence, an incident of hate crime, disqualification from driving, or is subject to a medical condition affecting their ability to drive safely, which calls in question whether the Council would be fulfilling its public protection duty by continuing to licence that individual pending the investigation into the allegations.

- 4.35. It is noted that receipt of an allegation or the fact that charges have been brought are not confirmation of an individual's misconduct in respect of that matter, and this policy does not seek to prejudge judicial or other processes which will be followed, nor should a revocation of a licence in line with this policy be taken as any kind of evidence or statement on the conduct of the individual concerned. Where feasible, all reasonable steps will be taken to allow the licence-holder to answer the allegations and put his case, prior to a decision being made. This will not necessarily mean at a formal hearing, but may include a telephone call, interview, email or letter. Where possible, the Council shall take further steps to try and establish the facts behind the allegation prior to determining whether to take action – however, it is noted that this may not always be possible, for instance, if a criminal investigation is ongoing. That said, the Council's primary responsibility in this legislative area is ensuring the safety of the public, and in the absence of a power of interim suspension, immediate revocation will be considered where deemed appropriate for the protection of the public.
- 4.36. The power to take such action shall be delegated to the Licensing Team Leader, Legal Governance Team Leaders, and the Solicitor to the Council, and may only be exercised following consultation with the chairman or vice-chairman of the Licensing Committee. A formal record of this process shall be kept, to be referred to in the event of an appeal to a magistrates' court against the revocation of the licence. Written notice of a decision to revoke a licence shall be given in accordance with legal requirements.
- 4.37. In the event of revocation of a licence in such circumstances, should the allegation subsequently be found to be baseless or any charges dismissed, the former licence-holder shall be permitted to make a new application to effectively reinstate his previous licence, without payment of an application fee or, at officer's discretion, being required to submit to the full range of checks that would ordinarily be required on a new application. The processing of any such application shall, insofar as is possible, be expedited, but will be considered fully against the statutory grounds for granting the licence. Any licence granted as a result of such application shall be valid for a duration not exceeding the period left on the previous licence at the time of revocation.

Prosecution

4.38. A prosecution will only be brought where there is sufficient evidence to provide a realistic prospect of conviction and it is in the public interest to do so. In determining whether it is in the public interest, we will consider the Code for Crown Prosecutors guidance. The following list indicates some possible public interest factors in favour of a prosecution:

- There is, or has been a significant risk, or negative impact arising from a serious legal contravention or a number of lesser contraventions
- There has been some actual harm done to a third party, or that harm was reasonably foreseeable
- The attitude of the offender(s) is such that there is cause to believe that they knew that they were breaking the law or, if they did not, any reasonable person in their position should have known (this could take account of the past history of the case which may illustrate previous blatant or reckless disregard for the law)
- The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance (e.g. complainant in a noise nuisance case)
- The defendant has previous convictions or cautions which are relevant to the present offence
- There are grounds for believing that the offence is likely to be continued or repeated, for

- example by a history of recurring conduct
- The offence, although not serious in itself, is widespread in the area where it was committed
- An officer has been obstructed
- The cumulative effect of such breaches would be serious even if the breach itself was not
- A prosecution will have a significant deterrent effect.

5. Authorisation and delegation of functions

- 5.1. Only officers authorised by the Council under delegated powers will be permitted to undertake investigations, inspections and visits, or other enforcement actions. Officers will only be authorised to deal with such investigations if they have the experience and specialist knowledge to undertake such action in accordance with established procedures. They will follow the relevant procedures and guidelines in carrying out their duties. Officers are issued with a personal identity card and evidence of their authorisation(s), which will be carried with them at all times and will be shown upon request.
- 5.2. Decisions about what enforcement action is appropriate are based upon professional judgement, legal guidance, statutory codes of practice and priorities set by the Council and/or Central Government, as well as the individual circumstances of a particular case.
- 5.3. Where appropriate, decisions about enforcement actions will involve consultation between or approval from:
 - Investigating officer(s)
 - Licensing Team Leader
 - Solicitor to the Council
 - Legal Services department

6. Notification and publication of enforcement actions

- 6.1. If we receive information (e.g. from a complainant) that may lead to enforcement action against an individual or a business we will notify that individual or business as soon as practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.
- 6.2. During the progression of enforcement investigations/actions, parties involved will be kept informed of progress.
- 6.3. The Council will normally publicise details of any convictions, which would serve to draw attention to the need to comply with the law or deter others. Where appropriate, the media will be provided with factual information about charges that have been put before the Courts. In addition, details of convictions may be recorded on public registers where the Council is under an obligation to record such data, or included within statistical datasets returned to central government and other statutory agencies. Records of cautions administered by the authority may also be recorded on national databases, where they can be accessed by other enforcement agencies.

7. PACE interviews – Police and Criminal Evidence Act 1984

- 7.1. Questioning of persons will be carried out by way of a formal interview where there is suspected involvement in criminal offences. All formal interviews will be conducted with regard to the Act and associated Codes of Practice, with a formal record made of the content of the interview. This may comprise a written transcript, or audio or video recording.

8. Regulation of Investigatory Powers Act 2000

- 8.1. During an investigation into suspected non-compliance with legislation, the Council may need to undertake directed covert surveillance. This may include using sound or video monitoring. From time to time, we may also carry out enforcement operations utilising covert human intelligence sources.
- 8.2. In circumstances where it is necessary to use covert surveillance or sources, we will ensure that any statutory prerequisites under the Regulation of Investigatory Powers Act 2000 (RIPA) are complied with. In all cases where the use of covert surveillance or intelligence sources is proposed, such operations will only be undertaken with the express authorisation of a senior officer appointed by the Council for that purpose.
- 8.3. Requests for RIPA authorisation will be made in writing by the investigating officer. All such requests will be accompanied by a statement which details why the proposed conduct is appropriate and proportionate, how it is to be undertaken, who is likely to be involved and any impact that might result from the surveillance.
- 8.4. In deciding whether or not to authorise the proposed activity, the authorised officer will have regard to any policies and issues relevant to the investigation and any alternative methods of conducting the investigation. Surveillance authorisations will only last for as long as necessary and will be reviewed on a regular basis.
- 8.5. An authorisation for covert directed surveillance or use of human intelligence sources will not be valid unless an order has been made by a justice of the peace approving the grant of the authorisation.
- 8.6. The Council maintains a register of authorised covert surveillance operations under the Regulation of Investigatory Powers Act. Authorisations will not be made public whilst there is an ongoing investigation.

9. Contacting us

Complaints about businesses or persons providing licensable activities

If you wish to make a complaint or provide feedback about alleged unlicensed activity or breach of conditions of a licence then you can contact the Licensing Section:

- Via our website: www.dacorum.gov.uk/licensing
- By email, to: licensing@dacorum.gov.uk
- By post, to:
**Licensing
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts
HP1 1HH**

If you make a complaint outside of normal office hours we will respond when the office re-opens.

Complaints made to the Licensing Section will be investigated by a Licensing Enforcement Officer who will also inform you of the progress and outcome of your complaint. For many complaints we may need you to make a formal written statement (which we will assist with if required), and if we take legal action we may ask you to attend court to give evidence.

Complaints about the Licensing Section

We understand that, from time to time, persons may not be completely satisfied with the service that they receive from the Licensing Section, and we would encourage any person who feels this way to let us know, so that we can develop and improve our service. We will ensure that complaints about our service are investigated fairly and thoroughly using the Council's Complaints Procedure (details of which can be found on the Council's website at www.dacorum.gov.uk).

Complaints or comments about the Licensing Section can be made:

- Via our website: www.dacorum.gov.uk/CustomerComplaints/
- By phone, to: **01442 228000 and at the prompt ask for Complaints**
- By post, to:
**Complaints
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts
HP1 1HH**

In cases where disputes still cannot be resolved, we will ensure that any rights of complaint or appeal against the Council's actions are explained with an indication of the likely time-scales involved.

To make an application or for further guidance, please visit our website:
www.dacorum.gov.uk/licensing

For informal advice or queries, please email:
licensing@dacorum.gov.uk



DRAFT



AGENDA ITEM: 6

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	20 September 2016
PART:	I
If Part II, reason:	

Title of report:	Changes to taxi/private hire driver licensing arrangements & private hire signage
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To propose consultation on changes to the Council's current arrangements for testing the knowledge and skills of taxi and private hire driver licence applicants; medical requirements for taxi and private hire drivers; and on private hire vehicle signage.
Recommendations	To commence public consultation on the proposed revisions to the Council's knowledge test requirements for taxi and private hire drivers; on medical requirements for taxi and private hire drivers; and signage for private hire vehicles; and to report the results to a future meeting of the Committee.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment Dacorum Delivers <ul style="list-style-type: none"> • Performance excellence
Implications:	<p><u>Financial</u> A longer and more in-depth training day would cost more to deliver, and as such there would need to be an assessment of the fees charged to reflect this. It is too early at this stage to quantify these costs/fees.</p> <p><u>Value for Money</u> Any changes to arrangements would be delivered on a cost neutral basis, with licence applicants paying a fee commensurate with costs incurred.</p> <p><u>Risk/Health And Safety Implications / Community Impact</u> None identified</p>
Consultees:	This report proposes public consultation on the changes set out, the results of which would be reported to a future meeting.

Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Prior to licensing drivers of hackney carriages (taxis) and private hire vehicles, the Council is under a legal obligation to satisfy itself that applicants are fit and proper to work in such a capacity. In addition to criminal record, driving licence and medical checks, the Council has adopted a policy of testing applicants knowledge of the local area, legal obligations and other skills relevant to working as a licensed driver.
- 1.2. The Council's current arrangements for knowledge tests have grown up over a number of years, and currently consist of:
- A local and legal test, covering geographic knowledge as well as understanding of the applicable legal requirements involved in working as a licensed driver;
 - A communication skills test, taken by telephone from the council offices, testing English skills in reading, listening and speaking (candidates with previous relevant qualifications may be exempted from this requirement);
 - A driving skills test, administered by professional driving examiners from the Driver and Vehicle Standards Agency.
- 1.3. All of these test components must be completed before a licence application will be considered. Although all three components are available on a regular basis, the overall process of learning 'the knowledge' and passing the overall test can take up to a year to complete (according to anecdotal evidence), requiring a significant investment of time, money and commitment by the applicant.
- 1.4. At the time of writing, the Council licenses a total of 425 drivers, comprising:
- 197 hackney carriage drivers
 - 144 private hire drivers (of whom 18 are test-exempted executive drivers)
 - 84 dual-licensed drivers (entitled to drive both HC and PH)
- 1.5. The introduction of dual driver licences in 2014 has made it difficult to accurately compare numbers, as earlier figures included duplicate records for drivers with both individual licences, but it is thought that the total number of individual drivers licensed by the Council has fallen by around 10-20% over the last 5 years. By contrast, according to DfT statistics, all but one of the nearest 8 council areas have seen increases in their numbers of licensed vehicles/drivers between 2011 and 2015.
- 1.6. Although Dacorum is the largest Hertfordshire district by population, and thus in theory should have one of the largest markets for taxi and private hire services in the county, in terms of numbers of licensed drivers and vehicles it only ranks 5th out of the 10 districts, or 8th in per capita numbers (source: DfT Taxi and Private Hire Statistics 2015 – see Annex A for extracts). It has been suggested that the Council's current policies and procedures, especially around knowledge tests for new drivers, may act as a disincentive to licensing, thus limiting growth of local businesses, and

officers often hear anecdotal evidence that drivers and vehicles from other council areas are 'poaching' work in Dacorum.

- 1.7. Until last year, private hire bookings received by a Dacorum operator could only be fulfilled by a Dacorum vehicle and driver. However, following national deregulation in October 2015, it is now lawful for operators to sub-contract bookings to other licensed operators across council boundaries, to be fulfilled by vehicles and drivers licensed by the same authority as the second operator. This has assisted larger operators with multiple bases in different areas, who can now freely pass jobs around the different branches of their business.

2. KNOWLEDGE TESTS

- 2.1. A comparison of Dacorum's knowledge test against the requirements of neighbouring authorities is appended at Annex B to this report.
- 2.2. Dacorum's current test is generally one of the most comprehensive in the region, and while the range of skills it covers is welcome, officers are concerned that the size of the test, in particular the local and legal test which contains over 100 questions per paper, is unduly excessive, and acts as a disincentive to persons with a genuine interest in becoming taxi and private hire drivers in Dacorum.
- 2.3. With cross-border hire now deregulated, at least between private hire operators, the regulatory environment is now competitive – drivers can now lawfully obtain licences in an area with less stringent standards, and undertake sub-contracted work in another area. As some neighbouring authorities have significantly less stringent knowledge test requirements for private hire drivers, there is a risk that if Dacorum maintains its current standards, local operators will form sub-contracting agreements with operators in neighbouring areas to utilise private hire drivers licensed elsewhere to carry out Dacorum-based journeys.
- 2.4. Journeys in private hire vehicles must be pre-booked through a licensed operator, meaning that a driver will generally have time to check a map or sat-nav, or confirm with their operator, to verify their pickup point, destination and route prior to starting a journey. Many operators, especially those utilising smartphones and apps, can also transmit complete route details direct to a device in the driver's vehicle. It could therefore be argued that significant local knowledge is no longer a key consideration for working as a private hire driver.
- 2.5. While the current knowledge test covers many of the skills required to act as a licensed driver, there are other which are not currently assessed nor delivered. These include child sexual exploitation (CSE), which is now a key strategic issue for licensing authorities following revelations of significant abuse involving taxi drivers in other parts of the country, and customer service and equalities issues.
- 2.6. It is therefore proposed that the current local and legal component of the knowledge test be replaced by a new requirement to complete a training and awareness day. This would comprise a full day of training delivered by licensing officers, covering a variety of issues relevant to working as a taxi or private hire driver, including legal matters, customer service, equalities and CSE. The course content would evolve over time in response to local and emerging issues, and it is envisaged that a short multiple choice test covering the course content would be completed at the end of the day to ensure applicants' understanding of the issues covered.

- 2.7. Hackney carriage drivers are not so affected by the deregulation – a hackney carriage driver wishing to ply for hire in a particular area must still be licensed by the applicable council for that area. As hackney carriages are also hired instantly for journeys with no time to check a route, local knowledge is also key for those drivers. It is therefore proposed that applicants for hackney carriage or dual driver licences would still be required to pass a local knowledge test assessing their knowledge of Dacorum and its localities, in addition to the training and awareness day. However, the test content and structure would be reviewed, with a view to making it shorter and more compact.
- 2.8. The Licensing Committee have previously approved a transition to computer-based testing of driver licence candidates – however, due to a lack of officer capacity and some technical barriers this has not been delivered to date. If these further changes are approved, it is envisaged that the revised hackney carriage local knowledge test will be delivered exclusively on computer.
- 2.9. Other components of the current knowledge test, specifically the communication skills assessment (testing English language ability) and the driving qualification requirement (demonstrating advanced driving competency) would not be affected by this proposal, and would continue to apply to all new applicants.
- 2.10. This proposal has been discussed informally with the Dacorum Hackney Carriage Drivers Association, who have indicated that they would oppose the lessening of test standards. However, officers feel that the introduction of these changes will act to prevent the Council's standards from being undermined by cross-border working, removing a disincentive to licensing locally and thereby allowing direct local control over drivers licensed and working here. While there may be an increase in private hire driver numbers as a result of the removal of the current test, the hackney carriage test will remain at a similar level of difficulty and require a similar level of knowledge to the present.
- 2.11. A further issue for consultation is whether current licensed drivers should be required to complete a similar training day to new drivers, to bring them up to date with emerging and recent issues. Many current drivers will not have been trained nor assessed on issues such as CSE and the Equalities Act 2010, and official guidance is increasingly promoting regular training for taxi and private hire drivers to tackle this knowledge gap. If introduced, this requirement would be to complete the training prior to next renewal of licence, with renewal applications not being granted unless the training had been completed.
- 2.12. It is proposed to ask the following questions as part of the consultation exercise:
- a) Do you think that Dacorum Borough Council should replace its current knowledge test for new private hire drivers (who may only undertake pre-booked journeys) with a training and awareness day, delivering more in-depth knowledge of key issues affecting drivers?
 - b) Do you think that hackney carriage drivers, who may accept immediate fares, should still be required to pass a local knowledge test, in addition to a training and awareness day?
 - c) Should current licensed hackney carriage and private hire drivers be required to complete a refresher training and awareness course?

3. MEDICAL REQUIREMENTS

- 3.1. Prior to licensing a taxi or private hire driver, the Council must satisfy itself that the individual concerned is 'fit and proper' to work in such a capacity. The Council has published guidelines on what it considers this to mean, and carries out checks on criminal record, driving entitlement, immigration status, and medical fitness as part of the licensing process.
- 3.2. For medical checks, the Council has previously resolved to apply DVLA's Group 2 medical standards, which are used in respect of other vocational drivers such as bus and lorry drivers. Further guidance on these standards can be found at www.gov.uk/dvla/fitnesstodrive
- 3.3. Applicants for driver's licences must, at their own expense, arrange for their GP or another medical professional with access to their medical records to examine the applicant and complete a questionnaire provided by the Council, certifying their fitness (or otherwise) to drive taxis or private hire vehicles. Additional requirements apply to diabetic applicants. A new questionnaire is currently required with every application for a new or renewal of a licence (every 3 years), and GPs typically charge a fee between £100 and £200 to complete these questionnaires.
- 3.4. The current medical frequency is actually higher than that required by other vocational drivers, who typically only require a medical on first licensing, and then at 5 yearly-intervals between ages 45 and 65 inclusive. Consultation is therefore proposed on whether the Council should reduce its medical frequency in line with the requirements for other group 2 drivers, so that medicals would be required:
 - Accompanying an application for a new licence (including where previously-licensed drivers had been unlicensed for more than 12 months)
 - On or by a driver's 45th, 50th, 55th, 60th, and 65th birthdays
 - Above the age of 65, with every licence renewal application
 - Any alternate frequency as stipulated by a doctor, due to a specific medical condition which may affect fitness to drive.
 - *N.B. Where a medical has been completed less than 12 months prior to one of the above occasions, that occasion will be disregarded unless the medical was carried out at doctor's instructions.*
- 3.5. Whereas licence renewal applications currently depend on production of a medical questionnaire, if the proposal were adopted it would mean that medicals and licence renewals would fall on different schedules, and would therefore need to be separated for drivers below the age of 65. It would therefore be proposed that the applicable Council policies be updated to make clear that if a medical was not produced by the required date, the corresponding licence would be suspended under delegated enforcement powers until such time as a satisfactory medical report has been received. Licence conditions and byelaws would also be amended to include a duty to declare any medical issue which may affect driving ability, during the period of a licence.
- 3.6. As a further part of this change, it is also proposed that doctors would complete the DVLA's standard driver medical form (known as [form D4](#)), and that the Council would cease providing and maintaining its own medical report form. As the D4 form is a standardised form, this could enable taxi drivers to access registered doctors who typically complete these forms for bus and lorry drivers, with resultant volume savings.

3.7. It is proposed to ask the following questions as part of the consultation exercise:

- a) Do you think that Dacorum should reduce the frequency at which medical reports on taxi and private hire drivers are required, to the frequency listed above?
- b) Do you think that Dacorum should require taxi and private hire driver's medical reports to be completed on the DVLA's standard driver medical form (form D4)?

4. PRIVATE HIRE VEHICLE SIGNAGE

4.1. It is also proposed to use this consultation to seek feedback on a further unrelated matter – that of official signage issued by the Council to its licensed private hire vehicles.

4.2. Currently, the Council issues licence 'plates' which are required to be displayed on licensed vehicles. These are in two formats – a yellow oblong for hackney carriages and a thinner white rectangle for private hire vehicles, both to be affixed externally to the rear of vehicles. The differing colours and shapes allow for immediate identification of vehicle types. All vehicles must also display a smaller repeat plate, affixed to the inside of the front windscreen.



Continues on next page...

4.3. While there is a legal duty to issue plates for hackney carriages, the issue of plates for private hire vehicles is left to the discretion of licensing authorities. A small number of licensing authorities have dispensed with formal plates for private hire vehicles, and instead issue internal signage only. These include Transport for London, whose private hire vehicles display a distinctive diamond-shaped sticker inside both the front and rear windscreen in lieu of a plastic plate.



4.4. Alternative signage such as this has a number of benefits. It is generally cheaper to produce than hard plastic plates, which require specialist materials and tools, and uses less resources so is more environmentally sound. It is easily affixed inside windscreens, not requiring the vehicle bodywork to be drilled or brackets to be purchased. It can also be removed quickly and cleanly upon suspension or expiry of a licence, with any residue simply removed with household cleaning agents. Implementation across the whole of the private hire fleet would also eliminate requests for exemptions from displaying plates from executive hire companies utilising premium vehicles. The major downside is that it can be less obvious than a traditional plate, potentially meaning that a member of the public may not recognise a vehicle is licensed as a private hire vehicle if they have complaints about it. This however can be overcome with signage, such as the blue and white rear windscreen sticker shown in the above photo. Dacorum's private hire vehicles are already required to display door stickers provided by an operator, and the requirements for these could be updated to include additional content, such as a prescribed message

or the council's crest. Alternatively, a separate sticker could be provided by the Council.

- 4.5. Moving to a system of such alternative signage for private hire vehicles is considered by officers to be a positive move, particularly in light of the impending transition to The Forum where space for storage of plate materials and waste plates will be at a premium. Coupled with the above proposals for revising the knowledge test, it is believed that this could provide fresh impetus and benefit to the private hire trade in Dacorum. It is therefore proposed that consultation with the public and licensed trade be carried out to gauge wider opinion.
- 4.6. It is proposed to ask the following questions as part of the consultation exercise:
- a) Do you think that Dacorum should continue to issue plastic licence plates for its licensed private hire vehicles, or should it begin to issue alternative signage for private hire vehicles, along the lines of that used on vehicles licensed in London?
 - b) If Dacorum were to issue alternative in-car signage in place of private hire plates, do you think that any other signage should be required to be displayed on the exterior of private hire vehicles, to make clear that they are licensed by the council on a pre-bookable basis? If so, what form should this signage take?
- 4.7. Consultation will be limited to the possible implementation of alternate signage on private hire vehicles only – given the legal requirement applying to hackney carriage plates referred to above, no change to that signage is proposed (other than a review of material suppliers and designs).

5. RECOMMENDATION

- 5.1. To commence public consultation on the proposed revisions to the Council's knowledge test requirements for taxi and private hire drivers; medical requirements; and signage for private hire vehicles; and to report the results to a future meeting of the Committee.

Annex A – Extracts from Dft Tax and Private Hire Statistics 31/03/2015

LA	Number of licensed drivers			Number of licensed vehicles		
	March 2011	March 2015	% change	March 2011	March 2015	% change
Hertfordshire						
Broxbourne	425	361	- 15%	349	321	- 8%
Dacorum	542	453	- 16%	444	411	- 7%
East Hertfordshire	354	341	- 4%	261	314	+ 20%
Hertsmere	427	507	+ 19%	446	498	+ 12%
North Hertfordshire	356	329	- 8%	273	249	- 9%
St Albans	508	520	+ 2%	401	454	+ 13%
Stevenage	284	324	+ 14%	270	307	+ 14%
Three Rivers	587	671	+ 14%	507	622	+ 23%
Watford	442	542	+ 23%	418	467	+ 12%
Welwyn Hatfield	507	406	- 20%	416	361	- 13%
Other neighbouring authorities						
Luton	2,360	1,449	- 39%	1,187	996	- 16%
Central Bedfordshire	685	782	+ 14%	471	593	+ 26%
Aylesbury Vale	1,034	993	- 4%	672	687	+ 2%
Chiltern	342	372	+ 9%	245	307	+ 25%

LA	Population (mid-2014 estimate)	Number of licensed vehicles		Licensed vehicles per 1000 people	
			[Herts rank]		[Herts rank]
Hertfordshire					
Broxbourne	95,748	321	[7]	3.4	[5]
Dacorum	149,741	411	[5]	2.7	[8]
East Hertfordshire	143,021	314	[8]	2.2	[9]
Hertsmere	102,427	498	[2]	4.9	[2=]
North Hertfordshire	131,046	249	[10]	1.9	[10]
St Albans	144,834	454	[4]	3.1	[6=]
Stevenage	85,997	307	[9]	3.6	[4]
Three Rivers	90,423	622	[1]	6.9	[1]
Watford	95,505	467	[3]	4.9	[2=]
Welwyn Hatfield	116,024	361	[6]	3.1	[6=]
Other neighbouring authorities					
Luton	210,962	996		4.7	
Central Bedfordshire	269,076	593		2.2	
Aylesbury Vale	184,560	687		3.7	
Chiltern	93,972	307		3.3	

Annex B – Comparison of knowledge test requirements

LA	Knowledge test requirements (<i>pass marks shown in italics where available</i>)							
	Hackney carriage				Private hire			
	Local KT	DVSA driving	Language	Other	Local KT	DVSA driving	Language	Other
Dacorum (current)	Yes <i>(33/43 places, 33/43 routes, 15/20 legal)</i>	Standard	Versant <i>(56/80 (CEFR B2))</i>	-	Yes <i>(23/43 places, 23/43 routes, 15/20 legal)</i>	Standard	Versant <i>(56/80 (CEFR B2))</i>	-
Dacorum (proposed)	Yes (marks tbc)	Standard	Versant <i>(56/80 (CEFR B2))</i>	Awareness training day	-	Standard	Versant <i>(56/80 (CEFR B2))</i>	Awareness training day
Aylesbury Vale	Yes	Enhanced (inc. wheelchair training)	-	-	-	Standard	-	-
Central Beds	Yes <i>(30/40 approx., must pass all 7 parts)</i>	Standard	Included within local KT	Wheelchair training for WAV drivers	<i>DUAL LICENCES ONLY</i>			
Chiltern	Yes <i>(30/35)</i>	Standard	-	KT includes Highway Code, disability, etc	Yes <i>(25/30)</i>	Standard	-	KT includes Highway Code, disability, etc
Hertsmere	Yes <i>(15/20 routes, 8/10 Highway Code)</i>	Standard	-	-	Yes <i>(15/20 routes, 8/10 Highway Code)</i>	Standard	-	-
Luton	Yes <i>(3/5 places, 4/6 routes, 4/5 legal, 4/5 Highway Code, 4/5 arithmetic)</i>	-	-	-	Yes <i>(5/7 places, 2/4 routes, 4/5 legal, 4/5 Highway Code, 4/5 arithmetic)</i>	-	-	-
St Albans	Yes <i>(30/40)</i>	-	'Demonstrate competency in ... English'	Disability awareness training	Yes <i>(10/12)</i>	-	'Demonstrate competency in ... English'	Disability awareness training
Three Rivers	Yes (map OK) <i>(15/20)</i>	-	-	-	Yes (map OK) <i>(15/20)</i>	-	-	-
Watford	Yes (no map) <i>(35/40 routes, 9/10 legal, 9/10 Highway Code, 5/5 arithmetic)</i>	Standard	-	Awareness training day	Yes (map OK) <i>(15/20 routes, 9/10 legal, 9/10 Highway Code, 5/5 arithmetic)</i>	Standard	-	Awareness training day



AGENDA ITEM: 7

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	20 September 2016
PART:	I
If Part II, reason:	

Title of report:	Driving qualifications for new taxi/PH drivers
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	As a result of the withdrawal of the driving qualification currently required by the Council for all new hackney carriage and private hire drivers, to establish a list of suitable alternative qualifications.
Recommendations	<ol style="list-style-type: none"> 1. That all candidates for the council's taxi and private hire driver knowledge test shall be required to produce evidence of successful completion of an advanced driving qualification included on a list of acceptable qualifications maintained by the Council as a component of successful completion of the test (replacing a previous requirement for the DSA taxi driver assessment); and 2. That authority to add, amend or remove qualifications from that list be delegated to the Licensing Team Leader and the Solicitor to the Council.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment
Implications:	<p><u>Financial</u> There is no direct expenditure by the Council on these qualifications.</p> <p><u>Value for Money</u> The current DSA qualification costs applicants £79.66. By establishing a list of acceptable qualifications, it is envisaged that a range of priced qualifications will be included.</p> <p><u>Risk / Community Impact / Health And Safety Implications</u> None</p>
Consultees:	n/a

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

1. BACKGROUND

- 1.1. At a meeting on the 26th November 2013, the Licensing and Health & Safety Enforcement Committee resolved that, from the 1st April 2014, all applicants for new hackney carriage and private hire driver's licences must have completed the Driving Standards Agency's taxi driving qualification, to provide assurance as to their driving ability. Prior to the award of this qualification, drivers are assessed by a DSA driving examiner during a practical driving test, during which they are graded on their safe driving skills, ability to safely perform manoeuvres common to taxi driving including identifying safe pick-up/drop-off locations, and legal theory knowledge.
- 1.2. The Committee agreed that requiring a higher-level driving qualification than merely holding a car driving licence would be desirable in the interests of protecting the public, and that this requirement should therefore form part of the 'fit and proper person' determination that the Council must make prior to granting a driver's licence.
- 1.3. The Driving Standards Agency has since been merged into the Driver and Vehicle Standards Agency (DVSA), and the assessment now bears the new agency's name.

2. WITHDRAWAL OF QUALIFICATION

- 2.1. On the 2nd September 2016, the Council received notification from DVSA that the taxi driving qualification was to be withdrawn from the end of 2016, as the agency intends to focus on its core business of providing standard car driving tests to reduce current waiting times. A copy of this notification is attached at Annex A.
- 2.2. Some confusion appears to have arisen around this announcement as a number of DVSA test centres have already ceased to offer any further test appointments for the taxi qualification, and the few remaining appointments are being taken up fast. At the time of writing (8th September), the situation is as follows:

Fully booked / no new appointments available	Test appointments still available (current earliest date)
St Albans Watford Luton Borehamwood Aylesbury Hendon Cardington Bishops Stortford	Barnet (27/10/2016) Stevenage (14/11/2016) High Wycombe (14/11/2016) Hayes (15/11/2016) Slough (18/11/2016) Letchworth (10/11/2016) Enfield (31/10/2016) Bletchley (02/12/2016) Isleworth (04/11/2016) Ashford, Middlesex (04/11/2016) Chertsey (09/11/2016) Tolworth (02/11/2016)

- 2.3. On behalf of numerous councils, the Local Government Association have raised concerns with the Department for Transport over the short notice given of this decision.
- 2.4. The apparent-immediate withdrawal of the taxi qualification from many local test centres could present a barrier to applicants wishing to become taxi or private hire drivers. If the Council is to retain the requirement that applicants for new hackney carriage and private hire driver's licences, it will be necessary to put in place alternate requirements as soon as possible.

3. ALTERNATIVES

- 3.1. The DVSA's letter suggests that licensing authorities may wish to rely upon alternative qualifications as a replacement for the DVSA assessment. However, no providers are specified nor suggested by DVSA.
- 3.2. Prior to receipt of notification, officers had begun looking at a small number of alternate providers of driving assessments of a type suitable for taxi drivers and licensing purposes, as a result of growing concerns about lengthening waiting times for the DVSA tests. Possible providers include the Institute of Advanced Motorists, advanced driving instructors, and road safety charities. Officers intend to meet with a number of providers in the coming weeks to discuss the courses they provide.
- 3.3. It is suggested that, in the absence of a single recognised qualification provided by a national government agency, the Council maintains a short list of advanced driving qualifications which it considers suitable for licensing purposes; and that all applicants for new hackney carriage and private hire driver's licences be required to hold one of these qualifications prior to being considered for a first licence. This requirement shall additionally apply to any previously-licensed driver who has not been licensed by the Council within the last 12 months, as is the case at present.
- 3.4. It is further suggested that the maintenance of such a list, including addition and removal of qualifications, be delegated to the Licensing Team Leader and the Solicitor to the Council. This will allow for faster maintenance of the list if suitable new qualifications are identified or if concerns arise around a qualification previously listed, as opposed to repeatedly bringing reports to the Committee. In approving any courses officers would follow the Council's procurement standing orders.
- 3.5. When assessing qualifications for suitability, it is suggested that the existing DVSA test be used as a benchmark, and courses only be approved if they include content of a similar level of ability and difficulty, and that the DVSA qualification be included on the list, in case any future applicants have already undertaken that particular assessment.

4. RECOMMENDATION

- 4.1. That all candidates for the council's taxi and private hire driver knowledge test shall be required to produce evidence of successful completion of an advanced driving qualification included on a list of acceptable qualifications maintained by the Council as a component of successful completion of the test (replacing a previous requirement for the DSA taxi driver assessment); and
- 4.2. That authority to add, amend or remove qualifications from that list be delegated to the Licensing Team Leader and the Solicitor to the Council.

Annex A – Letter from DVSA



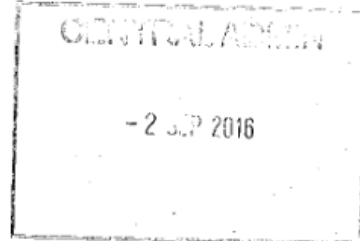
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Chief Executive
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31 August 2016

DVSA Taxi Driver Assessments

DVSA (and previously DSA) have been conducting Taxi Driver Assessments for participating Local Authorities since 1999. Demand has increased over the years, with a throughput in 2015-16 of approximately 23,000 and a forecast of 28,000 for the business year 2017-18.

These assessments now require considerable examiner resource, at a time when the demand for statutory tests is at an all-time high. The Agency is under pressure to reduce car test waiting times and in order to achieve this, we need to prioritise our activities.

Regrettably, a decision has been made to withdraw the provision of Taxi Assessments with effect from 31 December 2016. We understand that this will be a disappointment and inconvenience to those Local Authorities who currently require their taxi drivers to pass the DVSA assessment.

The Agency also recognises the road safety benefits of such an assessment; therefore, we would point out that there are potential providers such as road safety charities and Driving Instructor representative bodies, who may be interested in providing an alternative service. Details of these organisations can be easily obtained by submitting a general internet search.

Yours faithfully

Neil Wilson
Head of Driver and Driver Training Policy

Safety Standards Service



AGENDA ITEM: 8

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	20 September 2016
PART:	I
If Part II, reason:	

Title of report:	Hackney carriage / private hire driver licence fees
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To amend the fees and charges payable in connection with licensing applications for hackney carriage and private hire driver licences fees for the remainder of the 2016-17 financial year, following procedural changes to the processing of such licences.
Recommendations	That the fees and charges payable in connection with relevant licensing applications are set at the levels proposed in para 2.3 with effect from the implementation of revised application procedures.
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • VFM • Efficiencies
Implications:	<p><u>Financial</u> Resetting fees to the levels proposed will result in a reduction in Licensing service revenue of around £2,500 p/a. However, this will represent work which is no longer being carried out by licensing officers, freeing resources to work on other matters. There will also be some reductions in expenditure on ancillary items, such as printing and postage.</p> <p><u>Value for Money</u> Fees are being reduced by £17 for single licences, and £23 for dual licences (VAT-exempt). The proposed supplier will charge an admin fee of £15 plus VAT for the service, meaning costs to applicants will remain approximately the same.</p> <p><u>Risk / Community Impact / Health And Safety Implications</u> None</p>
Consultees:	n/a

Background papers:	n/a
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*”.¹ This principle was affirmed by the Supreme Court in *R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council*.²
- 1.4. Fees for the current financial year were set by the Committee in October 2015. However, an impending change in how certain licence types relating to hackney carriage and private hire drivers licences are processed will change the Council’s costs, and thus necessitates the resetting of those fees.

2. PROPOSAL

- 2.1. Ahead of the Council’s move to The Forum early in 2017, officers have been reviewing various aspects of delivery of the licensing service. One of the most problematic relates to hackney carriage and private hire driver’s licences, which are currently administered at a face-to-face appointment by licensing officers at a dedicated desk in the Customer Service Centre, and require significant numbers of paper-based applications for licences and the prerequisite checks and criminal records, driving licence entitlement and medical fitness. Continuing to deliver the service ‘as is’ would prove challenging, at best, in the new environment.
- 2.2. Officers are therefore currently arranging for the delivery of a modified licence application service by an external provider. Under this proposal, applicants will make

¹ Reg 18(4), Provision of Services Regulations 2009 (S.I. 2009 / 2999)

² [2015] UKSC 25

an online application for their driver licence. The provider will facilitate digital checks of criminal record and driving licence data, and the applicant will pay them a fee representing the costs of these checks, plus an administration fee. The supplier will report the results of the checks to the Council for determination of the licence application. Prior to the issue of a licence, applicants will be required to pay a further fee to the Council, to cover applicable administration and policy costs.

- 2.3. As the current fees for these licences are based on council officers carrying out the work associated with DBS and DVLA checks which will shortly be moved externally and funded by way of a separate administration fee, it is necessary to recalculate and reset the attendant fees to exclude these costs. Costs have been calculated by officer, and it is now proposed that the following fees be charged for the grant or renewal of applicable licence, with effect from the implementation of revised application procedures:

Local Government (Miscellaneous Provisions) Act 1976, section 53(2)

Hackney carriage driver licence (3 years)	£128.00
Private hire driver licence (3 years)	£128.00
Dual driver licence (3 years)	£192.00

- 2.4. There is no public notice nor consultation requirement for these fees, which, with the administration fees to be charged by the supplier, will remain at a similar overall level as at present.

3. RECOMMENDATIONS

- 3.1. **In pursuance of the fee-setting powers specified above, 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 para 2.3, with effect from the implementation of revised application procedures for the corresponding licence types.**

Agenda Item 9



AGENDA ITEM: 9

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	20 September 2016
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	<ol style="list-style-type: none"> 1. To adopt, with effect from 1 October 2016, as the Council's standard format for animal licence applications: <ol style="list-style-type: none"> a) For dog breeding establishment licences under section 1 of the Breeding of Dogs Act 1973, the form at Annex D; b) 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> 2. To introduce as a local policy a requirement for dog breeding establishments to be inspected by a veterinary surgeon or practitioner appointed by the Council on application for renewal of licences, with no licence to be granted if the inspection report is not satisfactory; and the cost of such inspections to be recharged to applicants.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment Dacorum Delivers <ul style="list-style-type: none"> • Performance excellence

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:	n/a
Background papers:	n/a
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. In October 2015, the Committee approved the use of more comprehensive application forms for animal boarding, pet shop and riding establishment licences, to improve the efficiency of those application processes, and to comply with recommendations made by the Council's internal auditor.

2. PROPOSAL

- 2.1. This report proposes the adoption of new application forms for two of the licence types which are so far unchanged – dog breeding establishments and dangerous wild animals.

- 2.2. Revised application forms are attached at Annexes A-B.
- 2.3. Adoption of these forms would leave zoo licences as the only animal licence type administered by the Council where a comprehensive local application form is not available. However, the Council already offers GOV.UK e-forms for licences of this type, which were developed in conjunction with DEFRA and the zoo veterinary inspectorate.
- 2.4. As with the other licence forms previously adopted, it is also intended to introduce a new requirement for the submission of a scale plan of the premises. This will assist 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.
- 2.5. There is a statutory requirement that applications for dangerous wild animal licences not be granted (for new licences and renewals) unless the premises have been inspected by a veterinary surgeon or practitioner appointed by the Council, and the report of such an inspection is satisfactory. Such a requirement also applies to applications for new dog breeding licences, although this is discretionary on applications for renewal of those licences.
- 2.6. There is significant public scrutiny at the present time on the practice of commercial dog breeding and the welfare of dogs bred in such establishments. Although there are currently no dog breeders licensed to operate within Dacorum, it is proposed that the Council introduces a new policy requirement for veterinary inspection of licensed premises upon application for renewal of a dog breeding establishment licence, to provide maximum assurance as to the suitability of premises and applicants, and the welfare of animals at those premises, in the event of future licences being granted. As with other veterinary inspections, the cost would be recharged to the applicant, in addition to the licence application fee.

3. RECOMMENDATIONS

- 3.1. **To adopt, with effect from 1 October 2016, as the Council's standard format for animal licence applications:**
 - a) **For dog breeding establishment licences under section 1 of the Breeding of Dogs Act 1973, the form at Annex A;**
 - b) **For dangerous wild animal licences under section 1 of the Dangerous Wild Animals Act 1976, the form at Annex B;****and to require all information requested therein to be provided with each application made for a licence.**
- 3.2. **To introduce as a local policy a requirement for dog breeding establishments to be inspected by a veterinary surgeon or practitioner appointed by the Council on application for renewal of licences, with no licence to be granted if the inspection report is not satisfactory; and the cost of such inspections to be recharged to applicants.**

Annex A – Application form for a dog breeding establishment licence



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

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

Application for a licence to keep a Dog Breeding 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 <i>(including change to number of animals)</i>
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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: Breeding establishment details	
Trading name <i>(if any)</i> :	
Full address: <i>(including postcode)</i>	
Telephone number(s):	
Business website <i>(if any)</i> :	
Please describe the nature of these premises (or the part(s) of the premises where animals will be kept in the course of the business):	
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
Please describe the arrangements by which dogs bred at this establishment will be sold:	<i>See note 3</i>

Section 3: Applicant(s) details

The application is made by: <i>(tick one)</i>	<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		<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Other _____
Full name:					
Home address:					
Date of birth:	/ /	N.I. number:			
Daytime phone number:					
Email address:					

Part B: Second individual applicant <i>(if any)</i>		<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Other _____
Full name:					
Home address:					
Date of birth:	/ /	N.I. number:			
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 5: Accommodation and animal husbandry

See note 5.

Please describe the accommodation in which dogs will be kept. 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 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?

What steps do you intend to take to secure that dogs will be provided with suitable food, drink, bedding material and adequately exercised when being transported to or from the breeding establishment?

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Section 6: Fire safety

See note 5.

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)

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Please note: All dog breeding 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 5.

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

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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 5.</i>
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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 5.</i>
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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)

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.

Section 11: Liability insurance details	<i>See note 6.</i>
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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 dog breeding 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 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 breeding establishment for dogs, under the Breeding of Dogs Acts 1973 or 1991, or the Breeding and Sale of Dogs (Welfare) Act 1999?	<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 34(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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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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 under legislation referred to above?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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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 breeding establishment licence, by this or any other authority, or had such a licence cancelled?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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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 breeding establishment for dogs under the Breeding of Dogs Act 1973 and related legislation, 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 Breeding of Dogs Act 1973 and related legislation, businesses which breed dogs with a view to sale, at premises of any nature, must be licensed by the applicable local council. Premises operated by these businesses are known as dog breeding establishments. It is not relevant whether the dogs will be sold by the business operating the breeding establishment, or by another person.

A licence is required by any person keeping at any premises a bitch which gives birth to a litter of puppies, if during any period of 12 months a total of four or more other litters are born to:

- a) Any bitches, including the one above, which are kept by that person at the premises at any time
 - b) Any bitches kept by any relative of his at the premises at any such time
 - c) Any bitches kept by him elsewhere at any such time
 - d) Any bitches kept anywhere by any person at any such time, under a breeding arrangement.
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 example: will dogs be advertised individually in suitable locations for direct sale, will there be a wholesale supply to licensed pet retailers, will dogs be delivered to another person to arrange sales, etc.
 4. Please give full details of all bitches and stud dogs kept by the applicant(s) at the premises or elsewhere, and of dogs kept by other related persons at the premises. Details should be given of all such dogs, even if you are not intending to breed from them during the period of the licence (if granted). The details requested must also be recorded within the records that breeding establishments are required by law to maintain.
 5. 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.
 6. The licensing authority strongly recommends that an appropriate level of public liability insurance is held by every dog breeding 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.

Veterinary inspections

The Council requires that every dog breeding establishment be inspected by an independent veterinary surgeon or practitioner prior to the grant of a licence, and prior to the renewal of licences. A suitably qualified vet shall be appointed by the Council and asked to carry out a full inspection of the premises, the date and time of which will be agreed with the applicant. An additional fee representing the cost of the veterinary inspection will be payable by the applicant, in addition to the licence fee – this fee remains payable even if a licence is subsequently refused. The fee will depend on the duration of the inspection, and as such the precise amount can only be confirmed following the inspection. A copy of the veterinarian's inspection report will be provided to the applicant(s) following the inspection.

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 breeding 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

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 dangerous wild animal licence



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

Dangerous Wild Animals Act 1976

Application for a licence to keep Dangerous Wild Animals

I am applying for a: <i>(tick one)</i> See note 1.	<input type="checkbox"/> New licence <i>(valid for up to two years)</i> <input type="checkbox"/> Renewal of a licence <i>(valid for up to two years)</i> <input type="checkbox"/> Variation of licence conditions <i>(change to number of animals)</i> <input type="checkbox"/> Variation of licence conditions <i>(change to species of animals)</i>
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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: Premises where animals will normally be kept

Full address: <i>(including postcode)</i>	
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If animals are to be kept in part of this premises only, please give details of that part:	
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Is this premises (or the relevant part thereof) accessible by members of the public?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Nature of this premises: <i>Please tick ✓</i>	<input type="checkbox"/> Domestic <i>(dwelling-house)</i> <input type="checkbox"/> Commercial <i>(excluding premises subject to the Zoo Licensing Act)</i> <input type="checkbox"/> Retail <i>(excluding use for sale of pet animals)</i> <input type="checkbox"/> Other – please state: _____
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On what basis does the applicant(s) occupy this premises? <i>Please tick ✓</i>	<input type="checkbox"/> Freeholder <input type="checkbox"/> Leaseholder <input type="checkbox"/> Tenant <input type="checkbox"/> Other – please state: _____
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Where the applicant(s) is not the freeholder of the premises: Has the freeholder given their consent to the making of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Section 3: Applicant(s) details

The application is made by: <i>(tick one)</i>	<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:	/ /	N.I. number:	
Daytime phone number:			
Email address:			

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

Full name:			
Home address:			
Date of birth:	/ /	N.I. number:	
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 5: Accommodation and animal husbandry

See note 3.

Please describe the accommodation being provided for the animals kept. 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 animals will be kept in accommodation which secures that they will not escape; and which is suitable in construction, size, temperature, lighting, ventilation drainage 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, can take adequate exercise, and be visited regularly?

Section 6: Fire safety*See note 3.*

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)

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Please note: Persons holding dangerous wild animal licences may be subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005, which requires them to take general fire precautions, to carry out a fire safety risk assessment, and if necessary to install fire detection and fire-fighting equipment at their premises.

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 animals kept at the premises? (please include a list of any quarantine/isolation facilities provided)

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Section 8: Veterinary treatment

Please give the details of a veterinary surgeon or practitioner who provides services to the applicant(s):

Name:	
Address:	
Telephone number:	

Section 9: Security	<i>See note 3.</i>
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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: Keeping animals at other premises	<i>See note 4.</i>
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Do you intend for any of the animal(s) listed in section 4 to be at other premises for any period exceeding 72 continuous hours (e.g. for animal exhibitions, shows, breeding purposes, etc)? If so, please give details, including the full address(es):

Section 11: Liability insurance details	<i>See note 5.</i>
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Do you hold a current insurance policy insuring against liability for any damages which may be caused by the animal(s) (proposed to be) kept under this licence? Yes No

Please detail any relevant liability insurance policies held in respect of the keeping of these animals:

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

Section 12: Current licence conditions	<i>This section should be left blank on new licence applications</i>
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Given the range of species covered by the dangerous wild animals licensing legislation, it would not be appropriate to impose standard conditions applicable to every species. Licence conditions will therefore be imposed on a case-by-case basis.

Do you wish to apply to vary any of the conditions imposed on your current licence? Yes No

If yes, please give details of the applicable condition(s), and justification for varying them:

Please note: The Council may, at its discretion, vary or substitute any licence condition, 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 12: 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 dangerous wild animals, under the Dangerous Wild Animals Act 1976?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b) Following a conviction under any of the following: <ul style="list-style-type: none"> • Protection of Animals Acts 1911 to 1964 • Protection of Animals (Scotland) Acts 1912 to 1964 • Performing Animals (Regulation) Act 1925 • Pet Animals Act 1951 • Animals (Cruel Poisons) Act 1962 • Animal Boarding Establishments Act 1963 • Riding Establishments Acts 1964 and 1970 • Breeding of Dogs Acts 1973 • Animal Health Act 1981 • Animal Welfare Act 2006 • Animal Health and Welfare (Scotland) Act 2006 • Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 	<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

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
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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 under legislation referred to above?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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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 dangerous wild animals licence, by this or any other authority, or had such a licence cancelled?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If any of the above questions have been answered 'yes', please provide further details in respect of those matters in the space below:

Section 13: Enclosures

Scale plan *Please tick to confirm*

<input type="checkbox"/> I enclose a scale plan, showing the layout of the premises (<i>see guidance notes</i>).
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Application fee *Please tick one of the following options*

<input type="checkbox"/> I enclose a cheque for £____, payable to Dacorum Borough Council.
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<input type="checkbox"/> I wish to pay the application fee(s) by credit or debit card – please contact me to arrange payment.

Section 14: Declaration and signatures*Every applicant must sign the form*

- I/We hereby apply for a licence to keep dangerous wild animals under the Dangerous Wild Animals Act 1976 and related legislation, 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 understand that any licence issued will be subject to conditions determined by the Council 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 Dangerous Wild Animals Act 1976, persons who wish to keep dangerous wild animals must be licensed by the applicable local council. A list of the species designated in legislation as dangerous wild animals can be found at <http://www.legislation.gov.uk/ukxi/2007/2465/schedules/made>

The Act provides exemptions for animals being kept at zoos (which may require licences under the Zoo Licensing Act 1981), circuses, licensed pet shops, and places specified in section 2C licences under the Animals (Scientific Procedures) Act 1986. Such premises will not require licences under this legislation.

1. Dangerous wild animal licences are issued for a duration of 2 years. Licences may be cancelled before the expiry date if the holder is convicted of an offence under this Act, or other associated animal welfare legislation.
2. Please state the maximum number of animals of every species to be kept. Where hybrid animals which are covered by the Act are to be kept, please ensure that these are listed in separate rows to any purebred animals. For every species, please give a brief summary of the type of accommodation they will be kept in. You will be asked to give further details about all types of accommodation later in the application form.
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. Animals may only be transported to premises in other areas for prolonged periods with the express consent of the Council. Dacorum Borough Council has a legal duty to consult with the applicable council for the area it is proposed to take animals to, and so will require the full address of the premises in order to correctly identify the appropriate local authority.
5. The licensing authority requires an appropriate level of public liability insurance is held by every person who keeps dangerous wild animals, to secure against liability for damages to property or persons which could be caused by the animals. Coverage requirements will vary dependent upon the species of animals kept, the number of animals, and other circumstances. We strongly recommend discussing coverage needs with an insurance broker specialising in dangerous wild animal cover prior to taking out a policy.

Veterinary inspections

The law requires that every dangerous wild animal licence application include an inspection by an independent veterinary surgeon or practitioner prior to the grant of a licence, and prior to the renewal of licences. A suitably qualified vet shall be appointed by the Council and asked to carry out a full inspection of the premises, the date and time of which will be agreed with the applicant. An additional fee representing the cost of the veterinary inspection will be payable by the applicant, in addition to the licence fee – this fee remains payable even if a licence is subsequently refused. The fee will depend on the duration of the inspection, and as such the precise amount can only be confirmed following the inspection. A copy of the veterinarian's inspection report will be provided to the applicant(s) following the inspection.

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 to accommodate dangerous wild animals, 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

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.