



# Licensing and Health and Safety Enforcement Committee

**TUESDAY 26 JANUARY 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 S Adshead	Councillor Link
Councillor Barnes	Councillor Mills
Councillor Mrs Bassadone	Councillor Peter
Councillor Conway	Councillor R Sutton
Councillor Fantham (Vice-Chairman)	Councillor Taylor
Councillor P Hearn (Chairman)	Councillor Whitman
Councillor Howard	

**Substitute Members:**  
Councillors

For further information, please contact Trudi Coston - 01442 228224 or

## **AGENDA**

### **1. MINUTES**

To confirm the minutes of the meeting held on 24 November 2015.

### **2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **3. DECLARATIONS OF INTEREST**

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

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

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

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

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

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

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

#### **4. PUBLIC PARTICIPATION**

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

#### **5. APPLICATION TO AGREE THE CONDITIONS OF A CAMP SITE LICENCE FOR DACORUM BOROUGH COUNCIL (Pages 4 - 11)**

#### **6. TAXI MOT/COMPLIANCE TESTING ARRANGEMENTS (Pages 12 - 15)**

#### **7. ANIMAL LICENSING REFORM - CONSULTATION (Pages 16 - 21)**

#### **8. DRIVING LICENCE VERIFICATION FOR TAXI/PH DRIVERS (Pages 22 - 28)**

#### **9. ELECTRIC VEHICLES AS TAXIS (Pages 29 - 32)**

#### **10. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

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

**11. MINUTES OF THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE HELD ON 24 NOVEMBER 2015 (Pages 33 - 35)**

# Agenda Item 5



Report for:	Licensing Health & Safety and Enforcement Sub-Committee
Date of	<b>AGENDA ITEM: 5</b>
PART	

## SUMMARY

Title of report:	<b>APPLICATION FOR:</b> 1) To agree the conditions of a Camping site licence for Dacorum Borough Council
Contact:	Dawn Ryder – Environmental Health Officer, Regulatory Services
Purpose of report:	To give members the opportunity to comment and set standard conditions for a revised Camp site licence to include Touring Caravans.
Recommendations:	That Members consider the report and information before them and agree to a set of standard conditions which will be used when any Camp site or Touring Caravans site application is received by the Council.
Implications:	none
General Policies	Members of the Licensing Sub-Committee act in a quasi-judicial capacity under delegated powers, to decide Licensing matters on behalf of the Council.
Key Policies:	none
Background Papers:	Conditions for sites used for touring caravans and/or camping Caravan Sites and Control of Development Act 1960, Section 2 and Mobile Homes Act 2013, Herefordshire Council; Camping and Caravan site licences, Chichester District Council; Caravan and Camping sites, Horsham District Council; Caravan Sites, East Lindsey District Council; Caravan and Campsite Licensing, Cornwall Council; Licensing of Caravan and Tent Sites, Pembrokeshire County Council.

### APPLICATION

Following the proposal submitted to Council on the 24<sup>th</sup> November 2015 to approve licence conditions for a camping site licence, the Councillors debated the report and requested that further information be provided in relation to the exemptions and the conditions applicable.

The proposal is hereby re-submitted following further research.

The proposed site licence now covers camping and touring caravans conditions to be used within the district of Dacorum Borough Council. No current licence exists for either camping or touring caravans.

The additional research identified that there had previously been model standards issued by the Secretary of State which all Local Authorities were advised to follow. The

conditions covered moveable dwellings which are required to be licensed when on site for more than forty-two consecutive days or more than sixty days in any twelve consecutive months. This guidance is not currently available, therefore other council's conditions have been reviewed and those used in the creation of this report have been detailed above.

Conditions and model standards for camping and caravan sites are made under the Caravan Sites and Control of Development Act 1960: Section 5

Section 5 (1) of the act lays down the general power to attach conditions. In addition to the general power, the act lays down certain specific conditions that may be imposed.

These are for:

- restricting the occasions on which caravans are to be stationed, or the total number of caravans to be stationed at any time;
- controlling the types of caravans on site;
- regulating the positions in which caravans are to be stationed, and for regulating or prohibiting the placing of structures, vehicles and tents on the land;
- ensuring that amenities are preserved, including the planting and replanting with trees and bushes;
- securing that proper measures are taken for the prevention and detection of fire, and that adequate means of fire fighting are provided and maintained; and,
- securing and maintaining adequate sanitary and other facilities, services and equipment

*Section 5 (6) of the act permits central government to specify model standards, which the local authority is directed to have regard to when deciding what (if any) conditions to attach to the site licence.*

The exemptions from the conditions for a moveable dwelling site licence are listed below:

- forestry workers, builders, travelling showmen or seasonal workers (like fruit pickers) stay in caravans on the site
- the site is 5 or more acres and there are 3 or less caravans or tents there for 28 days or less a year
- you're a member of an organisation like a caravan club and have a caravan exemption certificate
- your site is approved by an organisation with a caravan or camping exemption certificate members of an exempted organisation stay in their caravans and tents (eg Scouts, Boy Brigade) on the site your site is used for a social get-together.

The need for a camp site licence was identified following a planning application to allow the change of use of land at Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, Hertfordshire HP1 2SN to allow a Camp Site Licence comprising of 3 Teepees.

The proposed licence conditions will allow Environmental Health to control conditions on this and any other Camping or Touring Caravan site that may be sited in the Borough. Applications will be brought before this committee for approval.

Proposed Standard Conditions are shown in Appendix 1

### **APPLICATION**

No application has been received for a camp site or touring caravan site licence.

### **REPRESENTATIONS**

No representation has been received.

### **CONSIDERATIONS**

Public Health Act 1936 (as amended)S269 enables a local authority to control use of moveable dwellings. A summary of this section is detailed below:

- (1) For the purpose of regulating moveable dwellings within their district, a local authority may grant—
  - (i) licences authorising persons to allow land occupied by them within the district to be used as sites for moveable dwellings; and .
  - (ii) licences authorising persons to erect or station, and use, such dwellings and may attach to any such licence such conditions as they think fit—
- (a) in the case of a licence authorising the use of land, the licence can limit the number and classes of moveable dwellings which may be kept thereon at the same time, the space to be kept free between any dwellings, the water supply, and the sanitary provisions;
- (b) in the case of a licence authorising the use of a moveable dwelling, with respect to the use of that dwelling (including the space to be kept free between it and any other such dwelling) and its removal at the end of a specified period, and for securing sanitary conditions.

### **CONCLUSION:**

A review of the model conditions has been undertaken as required by the Committee on the 24th November 2015 and revised conditions are proposed consideration and approval.

## **APPENDIX 1 – Proposed Standard Licence Conditions**

Schedule of Conditions to be attached to Camping and Touring Caravan Site Licence.

### **Public Health Act 1936: Section 269**

### **Caravan Sites and Control of Development Act 1960: Section 5**

#### **LICENCE CONDITIONS FOR TOURING CARAVAN AND TENTED SITES**

**1. Period of use:** As specified on licence

**2. Density.**

The site density shall not exceed seventy five units (caravans, motor caravans, or tents) per hectare (thirty units per acre) calculated on the basis of usable area.

**3. Siting.**

- 3.1 No caravan, motor caravan, or tent shall be brought onto the site for the purposes of human habitation until such time as adequate sanitary facilities are made available on the part of the site to which it has been allocated.
- 3.2 Every caravan, or motor caravan shall not be less than six metres from any other unit in separate family occupation and less than three metres between units shall not be permitted in any circumstances.
- 3.3 A tent shall be so placed as to be at a distance of at least three metres from any other tent and so that at least one metre separates the guy ropes of one tent from those of any other tent; provided that any two tents may be pitched together to form one tent, in which case the distance shall apply to the tent so formed as if it were one tent.
- 3.4 A vehicle or other ancillary equipment may be permitted within the six metres space between caravans and motor caravans in separate occupation; however, in order to restrict the spread of fire, there shall always be three metres clear space between any vehicle or other ancillary equipment so placed, and a unit in separate occupation.
- 3.5 No vehicles or other ancillary equipment shall be permitted within the three metre space between tents.
- 3.6 Clear access for emergency vehicles shall be maintained at all times.
- 3.7 No caravan, motor caravan, or tent shall be sited within three metres of any hedge or other boundary.
- 3.8 No caravan, motor caravan, or tent shall be sited within three metres of any communal water point, sanitary convenience or refuse disposal point.

#### **4. Drinking Water Supply and Waste Water Disposal.**

- 4.1 There shall be an adequate supply of drinking water. Each pitch on a site shall be no further than fifty five metres from a water tap. At each tap, there shall be a suitable hard-standing, draining to a soakaway or gully.
- 4.2 Waste water disposal points shall be provided, so that each pitch is no further than fifty five metres from a waste disposal point. The appropriate Water Authority shall be consulted about the arrangement for disposal of water likely to be contaminated.

#### **5. Drainage.**

Satisfactory provision shall be made by connection to a sewer, where available, or by discharge to a properly constructed septic tank, cesspool, or biological treatment plant in a position to be approved by the Council. In the case of a biological treatment plant the approval of the local water authority must be obtained.

#### **6. Buildings.**

Any building containing a toilet, wash hand basin, bath, shower, or sink facilities shall have impervious and readily cleanable walls, floors, ceiling, and internal fittings.

#### **7. Toilets, WC's, and Chemical Closets.**

The scale of provision shall be one wc and one urinal for men and two wc's for women per twenty five pitches and their location shall be to the satisfaction of the licensing authority. Where sites have fewer than ten pitches at least one wc for men and one wc for women shall be provided. Where sites have between ten and twenty five pitches, at least one wc and one urinal for men and two wc's for women shall be provided.

#### **8. Disposal Point for Chemical Closets.**

A properly designed screened disposal point for the contents of chemical closets shall be provided together with an adjacent and adequate supply of water for cleansing containers. The method of disposal shall be to the satisfaction of the local authority and the appropriate Water Authority. The water supply shall be clearly labelled as non-potable.

#### **9. Washing Points.**

There shall be adjacent to the toilets a minimum of two wash hand basins with running hot and cold water for each sex per thirty pitches. Where sites have fewer than thirty pitches at least one wash hand basin with running hot and cold water for each sex shall be provided.

#### **10. Showers.**

On sites with more than fifty pitches showers with hot and cold running water shall be provided on the basis of one shower for each sex per twenty five pitches.

## **11. Laundry.**

On sites with more than twenty five pitches laundry facilities shall be provided in a separate room on a scale of one deep sink with running hot and cold water per fifty pitches.

## **12. Disabled Persons.**

Consideration shall be given to the needs of disabled persons in the provision made for water points, toilets, washing points, and showers.

## **13. Electrical Installation.**

Where there is an electrical installation, other than Electricity Board works and circuits subject to Regulations under Section 60 of the Electricity Act 1947, it shall be installed to the requirements of the Institution of Electrical Engineers Regulations for Electrical Installations (IEE Wiring Regulations) for the time being in force and, where appropriate, to the standard acceptable for the Electricity (Overhead Lines) Regulations 1970, SI 1970, No. 1355. Any installation shall be maintained in such a way as to prevent danger so far as reasonably practicable and shall be periodically inspected and tested every 5 years by a competent person in accordance with the IEE Wiring Regulations.

## **14. Refuse Disposal.**

Adequate provision shall be made for the storage, collection and disposal of refuse.

## **15. Fire Precautions.**

15.1 No unit shall be further than ninety metres from a fire point. At each fire point there shall be two water (gas expelled) extinguishers, each of at least 9 litres capacity and complying with British Standard 5423:1987, together with a means of raising the alarm in the event of fire (e.g. a manually operated sounder, gong, or hand operated siren). All fire fighting equipment susceptible to damage by frost shall be suitably protected.

15.2 Whenever there is a likelihood of fire spreading owing to vegetation catching fire suitable beaters of the types used by the Forestry Commission shall also be provided at each fire point.

15.3 The fire points shall be clearly marked and easily accessible. All fire fighting equipment shall be maintained in working order and kept available for use and for inspection by the licensing authority.

15.4 Each fire point shall exhibit a conspicuous notice indicating the action to be taken in case of fire and the location of the nearest telephone. The notice shall include the following:

On discovering a fire:

1. Raise the alarm.
2. Ensure the affected unit is evacuated.
3. Call the Fire Brigade (the nearest telephone is sited at.....)
4. If practicable, attack the fire, using the fire fighting equipment provided.

- 15.5 No barbecue equipment or similar facilities shall be positioned within three metres of any caravan, motor caravan, tent or awning, hedge or boundary. Barbecue equipment must not under any circumstances be used inside caravans, motor caravans, tents or awnings.
- 15.6 All bottled gas and LPG cylinders must be changed in the open air. Care must be taken to ensure that there are no sources of ignition nearby.

#### **16. Liquefied Petroleum Gas.**

Arrangements for the storage of Liquefied Petroleum Gas (LPG) on site shall be in accordance with the current national Code of Practice and Regulations.

#### **17. Site Notices.**

- 17.1 A sign indicating the name of the site shall be displayed at the site entrance.
- 17.2 Notices shall be displayed prominently on the site indicating the action to be taken in the event of an emergency, where the police, fire brigade, ambulance and local doctors can be contacted and the location of the nearest public telephone.
- 17.3 At sites subject to flood risk warning notices shall be displayed giving advice about the operation of the flood warning system.
- 17.4 At sites with overhead electric lines warning notices shall be displayed on the supports for the lines and at the site entrance. Where appropriate these shall warn against kite flying and the danger of contact between the lines and the masts of yachts or dinghies.
- 17.5 A copy of the site licence with its conditions shall be displayed prominently on the site.

#### **18. Maintenance.**

The grass within the site and all natural boundaries shall be kept trimmed and the whole area maintained in a tidy and orderly state, free from accumulations or refuse and litter. The licensee shall ensure that the site is conducted with reasonable regard for the comfort and amenities of the persons resident in the neighbourhood.

**Background Papers:**

<http://www.chichester.gov.uk/article/25477/Camping--caravan-site-licences#conditions>

[https://www.herefordshire.gov.uk/media/7963609/touring\\_caravans\\_and-\\_orcamp\\_site\\_licence\\_conditions\\_2014.pdf](https://www.herefordshire.gov.uk/media/7963609/touring_caravans_and-_orcamp_site_licence_conditions_2014.pdf)

<https://www.horsham.gov.uk/licensingpages/licensing/caravan-and-camping/caravan-and-camping-sites>

<http://www.e-lindsey.gov.uk/article/2056/Caravan-Sites>

<https://www.cornwall.gov.uk/advice-and-benefits/licences-and-street-trading/caravan-and-campsite-licensing/>

<http://www.pembrokeshire.gov.uk/content.asp?nav=1626,110,150,194>

# Agenda Item 6



## AGENDA ITEM: 6

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	26 January 2016
PART:	I
If Part II, reason:	-

Title of report:	<b>Taxi MOT/compliance testing arrangements</b>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	Following a previous report, to enable the Committee to consider testing station arrangements for taxi MOT and compliance testing.
Recommendations	Officers recommend that <b>no change</b> is made to the structure of the current testing station contract, other than to implement the procedural matters detailed below, and that the contract for a single taxi MOT/compliance testing station be opened to a competitive tender process for the period from 1 <sup>st</sup> July 2016.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>• Maintain a clean and safe environment</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>• VFM</li> <li>• Performance excellence</li> </ul>
Implications:	<p><u>Financial</u> The current testing station contract runs until the end of June 2016, and subject to the Committee’s decision will be opened to a competitive tender process to determine the supplier for the next 2-4 year period. This process will need to begin in February 2016 to ensure completion before the end of the current contract.</p> <p><u>Value for Money</u> Allowing tests to be carried out at multiple test stations will require additional enforcement and compliance work to ensure consistent application of standards across each testing station. If a second testing station is appointed, officers estimate that vehicle licence fees will need to increase by a further £18 per vehicle per year, above previously agreed fees for next year, to recover the costs of this additional work. Given resource limitations, this will also reduce capacity for general enforcement work.</p>

	<u>Risk / Community Impact / Health And Safety Implications</u> None identified.
Consultees:	N/A
Background papers:	Licensing and Health & Safety Enforcement Committee report and minutes – 3 February 2015
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

- 1.1. A report was presented to the Committee on 3 February 2015, detailing a petition received from the Dacorum Taxi Drivers Association requesting that a second testing station be introduced for MOT and compliance tests required as a prerequisite to the licensing of hackney carriages and private hire vehicles. At that meeting, the Committee requested that a further report was brought to a future meeting, several months before the expiry of the current test station contract, to allow the Committee to consider whether any changes to testing station policy should be made.
- 1.2. Since 2005, the Council has appointed a single testing station to carry out all taxi MOT and compliance testing on its behalf, by way of periodic competitive tender. Test stations must have been accredited by the Department for Transport (DfT) to carry out MOT tests on class 4 vehicles, and additionally are asked to carry out additional checks on matters not covered by the MOT, to ensure that vehicles satisfy the higher compliance standards set by the Council. These include such matters as the condition and appearance of paintwork, which are not assessed in the MOT.
- 1.3. Prior to 2005, the Council appointed two testing stations. This approach was discontinued at the instruction of the then-Head of Public Protection, as a direct result of concerns around the consistency in application of standards between the two stations, leading to drivers favouring one station as they perceived that their vehicles would be treated more leniently there. Multiple test stations also dramatically increase the amount of officer time required to be spent in ensuring consistent application of standards and facilitating the testing of vehicles.
- 1.4. On recent tender exercises, there has been comparatively little interest in bidding. The contracted test station is subject to a number of conditions and restrictions, for example excluding the sale of any parts, repairs or servicing to vehicles undergoing the council's test, which reduce the commercial appeal of holding the contract.

## 2. MULTIPLE TEST STATIONS

- 2.1. The arguments given in the petition for introducing a second test station were an unspecified 'conflict of personalities between test station staff and... drivers', and to

offer further choice for drivers and alleviate pressure on the existing test station. Officer comments on these arguments were included in the original report, and the officer's position remains unchanged from that time.

- 2.2. Since the original report was presented to Committee, officers have received just one complaint relating to the current test station, and that complaint related primarily to a matter in the Council's compliance standards which was not clearly drafted. The adequacy of the current compliance standards is a long-standing concern, and it remains the intention of officers to bring proposals for the wholesale revision of this document, as soon as time and workload allows.
- 2.3. If the Council were to revert to its previous policy position of appointing multiple test stations, it will be necessary to ensure that each station implements the test standards evenly, and significant compliance work would have to be carried out by officers to ensure this. Based on informal discussions with other licensing authorities a total of 200 hours per year for this work has been budgeted, although some authorities have suggested that even this would be inadequate. Due to resource limitations, such work would directly reduce the licensing team's capacity for (centrally-funded) general enforcement work, such as operations to detect and prosecute unlicensed or out-of-borough vehicles and drivers. As costs relating to the testing/inspection of vehicles for licensing are to be recovered by way of annual licence fees, it is calculated that this additional workload would require an additional increase to the vehicle licence fee of £18 in the 2016/17 financial year. This is separate to any other increase in associated costs.
- 2.4. The risk of not undertaking sufficient compliance work to ensure consistent application of standards between testing stations is that applicants with vehicles in a poorer condition may favour a test station which takes a more lenient application of the applicable standards – if an applicant believed that one station would fail their vehicle and one would pass it, they will inevitably take the vehicle to the latter. There is also a significant risk of disputes arising between testing stations as a result of this, and possibly even legal action against the Council if these cannot be resolved to the satisfaction of all parties. Under a system with multiple testing stations, there is no commercial incentive for individual testing stations to apply the specified standards more rigorously than their competitor, and the experience of many licensing authorities in this situation is that the overall standard of licensed vehicles in their area has fallen significantly.
- 2.5. For the above reasons, and those given in the previous report, officers recommend that the current position of appointing a single testing station is retained.
- 2.6. A large number of licensing processes are currently being reengineered to facilitate the transition to the Forum, and the channel shift / paperless working that the new facility will require. Taxi licensing applications are among the highest priority matters to be reviewed, as they are currently entirely paper-based. As part of this process, a number of changes to vehicle licensing are proposed, and it is intended that these will be incorporated within any revised testing station contract. In particular, it is envisaged that in future, applicants will make their own appointments direct with the selected test station(s) prior to submitting a licence application, and pay the relevant test fee direct. A licence application would then be submitted to the Council, using a new electronic application tool which is to be developed, accompanied by copies of all relevant documents including the MOT and compliance test certificates issued by the test station.

### 3. COUNCIL-RUN TEST STATION

- 3.1. The Committee also asked officers to look at the possibility of bringing taxi MOT testing 'in-house'. Dacorum does not currently operate a MOT station, so one would have to be developed, accredited by the Department for Transport, and made operational before this could occur. The logical location for a testing station would be at the Cupid Green depot, but as there is currently no public access to that site, and by law council-run MOT stations must be open to the public, substantial work would have to be undertaken to reorganise that site, at considerable cost and likely to cause significant disruption to services. If not placed at Cupid, then a suitable commercial premises would have to be secured, either from the Council's existing stock (thus removing potential rental income) or on the open market. A minimum of two test bays would be required, to ensure redundancy in case of an equipment failure, and the station would need to be equipped to carry out both class 4 and class 7 MOTs to accommodate specialist licensed vehicles (although stretched limousines carrying up to 8 passengers will still require a class 4 MOT, the longer wheelbase means that the vehicle would not fit upon a standard class 4 ramp). Specialist MOT testers would have to be taken on and accredited, with sufficient cover in case of sickness or leave, as well as a station manager and administrator.
- 3.2. Preliminary investigations into likely costs have been undertaken, but cannot be finalised at this time as so much would be dependent upon further and final decisions. However, excluding the costs of securing suitable property, officers estimate that developing a suitable MOT testing station would cost the Council in the region of £100k in legal fees and essential equipment only (i.e. not including any property costs/rent, redevelopment costs, etc), with around £200k payable annually for ongoing costs, salaries and maintenance. By contrast, the revised taxi testing station contract is calculated to be worth between £20k and £30k a year (depending on whether test fee is set at the DfT cap or below, and assuming all tests are undertaken at a single station), leaving a substantial shortfall which would have to be subsidised from general funds or met by carrying out a large number of MOT tests for the public (3000+ a year), and thus taking custom away from local privately-run businesses.
- 3.3. As a result, officers believe that bringing taxi MOT testing in-house is not financially viable at the current time, and the Committee are asked to discount this option.

### 4. RECOMMENDATION

- 4.1. Officers recommend that **no change** is made to the structure of the current testing station contract, other than to implement the procedural matters detailed at para 2.6 above, and that the contract for a single taxi MOT/compliance testing station be opened to a competitive tender process for the period from 1<sup>st</sup> July 2016.

# Agenda Item 7



**AGENDA ITEM: 7**

<b>Report for:</b>	<b>Licensing and Health &amp; Safety Enforcement Committee</b>
<b>Date of meeting:</b>	<b>26 January 2016</b>
<b>PART:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Animal licensing reform – consultation</b>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To inform the Committee of proposals from DEFRA to reform the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments.
Recommendations	That Committee approve the draft response to DEFRA’s consultation
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>• Maintain a clean and safe environment</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>• Performance excellence</li> </ul>
Implications:	<p><u>Financial</u> This an initial consultation on possible legislative change, and as such it is too early to state definitively what the implications will be if the proposals are taken forward. One of the proposals involves giving licences a longer duration, which would reduce licence fee revenue – however, it would also reduce licence administration, and thus the costs incurred by the Council, by a corresponding amount.</p> <p><u>Value for Money / Risk / Community Impact / Health And Safety</u> None identified at this time.</p>
Consultees:	N/A
Background papers:	<p>DEFRA consultation documents:  <a href="https://consult.defra.gov.uk/animal-health-and-welfare/consultation-on-the-review-of-animal-licensing">https://consult.defra.gov.uk/animal-health-and-welfare/consultation-on-the-review-of-animal-licensing</a></p>
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

1.1. The Council is responsible for the regulation of a variety of animal-related businesses, as well as the keeping of specified dangerous animals by individuals. The licence types which can be issued by the Council are:

- **Animal boarding establishment licences** (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
- **Dangerous wild animal licences** (for keeping one or more dangerous wild animals, from a prescribed list, at premises within the borough)
- **Dog breeding establishment licences** (premises used for, or in connection with, the commercial breeding of dogs)
- **Pet shop licences** (any business which keeps animals with a view to selling them as pets)
- **Riding establishment licences** (premises which keep horses and ponies for hire for riding, or for riding tuition – excluding livery stables)
- **Zoo licences** (for zoos, aquariums and animal parks, which exhibit wild animals to the public)

1.2. The number of licences issued by Dacorum, as of 31 December 2015, was:

- 20 x Animal boarding establishment licences (duration: calendar year)
- 2 x Dangerous wild animal licences (duration: 2 years)
- 1 x Dog breeding establishment licence (duration: 1 year)
- 8 x Pet shop licences (duration: calendar year)
- 5 x Riding establishment licences (duration: 1 year)
- 0 x Zoo licences (duration: 4-6 years)

1.3. In addition to the licences issued by Dacorum, Herts County Council is responsible for registering any performing animals based within the county, and for recording movements of farm animals.

1.4. The legislation governing all of the above licence types has grown up piecemeal – in the case of the licences listed in para 1.1, between 1951 and 1981, with various amending pieces of legislation following. The effect of this is that there are now 10 Acts of Parliament governing the above six licence types, plus numerous pieces of secondary legislation. Additionally, as all conditions and procedures are left to the discretion of each individual licensing authority, there is wide variation from area to area in what must be done to obtain a licence, and in the steps which must be taken to comply with licences, leading to uncertainty and confusion for businesses trading in multiple areas. Additionally, all licences are standalone – a business which offered two or more of the licensable activities (for example, a pet shop which provided accommodation for dogs/cats while their owners were away) would have to apply separately for multiple licences, for a single premises.

1.5. Additional overriding legislation was later introduced by the Animal Welfare Act 2006. Among a range of powers and offences relating to the wellbeing of animals, the Act contains a new licensing power for any animal-related activities which have been specified in secondary legislation. To date, this power has not been utilised.

## **2. CONSULTATION**

2.1. Through DEFRA, the Government are now consulting on a proposal to activate the licensing powers in the 2006 Act in respect of four of the activities which currently require licences under standalone legislation. If this proposal is taken forward, a new single licensing scheme will be introduced for the following activities:

- 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

2.2. The full details of the proposal are set out in the consultation documents, linked above. The proposal envisages that the existing legislation for the activities would be repealed upon the introduction of the new scheme.

2.3. Officers have reviewed the proposal, and prepared the attached draft response, shown at Annex A, for submission on behalf of the licensing authority. The Committee are asked to approve this response, ahead of its submission.

## **Annex A – Draft response to DEFRA consultation**

***Question 1: To what extent do you agree or disagree with the proposal to introduce a single Animal Establishment Licence? Please provide any comments or evidence to support your answer.***

Agree. We are happy to support measures which will reduce administrative burdens and costs, both for regulated businesses and local authorities. The model of a single 'premises licence' for multiple interlinked activities provided in a single location has worked well in respect of the regulation of alcohol sales, entertainment and late night refreshment (the Licensing Act 2003), and is one which licensing authority officers and our computer systems will be able to implement fairly easily.

***Question 2: To what extent do you agree or disagree with the proposal to promote or require use of the Model Conditions by local authorities, for activities where they have been agreed? Please provide any comments or evidence to support your answer.***

Agree. This broadly corresponds with the current model of mandatory licence conditions used in both the Licensing Act 2003 and Gambling Act 2005.

Dacorum has adopted the CIEH's recent model conditions and applies these to our current licences, with the exception of dog boarding where the CIEH's updated document is keenly awaited. However we have noted an issue when these documents have subsequently been updated again, as further changes to our standard licence conditions must then be readopted by our Licensing Committee. We would prefer to see a more stable formulation of such conditions, and therefore ask DEFRA to consider enshrining these within secondary legislation rather than extra-statutory documents.

We believe that all licences nationally should be subject to the same basic restrictions and conditions, possibly following the model of 'default licence conditions' under the Gambling Act 2005, where applicants can request particular conditions be disapplied or substituted if a suitable case for doing so exists. However, licensing authorities should retain the ability to impose additional conditions on individual licences, if particular issues or concerns arise.

***Question 3: To what extent do you agree or disagree with the proposal to prohibit the sale of puppies below the age of eight weeks? Please provide any comments or evidence to support your answer.***

Agree.

***Question 4: To what extent do you agree or disagree with the proposal to make clear that the statutory licensing threshold for dog breeders is set at three or more litters per year? Please provide any comments or evidence to support your answer.***

Agree, although we would wish to see the licensing requirement for any person breeding dogs on a commercial basis is also retained, to ensure that a commercial breeder would continue to be subject to licence terms and conditions in any year when he happened to breed a smaller number of litters (for example, if he happened to have an outbreak of disease leading to the loss of dogs, or was otherwise replacing breeding stock).

***Question 5: To what extent do you agree or disagree with the proposal to legally require pet sales to provide written information when selling animals? Please provide any comments or evidence to support your answer.***

We would suggest that, for common pet species, it would be sufficient for pet shops to have such written information available on request, rather than requiring it to be supplied with each sale. A customer with a large tropical aquarium at home, for example, is likely to buy additional fish on a reasonably regular basis, to maintain stock in an established system, and is unlikely to need the information afresh with each purchase. We would also suggest that much of this information, particularly relating to the suitability of accommodation and care requirements, is required in advance of the purchase of animals, to enable customers to fully

appreciate the responsibility they are taking on by making the purchase – a requirement to supply information at the time of purchase is likely to be too late to safeguard the welfare of the animals concerned.

***Question 6: What other proportionate measures could address concerns around the care of exotic animals?***

For exotic animals requiring particularly specialist care, habitats, and so on, we would expect sellers to be satisfied that the prospective customer has appropriate skills, knowledge and resources to care for the animal in question, and to refuse the sale otherwise. Whether this needs to be legislated for is open to debate. We do have a specialist exotic pet shop licensed in our area where this expectation is met without being mandated, the proprietor and his staff regularly advise individuals and organisations on the welfare and safe keeping of exotic animal species, and are also involved in the rescue and rehabilitation of exotic animals which have not received adequate care.

***Question 7: To what extent do you agree or disagree with the proposal to allow licences to be issued for a fixed term, set at any point in the year? Please provide any comments or evidence to support your answer.***

Strongly agree. This is a common-sense approach which will spread the administrative burden of licence applications over the year, rather than concentrating them into an arbitrary period.

***Question 8: To what extent do you agree or disagree with the proposal to increase the maximum length of a licence that local authorities may issue to up to three years? Please provide any comments or evidence to support your answer.***

Strongly agree with longer-duration licences. We would ask DEFRA to consider going further and introducing open-ended licences, subject to a power for LA's to inspect at any reasonable time (likely to remain on an annual basis, with an appropriate annual fee being payable to cover the costs of this), and licence review/revocation powers being introduced. This would mirror the Licensing Act 2003 (alcohol/entertainment licences) , and would see the largest reduction of administrative burden for licence-holders. We would however disagree with introducing variable length licences, as this will simply increase the variation between licensing authority areas, which we view as the biggest weakness of the current system.

***Question 9: To what extent do you agree or disagree with the proposal to allow licence holders to transfer licences to new owners of the same premises, subject to notification of and approval by the local authority? Please provide any comments or evidence to support your answer.***

Agree. This is a sensible proposal, as if a business is sold in its entirety it is likely that it will continue to operate in a very similar manner under its new owner, often with the same staff. We are aware of cases where a licence-holder has retired and left a business to a relative or assistant who has a long-standing involvement in that business, yet has had to apply for new licences as if they were brand new. A simplified licence transfer application mechanism would address this, although we would suggest that LA's should retain a power to refuse such applications in the event that the transfer applicant is unsuitable – a notification procedure is unlikely to be sufficient for this purpose.

***Question 10: To what extent do you agree or disagree with the proposal to require licence holders to notify local authorities of major changes, such as a change of premises or scale of activities? Please provide any comments or evidence to support your answer.***

Little detail is give here, meaning it is difficult for us to answer this. We would agree with a licence variation mechanism for changing stocking/capacity numbers in the event of expansion at an existing site. However, we would suggest that moving to new premises

should require a new licence application, as this will have the potential to drastically change the operation of the licensed business, and should therefore be reassessed by the licensing authority.

**Question 11: To what extent do you agree or disagree with the proposal to maintain the registration requirement for performing animals? Please provide any comments or evidence to support your answer.**

**Question 12: To what extent do you agree or disagree with the proposed changes to the registration system for performing animals? Please provide any comments or evidence to support your answer.**

We currently have no involvement in the registration of performing animals, and therefore cannot comment on these questions. However, if retained, DEFRA may wish to consider consolidating this function with other animal licensing functions at district council level, rather than county councils in two-tier administrative areas.

**Question 13: To what extent do you agree or disagree with these proposals on powers of entry? Please provide any comments or evidence to support your answer.**

Agree, although we would disagree on a legislative cap of four persons permitted to enter premises under a warrant. Were intelligence to be received of a large breeding operation for example, where hundreds of animals were present, a larger number of persons would be required to execute the warrant. The application for a warrant will detail any persons who it is proposed would accompany the lead officer, and it is for the courts to determine if this is proportionate and reasonable. We believe this should be left to the courts to determine on a case by case basis.

**Question 14: To what extent do you agree or disagree with the proposal to allow an exemption from licensing requirements for businesses affiliated to a body accredited by UKAS? Please provide any comments or evidence to support your answer.**

Disagree. This has the potential to create a fragmented system with variable standards, particularly if multiple bodies receive UKAS-accreditation, and ultimately cause confusion to the public. Maintaining a single system whereby a district council is responsible for the regulation and inspection of all premises in a geographic area will ensure consistent application of standards throughout that area and, if suggestions made earlier for standardising licence durations, conditions, etc are implemented, across LA boundaries. A single system will also ensure a single point of contact in an area for complaints about poor standards of welfare at animal business premises, enabling members of the public to report their concerns and be assured that they will be investigated by a body with no commercial links to the trader concerned.

**Question 15: Do you think sector-led UKAS-accredited certification schemes could improve animal welfare in unlicensed areas? If so, what would work best and how could this process be encouraged?**

Agree. This authority has previously written to DEFRA to express its concerns about the proliferation of commercial but unlicensable pet-related businesses, such as dog walkers, pet sitters, mobile groomers, and so on, for whom there is no structure of formal regulation/accreditation, no clear regulatory oversight, and no ready means for authorities to identify perpetrators and take enforcement action in response to wrongdoing. If DEFRA is not minded to introduce formal regulation for such businesses, we would strongly support trade-led accreditation schemes to raise the standards of such businesses and weed out businesses not providing adequate care and service to their clients.

# Agenda Item 8



## AGENDA ITEM: 8

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	26 January 2016
PART:	I
If Part II, reason:	-

Title of report:	<b>Driving licence verification for taxi/PH drivers</b>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To agree the use of the GOV.UK driving licence verification service as an option for hackney carriage and private hire driver's licence applications with effect from 1 April 2016
Recommendations	That Committee approve the use of the GOV.UK driving licence verification service as an additional option for all hackney carriage and private hire driver's licence applicants with effect from 1 April 2016, and that the corresponding changes to the Council's licence application form be adopted.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>• Maintain a clean and safe environment</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>• VFM</li> </ul>
Implications:	<p><u>Financial / Value for Money</u> Although the proposal would reduce expenditure, as this cost is recharged to applicants the ultimate effect will be neutral to the authority. However, applicants for drivers licences will see a saving.</p> <p><u>Risk Implications / Community Impact / Health And Safety</u> None identified</p>
Consultees:	None
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	

1. As part of the application process for new hackney carriage and private hire driver's licences, and renewals of existing licences, the Council carries out independent verification of all DVLA driving licences presented. These checks were introduced following concern nationally that a number of applicants for taxi licences had evaded declaring motoring offences and endorsements to licensing authorities by holding two copies of their DVLA driving licence counterpart – a clean, historic one with no offences shown, and a current one showing all offences. By verifying licence data directly against DVLA databases, it could be ensured that a current licence had been produced, as well as directly verifying any current disqualifications, convictions or endorsements.
2. The checks are carried out using a third party verification agency, with direct access to the DVLA's databases, and a charge is payable for each such check carried out. This is then recharged to applicants alongside licence fees. While the Council would be entitled to purchase direct access to the DVLA databases itself, the cost of doing so has historically been viewed as prohibitive, hence the decision to use a third party supplier.
3. In June 2015, the Government abolished the paper counterpart for photocard driving licences, and since that time have only issued the cards. At the same time, new online systems for checking licence validity and details were launched. There are two systems available:
  - <https://www.gov.uk/view-driving-licence> allows drivers to look at their own licence details, and to produce a one-use check code to share with third parties;
  - <https://www.gov.uk/check-driving-information> allows insurers, hire car companies, licensing authorities, etc, to check the status of an individual's driving licence and any endorsements, providing that that person has given their consent and a valid check code (which expires when it is used, or after 21 days).
4. Pre-photocard paper driving licences (issued before 1998) remain valid at this time, but their details can be verified the same systems as above.
5. Providing an applicant has supplied them with the necessary check code (which also represents their consent), a third party can use the second service to verify a UK driving licence held by an individual, seeing the current licence status, category entitlements, any restrictions on driving entitlement, and any endorsements or penalty points applying to the licence, as a result of motoring offences. This data is taken directly from DVLA records, and the system is free to use.
6. To reduce costs for the licensed trade, it is proposed to provide licence applicants an option on future applications, allowing them to supply a GOV.UK check code to enable officers to carry out a licence check at no additional charge. As it is recognised that a small proportion of drivers may not have access to the internet, the option of using the existing system to complete an independent check will be retained – however, this would require the applicant to pay the associated costs of the use of this system.
7. To facilitate the use of this new system, the application form for hackney carriage and private hire driver's licences has been amended accordingly. The proposed revised form is attached at Annex A.
8. As the new system is predicated on the individual supplying a check code, which requires both time and willingness of the individual concerned, all applicants will continue to be asked to sign an enduring consent form permitting the authority to carry out a check of their driving licence details using the independent verification service, at any time during the 3-year duration of their taxi or private hire licence. This would be used to

verify, for example, if reports were received suggesting that a particular driver had had his/her driving licence revoked, following offences. The cost of any such checks would continue to be borne by the licensing authority from the existing licensing enforcement budget.

#### **RECOMMENDATION**

- 9. That Committee approve the use of the GOV.UK driving licence verification service as an additional option for all hackney carriage and private hire driver's licence applicants with effect from 1 April 2016, and that the corresponding changes to the Council's licence application form be adopted.**

# Annex A – Revised application form



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

Town Police Clauses Act 1847 &  
Local Government (Miscellaneous Provisions) Act 1976

## Application for Hackney Carriage / Private Hire Driver Licence

<b>Type of licence sought:</b> <i>(tick one)</i>	<input type="checkbox"/> Hackney Carriage	<input type="checkbox"/> Private Hire	<input type="checkbox"/> Dual (HC & PH)
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<b>I am applying for a:</b>	<input type="checkbox"/> New licence <input type="checkbox"/> Renewal of licence <input type="checkbox"/> Additional badge (single to dual licence) <input type="checkbox"/> Revision of details
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Please attach a recent photograph, sized 45 x 35mm, of a standard suitable for a passport application, showing your full face without coverings.

Please write clearly 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.

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

Section 1: Licence details		<i>This section should be left blank on new licence applications</i>	
Badge number(s):	HD	Expiry date of current licence(s):	/ /
	PD		/ /
	XD		/ /

Section 2: Applicant's details			
Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other _____		
Forename(s):			
Surname:			
Home address:			
Post code:			
Date of birth:	/ /	National Insurance number:	
Place of birth:			
Nationality:	<i>If dual nationality is held, state all applicable nationalities</i>		
Daytime phone number:		Mobile phone number:	
Email address:			

**Section 3: Driving licence details**

Licence number:	<i>e.g. SMITH 101010 AB9YZ</i>	Issue no:	<i>e.g. 78</i>
Issuing authority:	<input type="checkbox"/> DVLA <input type="checkbox"/> DVLNI <input type="checkbox"/> Other: _____		
Are you currently, or at any time in the last 5 years have you been, disqualified from driving motor vehicles? <i>(including on medical grounds or as a result of a single or multiple convictions)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Have you been convicted of, or otherwise admitted, any motoring offences which resulted in the endorsement of your driving licence, where the endorsement is still valid and shown on your driving licence record?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
To your knowledge, are you currently subject to an ongoing investigation or legal proceedings in respect of an alleged motoring offence?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
If any of the above have been answered 'Yes', please give further details below:			

As part of the application process, we will need to verify your driving licence details with DVLA, using **one** of the following methods *(if your licence was not issued by DVLA, please contact us for advice)*:

**1) Share licence details on GOV.UK**

You can allow us to verify your driving licence information directly by generating a one-use code, valid for 21 days, at [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence) (then click on 'Share your licence information'). Enter the 8-character code below:

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*There is no additional fee for checks of this type.*

**2) Independent check**

If you cannot or choose not to use the GOV.UK service, we will need to verify your licence details with our independent verification provider.

**Carry out an independent check**  
*Please tick ✓ if applicable*

*An additional fee is payable for checks of this type.*

**Section 4: Criminal convictions, cautions or investigations**

Have you ever been convicted of a criminal offence?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever received a caution, reprimand or final warning in respect of a criminal offence?	<input type="checkbox"/> Yes <input type="checkbox"/> No
To your knowledge, are you currently subject to an ongoing investigation or legal proceedings in respect of an alleged criminal offence?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If any of the above have been answered 'Yes', please give further details below:	

**Taxi and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act, and as such convictions and cautions which are deemed spent must still be declared. However, single convictions for certain specified offences with lesser sentences may be filtered from disclosures, and do not need to be declared.**

**Section 5: Licensing history**

Have you ever been refused a hackney carriage or private hire driver's licence, or had such a licence suspended or revoked, by Dacorum Borough Council?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Have you ever been refused a hackney carriage or private hire driver's licence, or had such a licence suspended or revoked, by any other licensing authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If either of the above have been answered 'Yes', please give further details below:

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**Section 6: Right to work in the UK***Please tick one option as appropriate*

- I have an ongoing right to work in the UK, as a British citizen
- I have an ongoing right to work in the UK, as a national of an EEA country or Switzerland
- I have an ongoing right to work in the UK, as the holder of a UK residence permit (without restrictions)
- I have a restricted right to work in the UK, subject to the following restrictions and conditions:

Restrictions on type(s) of work permitted:	
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Restrictions on period of entitlement to work:	From:        /        /	To:        /        /
--	-------------------------	-----------------------

- I am entitled to work in the UK by virtue of the following circumstance, not covered above:

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**By law, we are required to verify official documentation demonstrating applicants' right to work in the UK. All applicants will be required to produce ID from a list specified by the UK Home Office.**

**Section 7: Documents required**

I have enclosed the following documentation in support of my application:

- My full driving licence (either the photocard or older-style paper licence)
- A signed data protection mandate to allow checks of my driving licence details
- Evidence of my right to work in the UK (UK birth certificate, passport, residence permit, etc)
- Evidence of my National Insurance number (NI card, P60 end of year certificate, etc)
- A completed DBS disclosure application form
- Identification documents required for the DBS disclosure service (**see enclosed notes**)
- A medical questionnaire completed by my GP, or by a medical practitioner with full access to my medical records covering at least the last 5 years
- A hospital consultant's letter (insulin-treatment only) and my signed medical declaration form (**diabetic drivers treated with insulin or medication which may induce hypoglycaemia only**)
- A letter from a licensed private hire operator in Dacorum offering employment (**mandatory for private hire drivers and dual drivers, optional for hackney carriage drivers**)

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**Section 8: Application fee(s)***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 9: Declaration and signatures**

- I declare that, to the best of my knowledge and belief, the above particulars are true in every respect.
- I understand that it is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required in this form, and that I may be prosecuted or have my licence revoked if I am found to have done so.
- I have read the Licence Conditions and/or Bylaws and undertake in the event of a licence being granted to observe and adhere to such Conditions and/or Bylaws.

Signed:		Print name:		Date:	
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Driver licence applications should be submitted at an appointment at the Dacorum Civic Centre, accompanied by all of the documents listed at section 7 of this form. Please contact us to make an appointment on **01442 228225** or **01442 228487**.

Please note that we will not accept your application if you do not provide all of the documents required.

**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 you 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 information about you to anyone else, or use information about you for other purposes, unless the law allows 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
DBS form number:	F	Disclosure no:	
DVLA check run:	/ /	DVLA results:	
Medical received:	/ /	Medical results:	
Complaint history check:	/ /	Complaint results:	
Appn complete:	/ /	Lic. approved:	/ /
Licence valid from:	/ /	Licence expires:	/ /

*Revised January 2016*

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## AGENDA ITEM: 9

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	26 January 2016
PART:	I
If Part II, reason:	-

Title of report:	<b>Electric vehicles as taxis</b>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To propose a limited relaxation of vehicle licensing standards to enable a trial of electric vehicles as hackney carriages
Recommendations	<p>1.To 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 licensed 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.</p> <p>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 or private hire vehicle.</p>
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>• Support the creation of a high quality, low carbon environment</li> <li>• Maintain a clean and safe environment</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>• Reputation and profile delivery</li> </ul>
Implications:	<p><u>Financial / Value for Money / Risk / Community Impact / Health And Safety</u></p> <p>None identified</p>
Consultees:	None. The proposal is for a small-scale trial of the use of electric vehicles as taxis, if successful then full consultation will be carried out prior to any decision to permanently amend the standards.

Background papers:	Vehicle pre-licensing standards: <a href="#">Hackney carriages</a> <a href="#">Private hire vehicles</a>
Glossary of acronyms and any other abbreviations used in this report:	<p><b>Pure electric vehicle (PEV)</b> – a vehicle powered solely by an electric motor powered from a bank of rechargeable batteries.</p> <p><b>Range-extended electric vehicle (REEV)</b> – an electric vehicle with a built-in conventional engine (usually petrol), which is used to recharge the batteries while the vehicle is in motion.</p> <p><b>Plug-in hybrid electric vehicle (PHEV)</b> – a conventional-fuel engine is supplemented by an electric motor powered by pre-charged batteries. At lower speeds, the batteries are recharged by the conventional motor.</p>

## 1. BACKGROUND

- 1.1. Dacorum has licensed a wide variety of vehicles for use in the borough as hackney carriages and private hire vehicles (referred to jointly herein as ‘taxis’). At the time of writing, there are a total of 414 vehicles so licensed – 229 hackney carriages (of which 41 are wheelchair-accessible), and 185 private hire vehicles.
- 1.2. Prior to being licensed as a hackney carriage or a private hire vehicle, any vehicle must satisfy a range of criteria relating to size, construction and power as set by the Council (linked above under ‘[background papers](#)’). The vehicle must also complete a combined MOT and compliance test at the Council’s selected testing station. The standards require that any new hackney carriage vehicle licence (i.e. not replacing an existing saloon car or MPV) must relate to a wheelchair-accessible vehicle.
- 1.3. In the last couple of years there has been a marked increase in the availability of electric-powered vehicles, with a range of pure electric and range-extended/plug-in hybrid electric vehicles now on the market which would be suitable for taxi use. Despite this, the vast majority of Dacorum’s taxis remain on traditional fuels – 411 of the licensed vehicles use either diesel (374) or petrol (37). The remaining 3 vehicles are all petrol/electric hybrid (Toyota Prius), belonging to an accident-management company.
- 1.4. There are currently no pure electric vehicles, range-extended electric vehicles, nor plug-in hybrid electric vehicles in use as taxis in Dacorum. A small number of LPG-powered vehicles have been licensed as taxis previously, but have since been replaced with conventional-fuel vehicles.

## 2. PROPOSAL

- 2.1. Officers have been approached by a company specialising in the promotion of electric vehicles, with regards the possibility of launching a trial scheme in Dacorum to encourage their uptake and use as taxis. This follows similar trial schemes run in Watford and St Albans. In those schemes, the company has obtained licences for a small number of electric vehicles and rented them to licensed drivers for a short period, allowing the drivers to use the vehicles in a professional capacity before making a decision on whether to purchase one of their own.

- 2.2. Separately, officers have also been approached directly by a small number of licensed drivers enquiring about the possibility of licensing electric vehicles for use as taxis. As electric vehicles remain a relatively new technology, there is understandably some uncertainty and trepidation among the trade about committing to such a purchase without having been able to 'live with' the product in advance.
- 2.3. At the present time, the vehicle licensing standards adopted by the Council require any new vehicle being licensed as a hackney carriage to be wheelchair-accessible (unless replacing a currently-licensed non-accessible vehicle). As most electric vehicles currently on the market are not wheelchair-accessible (although accessible versions of certain vehicles are currently in development and trial) this means that our standards would preclude the licensing of many electric vehicles as hackney carriages.
- 2.4. The standards would not prevent the licensing of EVs as private hire vehicles, as there is no equivalent limitation on vehicles of that type. However, both sets of standards refer to engine capacities, which are not applicable to electric vehicles motors.
- 2.5. Vehicle charging infrastructure around Dacorum may prove to be one of the biggest hurdles to widespread use of electric vehicles as taxis. While vehicles can be charged overnight using a domestic power supply, offering a range of around 80 to 120 miles (vehicle dependent), there are only a limited number of charging points at which vehicles could be recharged – currently four in Hemel Hempstead, and one each in Berkhamsted and Tring<sup>1</sup>. All of these are the medium-power 'fast charging points', which can take around 3-4 hours to charge a battery pack. Currently, there are no high-power 'rapid charging points' available in Dacorum, which can deliver an 80% charge in around 30 minutes.
- 2.6. To enable a small-scale trial of electric vehicles, allowing taxi drivers to sample the technology and test the viability of extended use, it is proposed that the Council's standards be relaxed to allow the licensing of a small number of restricted 'electric vehicle' hackney carriage licences. These would be issued on a first-come first-served basis, and would be restricted to use by electric vehicles only – if a vehicle needed to be replaced, it would have to be by a similar electric vehicle and not by a conventional-fuel vehicle.
- 2.7. It is also proposed to relax the standards to disapply the engine capacity criteria, for any other application relating to an electric vehicle. This will allow any applicant to licence an electric vehicle either as a private hire vehicle, or as a hackney carriage on a so-called 'golden plate' (replacing an existing non-accessible licensed hackney carriage).
- 2.8. The reason for the introduction of the wheelchair-accessible requirement was to ensure a reasonable proportion of hackney carriages were available to carry disabled passengers, and one of the key aspects of the trial (and the main reason why a more widespread relaxation is not being proposed at this time) will be to monitor and limit the impact on the number of wheelchair-accessible taxis in use in the borough. The Committee will be aware that concerns over the availability of such taxis have previously been expressed by the County Council, as reported at a previous meeting.

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<sup>1</sup> See <https://www.zap-map.com/location-search/> for locations.

2.9. If approved, officers will monitor the introduction and use of the electric vehicle licences, and report periodically to the Committee on progress and status.

### **3. RECOMMENDATIONS**

3.1. To 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 licensed 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.

3.2. 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 or private hire vehicle.

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## DACORUM BOROUGH COUNCIL

### LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

24 NOVEMBER 2015

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Present –

#### MEMBERS:

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

#### OFFICERS:

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

The meeting began at 7.30 pm

#### 1. MINUTES

The minutes of the meeting held on 27 October 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 Councillors P Hearn and Whitman.

Councillor Barnes was 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

Before the meeting started the committee were advised by the officers to discard the report in the agenda due to several errors and a revised report was circulated.

D Ryder explained that the council had received a planning application for the use of a camp site at Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead. She said

Environmental Health were consulted on the application as the council does not have a licence in place for camp sites so the officers had prepared a proposed set of standard licence conditions for the committee to discuss and approve after consulting other local authority conditions. These conditions would be used for any camp site application in the borough and not just for this application.

D Ryder gave background on the application stating that there were 3 tepees to be used for relaxation and studying Native American arts.

Councillor Bassadone asked if the tepees were large. D Ryder confirmed they were large and said they could accommodate approximately ten individuals in each tepee.

Several members of the committee expressed concerns about various points within the licensing conditions. The Chairman suggested that the officers rewrite the conditions incorporating the councillors comments and return to the committee with a new set of conditions. He asked members to highlight the particular areas of concern.

Councillor Mills referred to section H, paragraph vii and felt that 3 deep sinks per pitch was too many.

Councillor Taylor said the mathematics didn't add up and the document was very confusing. He suggested they needed to either use acres or hectares in the density and spacing section of the conditions as using both would cause confusion.

Following a short discussion on the matter, the committee agreed with the officers that they would change the condition to '*site density should not exceed 60 pitches per hectare*'.

Councillor Mills didn't feel that there were enough toilets being proposed. He felt that a dozen would be more appropriate.

Councillor Fantham said the water supply and waste disposal section was not specific and needed clarifying.

Councillor Taylor said it was an ill prepared document that needed to be rewritten.

Councillor Adshead referred to section 1 on page 4 and expressed concern that a three metre wide area may not be wide enough.

Councillor Peter asked if there was any legislation on alcohol consumption. T Cawthorne said it depended on the situation because if the campsite was someone's home then it would be the same as anyone else consuming alcohol in their home. He explained that they would need to apply for a licence if anyone intended to sell alcohol on site or if they were planning an event on the land that would require a temporary events licence. He added that any applicant should consult licencing department for clarity.

Councillor Bassadone asked if the officers were aware of an unofficial site at Bunkers Park in Bunkers Lane. T Cawthorne said they weren't aware of it but if they were informed of any problems they would investigate. He asked members to let him know if there was any nuisance behaviour. Councillors Bassadone and R Sutton said they would speak to him once the meeting had finished.

Councillor Fantham suggested the officers could liaise with local scout groups to identify what legislation they're covered by and consult with them to help assemble our conditions.

Councillor Bassadone suggested they contact the Boys Brigade in Felden too.

Councillor Howard advised that legislation to cover children's toilet facilities would differ from adults.

Councillor Peter asked if the Police could intervene if alcohol was on the premises. Councillor Mills said people would have alcohol on site at caravan parks and that didn't cause a problem so he didn't see the need to include that in the conditions. Councillor Peter explained that Police would be called to a site if there were any problems or disturbance so he felt they should plan ahead and put the facility in place.

Agreed:

The Committee unanimously agreed that the officers should rewrite the licence conditions taking in to account their comments and concerns and return to the committee in the New Year.

The meeting ended at 8:12 pm