

REPORT OF THE HEAD OF ENVIRONMENTAL SERVICES

REGULATORY PERFORMANCE

REASON FOR REPORT

1. Effective performance management requires that performance is reported on a regular basis and this is reported annually to the Regulatory Committee

RECOMMENDATIONS

1. That this report is noted

RELATIONSHIP TO CORPORATE PLAN

1. None

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	Managing performance includes budget management
Legal	There are statutory deadlines to be met
Risk Assessment	Failure to meet statutory deadlines could lead to legal challenges

1.0 INTRODUCTION

- 1.1 This report is one of two looking at the performance of the Licensing Service. This report for the Regulatory Committee looks at those areas of licensing that are not covered by the Licensing Act 2003 or the Gambling Act 2005 and is, effectively, 'the rest'. It is mainly dealing with hackney carriage and private hire licensing plus all of the others including the animal licences such as animal boarding, pet shops, riding establishments, dangerous wild animals; street and house to house collections; caravan sites; and the registration of acupuncturists, tattooists etc. Annexe 1 lists the current licences and registrations that we have as at 3 July 2013.

1.2 Some of the relevant information is already contained in the report to the Licensing Committee and reference will be made back to that report and its annexes through the course of this report.

2.0 **SERVICE STANDARDS**

2.1 The service standards that we have developed and work to are attached to the Licensing Performance report as Annexe 2.

2.2 We do not have a risk-assessed inspection programme for taxis but regular monitoring takes place as well as meter testing.

3.0 **TARGETS AND ACTUALS**

3.1 The budget information referred to in the first report is applicable for both.

3.2 Three Regulatory Sub Committee hearings in relation to matters falling under the committee took place during 2012/13. One concerned a taxi driver who was found smoking in his vehicle on a number of occasions who received a warning. Another was a taxi driver who had not shown sufficient care for his passengers who also received a warning. The third concerned a taxi operator and the maintenance standard of his vehicles and he convinced the Sub Committee that he had put procedures in place that would ensure his vehicles were roadworthy and safe to transport passengers.

3.3 A new taxi policy was consulted on in 2012 and came into effect from 1 April this year. The main thrust of this was to raise the standard of vehicle testing as some spot testing held in the autumn of 2012 revealed some serious failings with some of our licensed vehicles. The new testing regime is rolling out well so far with some minor adjustments to make it clearer for both vehicle owners and the testers. The other significant change introduced was that of a rolling five year age limit for newly-licensed vehicles which will come into effect on 1 April 2014.

3.4 The customer satisfaction surveys and complaints reporting referred to in the Licensing report cover the whole service and are also applicable here.

3.5 Some of these licences and registrations do not attract a fee, such as caravan sites, scrap dealers and the street and house to house collections and the Council is expected to provide the service out of 'the general fund'. We do now, however, have a new Act – the Scrap Metal Dealers Act 2013, which will enable a charge to be made for scrap dealer licences. We do not have the commencement date yet or the guidance on fee setting but it should be very soon. The legislation governing taxis enables us to base fees on the costs of the service.

4.0 **CURRENT YEAR**

4.1 We are still awaiting secondary legislation towards full implementation of the Animal Welfare Act 2006 and the Charity Act 2006. This will change how we currently licence boarding kennels and pet shops on the animal side and the Charity Act will alter how we licence charitable collections. We have had to remind the charity direct debit collectors of the informal agreement we have with them on a number of occasions to endeavour to prevent nuisance to the general public – the new legislation will give a better regulatory framework for these activities but we do not yet have a date for its implementation and do wonder if it will ever come to fruition. This paragraph repeats what was said last year and it does seem that this legislation has been parked.

4.2 In August 2012 the Public Fundraising Regulatory Association, which is a charity-led membership body that self-regulates all forms of direct debit 'face-to-face-fundraising',

adopted new rules that govern how its members go about their collecting. These rules translate into fines if transgressed and seem to be working as we have had no complaints about 'chuggers' since and our own informal agreement with them continues to work well.

5.0 RECOMMENDATION

5.1 It is recommended that Members note the report.

Contact for any more information	Mrs Marjory Parish (01884) 244619 Licensing Manager
Background Papers	Licensing Performance info, Lic Sub Cttee reports and minutes, MDDC budget
File Reference	Licensing/Performance Information

Licences and Registrations to date – 3 July 2013**Hackney and Private Hire**

Hackney carriages	60
Private hire vehicles	49
Private hire operators	17
Hackney carriage/private hire drivers (joint)	131

Animals

Boarding kennels and catteries	12
Dangerous wild animals (wild boar)	1
Riding establishments	3
Zoo	1

Charities

House-to-house collection licences 1 April 2012 – 31 March 2013	19
Street collection permits 1 April 2012 – 31 March 2013	64

Miscellaneous

Motor salvage operators	6
Scrap dealers	13 (from 6 last year)
Caravan sites (does not include a number of single sites)	23
Ear-piercing registrations 1 April 2012 – 31 March 2013	3
Ear-piercing registrations since 1 April 2013	1
Tattooing registrations 1 April 2012 – 31 March 2013	1
Tattooing registrations since 1 April 2013	2

Hearings

Three hearings concerning taxi drivers and taxis were held and no appeals were made against any of the decisions