

Report for: Regulatory Committee

Date of Meeting:	1 December 2023
Subject:	LICENSING UPDATE REPORT
Cabinet Member:	Cllr David Wulff Cabinet Member for Community & Leisure
Responsible Officer:	Simon Newcombe Corporate Manager for Public Health, Regulation and Housing
Exempt:	No
Wards Affected:	All wards
Enclosures:	None

Section 1 – Summary and Recommendation(s)

To provide the Committee with an overview of the regulatory activity undertaken by the Licensing Team.

Recommendation(s):

To note the contents of the report

Section 2 – Report

1.0 Introduction

1.1 This report provides an overview of the activity carried out by the Licensing Team, during the first half of 2023/24 in respect of the following: Hackney Carriage and Private Hire licensing; animal licences such as animal boarding, pet shops, riding establishments, dangerous wild animals; caravan sites; and the registration of acupuncturists, tattooists etc.

2.0 Service Delivery updates

2.1 Hackney Carriage and Private Hire

2.1.1 The Hackney Carriage and Private Hire Policy has been reviewed and a number of opportunities for change identified. This is detailed within a separate report. Due to the scale of the review process, a full 3 month consultation will be required, which will take significant resource and will also be an opportunity for the Service to engage with the trade and wider consultees.

2.1.2 During the first half of 2023/24 the Team dealt with Hackney Carriage and Private Hire licensing applications as detailed below:

	Total number of licences as 09/11/2023	Number of new applications and renewals processed between 1/4/2023 – 30/9/2023	Number of cancelled or surrendered licenses between 1/4/2023 – 30/9/2023
Hackney Carriage Vehicle licence	61	36	7
Private Hire Vehicle licence	64	28	9
Private Hire Operator licence	16	6	0
Combined Hackney Carriage and Private Hire Driver licence	134	34	3

2.1.3 The Team are currently working with a new operator who is bringing more than 40 drivers and over 70 vehicles across from Exeter. He has built a new depot within the District and will gradually bring the vehicles and drivers across when their existing licences with Exeter expire. The fleet includes 9 wheelchair accessible vehicles. We currently only have 1 of these within the District.

2.1.4 45 Taxi inspections have been carried out in the first half of 2023/24.

2.2 Animal Welfare

2.2.1 The Team are responsible for licencing animal related establishments. This can range from dog breeding through to zoos. There are 41 animal related licenses in total that relate to the following activities:

Type of activity	Number of licences
Cat/dog boarding	12
Home boarding	6
Day care	2
Dog breeding	13
Horses	4
Pet shops	3
Exhibition of animals	1

2.2.2 In the first half of 2023/24 the Team processed 11 new and/or renewal applications which included an inspection of the establishment to check animal welfare and adherence to licence conditions.

2.2.3 Inspections of dog breeding establishments and horse riding establishments are delivered in conjunction with a veterinary surgeon, who looks at the condition, welfare and suitability of the animals.

2.2.4 When complaints or requests for variations are received about licenced animal premises, an inspection is carried out to check compliance with the conditions of the licence. Two such inspections were carried out in the first half of this year.

2.2.5 One of these visits was carried out with colleagues from the Community team, who were investigating a complaint of nuisance from a licenced breeding establishment in a built up residential area. The outcome of our involvement was that the business has made changes to their layout to reduce the impact on neighbouring properties and submitted an application to vary their licence.

2.2.6 Officers have also visited 1 premises in the District that is not currently licenced, where they have reason to believe that licensable activities are being carried out. This is still under investigation.

2.2.7 Animal welfare inspections for grant of licence are carried out by a contractor, as there is a requirement for inspectors to hold a Level 3 Certificate for Animal Inspectors qualification. The Licensing Officer is currently undertaking the qualification and the taught component of this course will be completed by December 2023, followed by a period of experiential learning. This will provide us with improved flexibility and resilience to deliver these inspections in-house in the future.

2.3 Mobile Homes and Caravan sites

2.3.1 There are 45 sites across Mid Devon, 30 of which are touring sites.

2.3.2 New legislation in 2021 required fit and proper persons to manage sites where there are permanent residential pitches.

2.3.3 An in-depth review of the work carried out in 2021 when the new legislation was introduced has identified that there are some areas where the process needs to be improved. The Team are currently re-engaging with site owners to ensure that all who are required to have identified a fit and proper person to manage the site have done so and that the Council has fulfilled its responsibilities regarding these requirements.

2.3.4 The Mobile Home Fit and Proper Person Fee Policy was reviewed in September 2023 under delegated authority and a slight increase of £8.95 was agreed.

2.4 Specified beauty treatments

2.4.1 These are covered by the Local Government (Miscellaneous Provisions) Act 1982, including tattooing, piercing, electrolysis and acupuncture. Officers from Licensing work closely with officers from the Food and Health and Safety team to administer these licences. This is due to the risks associated with these activities and the need for health and safety and infectious disease considerations.

2.4.2 Total figures for premises and personal registrations in place across the District, including a breakdown of those issued in the first half of 2023/24.

	Total as 9/11/23	New from 1/4/2023–30/9/2023
Acupuncture premises	17	2
Acupuncture personal	15	4
Piercing premises	30	2
Piercing personal	12	3
Micro needling Premises	1	1
Micro needling Personal	1	1
Electrolysis premises	9	0
Electrolysis personal	2	0
Tattooing premises	34	2
Tattooing personal	23	2
Total	143	17

2.4.3 The new Health and Care Act received royal assent on the 28th April 2022. The Act gives the Health and Social Care Secretary the power to introduce a licensing regime. A consultation on the licensing of non-surgical cosmetic procedures in England closed in October 2023.

2.4.4 Under the proposed scheme, which will be operated by local authorities in England, practitioners will need to be licensed to perform specific procedures, and the premises from which they operate will also need to be licensed. It is likely that there will be a significant impact on the service when the new licensing framework is rolled out.

3.0 Enforcement and Hearings

3.1 Two Regulatory Sub-committee hearings were conducted in the first half of 2023/24:

3.1.1 Consideration of a licenced driver remaining fit and proper to hold said licence. The outcome of the hearing was a 6 month suspension and requirement to undertake a taxi driving course at the end of the suspension period.

3.1.2 Consideration of a new driver application, to determine if the applicant is fit and proper for the purposes of being issued a Hackney Carriage and Private Hire driver licence. The outcome of the hearing was that the licence was granted.

Financial Implications: All licences for the areas mentioned above have a charge associated with them. As opposed to licensing functions that come under Licensing Act 2003/Gambling Act 2005 (Licensing Committee), these charges are set locally and reviewed on an annual basis. In some cases these are subject to statutory consultation processes. These must all be calculated based on the resource required to meet statutory obligations in issuing the license and regulating the licenced activity on a non-profit basis. The income from the licences is therefore used to offset the running of the Service. The Service is not self-funding overall as some of the fees are set at a national level (Licensing Act 2003 and Gambling Act 2005) and therefore do not fully cover costs but makes a significant contribution towards its costs within the general fund.

Legal Implications: There are various regulations that govern the range of applications administered by the Licensing Team. These detail a range of duties and statutory deadlines, as well as policy and procedural requirements.

Risk Assessment: Provision of the licensing service is statutory obligation. If resources for the Team are not available there is a risk that the Council is unable to meet its statutory duties in relation to licensed activities. This would put the health and safety of residents at risk if they accessed a service that did not meet licensing standards. This is a particular concern in respect of taxis and the beauty industry. Animal welfare is also at risk if the Council was unable to conduct regular checks of these establishments.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this update report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 14 November 2023

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 14 November 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 13 November 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 16/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

Name: Harriet Said - Commercial Team Leader, Public Health and Housing Options

Email: hsaid@middevon.gov.uk

Telephone: 01884 244603

Name: Tanya Wenham - Operations Manager for Public Health and Housing Options

Email: twenham@middevon.gov.uk

Telephone: 01884 244610

Background papers: None