

**Report for: Regulatory Committee**

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Date of Meeting:	28 June 2024
Subject:	<b>LICENSING UPDATE REPORT</b>
Cabinet Member:	David Wulff, Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe – Head of Housing and Health
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 as applicable to the Regulatory Committee.

**Recommendation(s):**

- 1. That the Committee 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 second 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 and dangerous wild animals;
- caravan sites;
- scrap metal activities; and
- the registration of acupuncturists, tattooists etc.

## 2 Service Delivery updates

### Hackney Carriage and Private Hire

- 2.1 A three month consultation on the draft Hackney Carriage and Private Hire Policy took place between January and April 2024. A separate full report considering the responses and subsequent changes to the policy is being presented to Committee. The consultation included a face to face engagement session with Licensees, attended by the Chair of Regulatory Committee. This was a positive and engaging session and we have had requests from the trade to repeat the opportunity.
- 2.2 The Department for Transport published revised Best Practice Guidance for Taxis and Public Hire Vehicle Licensing, which has been considered through the Policy review.
- 2.3 The Government launched its new [Disability Action Plan](#) including a commitment to work with representatives from the guide dog and assistance animals sectors to improve access. The updated Taxi and Private Hire Vehicle (PHV) best practice guidance underlines that councils must take action against drivers who discriminate against disabled people, including assistance dog owners, bringing prosecutions and suspending or revoking licences where required.
- 2.4 During the second half of 2023/24 the Team dealt with Hackney Carriage and Private Hire licensing applications as detailed below - ( ) shows the variance on past half year:

	Total number of licences as 31/03/2024	Number of new applications and renewals processed between 1/10/2023 – 31/03/2024	Number of cancelled or surrendered licenses between 1/10/2023 – 31/03/2024
Hackney Carriage Vehicle licence	66 (+7.6%)	30	0
Private Hire Vehicle licence	68 (+6%)	37	0
Private Hire Operator licence	17 (+6%)	3	0
Combined Hackney Carriage and Private Hire Driver licence	146 (+8%)	27	1 x revoke 1 x suspended

- 2.5 51 Taxi inspections were carried out in the second half of 2023/24.

### Animal Welfare

- 2.6 The Team are responsible for licencing animal related establishments. This can range from dog breeding through to zoos. There are 44 animal related licenses in total that relate to the following activities - ( ) variance since last report:

Type of activity	Number of licences
Cat/dog boarding	12 (no change)
Home boarding	6 (no change)
Day care	3 (+1)
Dog breeding	15 (+2)
Hiring out horses	4 (no change)
Pet shops	3 (no change)
Exhibition of animals	1 (no change)
Dangerous wild animals	1 (+1)

- 2.7 In the second half of 2023/24 the team processed 13 new and/or renewal applications which included an inspection of the establishment to check animal welfare and adherence to licence conditions.
- 2.8 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.
- 2.9 When complaints or requests for variations are received about licenced animal premises, an inspection may be carried out to check compliance with the conditions of the licence. 7 visits involving 4 premises were carried out in the second half of 2023/2024 to investigate and follow up on complaints.
- 2.10 One suspension notice was served on a licenced dog breeder, due to non-compliance with licence conditions. The Licensee took steps to remedy the non-compliances and the suspension notice was subsequently lifted.
- 2.11 The Licensing Officer is currently working through a period of experiential learning to achieve the Level 3 Certificate for Animal Inspectors qualification. This will provide us with improved flexibility and resilience to deliver these inspections in-house in the future.

### **Mobile Homes and Caravan sites**

- 2.12 There are 45 sites across Mid Devon, 30 of which are touring sites.
- 2.13 The public register for fit and proper persons is available [here](#), there are currently 3 people on the register.

### **Specified beauty treatments**

- 2.14 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.

2.15 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 31/03/2024	New from 1/10/2023 – 31/03/2024
Acupuncture premises	19	2
Acupuncture personal	17	3
Piercing premises	30	0
Piercing personal	14	2
Micro needling Premises	1	0
Micro needling Personal	1	0
Electrolysis premises	10	0
Electrolysis personal	1	0
Tattooing premises	29	0
Tattooing personal	30	0
Total	152	7

2.16 Once issued a registration for beauty treatments, both premises and personal, have no expiry date. Over the past 12 months, Licensing Assistants have carried out a piece of work to ensure historic data held on the database and also in paper files is accurate and up to date, this has resulted in a number of registrations being inactivated.

2.17 No further update is available at this time following the consultation on the licensing of non-surgical cosmetic procedures in England that closed in October 2023.

2.18 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.

### **Scrap metal**

2.19 There are 4 active site licenses for scrap metal and 8 mobile scrap metal collectors licences in place across the District.

### 3 Hearings and Enforcement

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

- Consideration of a licenced driver remaining fit and proper to hold said licence. The outcome of the hearing was that the licence was revoked.
- Consideration of a new vehicle application, for a vehicle that was outside of the policy requirement for new vehicles to be a maximum of 5 years old at the time of first licence. The outcome of the hearing was that the licence was granted.
- 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 not 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, People and Equalities 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:** 19 June 2024

**Statutory Officer:** Maria de Leiburne

Agreed on behalf of the Monitoring Officer

**Date:** 19 June 2024

**Chief Officer:** Simon Newcombe

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

**Date:** 19 June 2023

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 19 June 2024

**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](mailto:hsaid@middevon.gov.uk)

Telephone: 01884 244603

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

Email: [twenham@middevon.gov.uk](mailto:twenham@middevon.gov.uk)

Telephone: 01884 244610

**Background papers:**

The Department for Transport Best practice guidance for Taxis and Private Hire vehicle Licensing [Taxi and private hire vehicle: best practice guidance to assist licensing authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115422/taxi_and_private_hire_vehicle_best_practice_guidance_to_assist_licensing_authorities_-_gov.uk.pdf)

Disability Action Plan [Disability Action Plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115422/disability_action_plan_-_gov.uk.pdf)