



Licensing Committee agenda

Date: Tuesday 11 April 2023

Time: 6.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

Membership:

D Barnes (Vice-Chairman), J Baum, T Green, P Griffin, C Jones, N Rana, J Rush, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace (Chairman), A Wood and A Baughan

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Agenda Item	Page No
1 Apologies for absence	
2 Declarations of interest	
3 Minutes of the previous meeting To approve as a correct record the Minutes of the meeting held on 1 February 2023.	3 - 10

Part A - Statutory Functions

None

Part B - Other Licensing Functions

4	Taxi and Private Hire Licensing Fees and Charges	11 - 56
5	Buckinghamshire Council draft Animal Licensing Policy	57 - 100
6	Date of next meeting 17 May 2023 – Election of Chairman 18 July 2023 – TBC at Annual Full Council on 17 May 2023	

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Agenda Item 3
Buckinghamshire Council
Licensing Committee

Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 1 FEBRUARY 2023 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.22 PM

MEMBERS PRESENT

D Barnes, J Baum, T Green, C Jones, N Rana, J Rush, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace, D Watson and A Wood

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies were given from Cllr Paul Griffin.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 26 July 2022 were agreed as a correct record.

4 DRAFT CHARITABLE COLLECTIONS POLICY

The Council, in its capacity as Licensing Authority, was required to consider applications and issue permits and licences for charitable collections which take place in public areas and from house to house. There was not any policy currently in force covering the new Council area for these activities and it was considered necessary and appropriate for such a policy to be prepared, consulted upon and published in order to ensure that applications for this type of authorisation were considered and determined in a fair, consistent and transparent manner.

Applications for both street and house to house collections were regularly received by the Council, although only one of the legacy district council areas (Wycombe) currently had policies in place for this type of licensable activity. It was therefore considered necessary to implement a new policy which sets out the Licensing Authority's approach to considering and determining applications and also in relation to any necessary enforcement action across the whole Council area. The draft policy, attached as appendix 1 of the report, had been drafted for this purpose and it aimed to:

- safeguard the interests of both donors and beneficiaries;
- facilitate collections by bona fide charitable institutions and to ensure that good standards would be met;
- prevent unlicensed collections from taking place; and
- prevent nuisance and harassment to residents, businesses and visitors to the Council

area.

The Licensing Committee were being asked to review the draft Charitable Collections Policy and, subject to any recommended amendments, approve the draft policy for consultation with relevant stakeholders and residents.

If approved by the Committee and subject to any suggested amendments, the draft policy would undergo a six-week consultation process with all relevant stakeholders, including affected charity organisations, town centre managers, Thames Valley Police, Community Safety officers, residents, businesses, Members, parish councils and Community Boards.

Following the consultation process, a further report would be presented to the Licensing Committee providing full details of any comments received and amendments proposed as a result.

Members were invited to ask questions of officers. In response to a question regarding retail parks and superstores, officers advised that the street collections legislation covered those areas, but what it did not cover was private areas where the public did not have access.

Officers clarified that the Council currently received in the region of 150 applications each for House to House collection licences and street collection permits each year.

A Member questioned why there was a need for the policy if complaints in relation to unlicensed collectors were rare and subsequently little enforcement action was generally required. In response, the Committee was advised that there was not currently a policy in force covering the new Council area and therefore, there was a need for a single policy to be introduced to ensure that applications were considered and determined in a fair, consistent and transparent manner. The new draft policy sets out the Licensing Authority's approach to considering and determining applications and also in relation to any necessary enforcement action across the whole Council area. A harmonised policy would not only benefit members of the public, but also the charities themselves by ensuring that the Council processes applications in a consistent way. For example, a clear policy would help prevent multiple collectors in one location on one day, thus benefiting charities and also the public.

In response to a question regarding why the draft policy didn't require all charities to be registered with the Charity Commission, officers explained that whilst ideally all charities would be registered with the Charity Commission the process for doing so was quite onerous and therefore there might be some smaller charities, which due to exceptional circumstances, would not be registered with the Charity Commission. Following a question on whether Community Interest Companies were covered under the draft policy, officers agreed to look into this and report back to the Committee.

In relation to paragraph 2.12 of the draft policy, which stated that evidence of public liability insurance cover of a minimum of £5 million must be provided with the application, officers explained that this amount of cover was chosen based on the experience of other similar activities which the Council regulated such as the Pavement Licensing Scheme. Stakeholders would be given the opportunity to comment on the amount of cover as part of the consultation process.

Reference was made to paragraph 3.26 of the report which stated that collections would generally only be permitted between the hours of 08:00 and 20:00. Officers explained that these hours were chosen as a starting point for the consultation and could be looked at again

depending on the outcome of the consultation.

Officers confirmed that the draft policy included a prohibition on collections where a property displayed a notice preventing cold calling. With regards to paragraph 2.8 of the draft policy which stated that only one house to house collection would be permitted to any one charitable organisation in each calendar quarter, it was clarified that this meant in total and not per ward. This had been included in the draft policy to ensure that all charities would have equal opportunities to apply.

With regard to enforcement, the draft policy sets out the Licensing Authority's approach in relation to any necessary enforcement action across the whole Council area. Council officers who were out in the community, for example the Council's Community Safety officers, would be part of the consultation process and therefore would be aware of the policy and the requirements. In terms of enforcement, the Council was very reliant on people reporting any issues with collectors. The licensing requirements set out in the new policy would be promoted through media channels and the consultation process itself. The new policy would be published on the Council's website, along with details of all issued licences and permits which would enable members of the public to check whether a collector had a licence or a permit.

A comment was made by a Member that the introduction of a new policy provided an opportunity to introduce a far more robust method for checking individual collectors via a registration process. Officers explained that whilst this was a good idea, collections were regulated through legal provisions and therefore there would be limited scope for the Council to implement its own scheme. However, officers agreed to look into it further and would ask the relevant Secretary of State as to whether this was something which could be investigated at a national level.

With regards to the use of animals in collections, it was noted that applications which included the use of animals would be subject to additional scrutiny. In these situations, applications would be referred to officers who specialise in the animal welfare side of licensing to look at the risk assessments. It was likely that an officer would also carry out a spot check on the activity to ensure the welfare of the animal was being met.

Following a suggestion by a Member, it was agreed that the wording in the draft policy should be updated prior to consultation to include reference to the use of card payments.

On a vote being taken the recommendation was proposed by Cllr Barnes and seconded by Cllr Town and:-

RESOLVED that the draft Charitable Collections Policy attached at Appendix 1 of the report, subject to amendments as set out in the minute above, be approved for consultation with relevant stakeholders and residents.

5 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ANNUAL REVIEW

The Licensing Committee received a report on the Hackney carriage and private hire licensing annual review. Prior to service alignment and the implementation of the Council's new Hackney Carriage and Private Hire Licensing Policy, the Licensing Service committed to providing reports to the Licensing Committee, which related to service delivery and policy impact. In June 2022, the Committee received the first enforcement update report. This was the first annual report, focusing on the period 6 September 2021, the date of policy implementation, through to 30 September 2022.

The report provided an overview of application outcomes, an update on enforcement activity, key changes to service provision and improvements in service delivery, legislative changes and

other matters considered to be of relevance or interest to the Committee such as communication with the trade, updates on safeguard training and English language assessments.

With regard to English language assessments, it was noted that paragraph 2.39 of the report should have stated that during the reporting period, 223 new drivers and 109 existing drivers were registered to take the test. However, they did not all take the test. Out of the 262 tests which were conducted in that same period, 174 tests were passes and 88 were fails which resulted in a pass rate of around 66%. However, as 60 drivers took more than one test, the pass rate was actually closer to 86%.

The report also contained an overview of hackney carriage and private hire related matters on the horizon, which were likely to impact the service and the trade over the coming year. Financial considerations such as income, expenditure and other budgetary matters had been excluded from the report. A separate report had been prepared for consideration by the Licensing Committee and this information would form the basis for licence fee review.

As the first report of this nature, the Licensing Service welcomed feedback from the Committee on its content and suggestions for any appropriate amendments.

Members were invited to ask questions of officers. In response to a question regarding how many active taxi driver licences there were, officers advised that there were just under 2,500 active taxi driver licences. Following a question about DBS checks, it was confirmed that DBS checks had successfully been outsourced to a third party supplier called Taxi Plus and that the documents required for uploading were the same as an in-person DBS application. It was noted that whilst the DBS checks had been outsourced, Licensing Officers were doing identity verification checks on drivers when they come to the Council officers to collect their badge.

In relation to communication with the trade, a Member raised a concern that some of the trade were having an issue with the telephones not being answered in a timely manner and that the advice they were being given was sometimes hard for them to understand. The Member enquired whether a hotline they could contact would be helpful. In response, officers explained that the Licensing Service had been working hard to improve communication with the trade. There was a dedicated taxi licensing administration team embedded within the service which dealt with calls into the service and managed emails. The back office system also allowed messaging backwards and forwards through the application process. The outsourcing of DBS checks had enabled the service to reallocate some more resources to cover the telephones. In January the average wait times were about 3 minutes for a call to get through to the team, which was an improvement as prior to this the average time was 8 minutes. The Service was working to reduce the number of unnecessary calls by encouraging applicants, who had submitted valid information, to not call to check on the status of their application unless they had not heard from the Service within a given timeframe. This way the telephones could be freed up for those that require help with their application.

The Licensing Service had also improved communication with the trade by setting up a new Taxi Working Group, involving trade representatives from the hackney carriage and private hire trade, council officers, and other organisations such as disability user groups and the police. The group met approximately every quarter and discussed a wide range of trade related issues, with a focus on working collaboratively to address those issues. The Service also published a regular electronic newsletter which was distributed via text and email, where possible, to all licence holders. The newsletter contained key points of interest such as pending changes to service delivery, legal changes, trade advice and other items of interest. Furthermore, licence holders

were sent regular automatic reminders in advance of their licence expiry date to help them prepare for their pending renewal application.

A Member stressed the importance of ensuring that passengers with mobility issues could use the front seat of taxis when needed. Officers explained that all drivers and operators were required to attend safeguarding and disability awareness training and that the Service worked closely with the training provider to ensure that any feedback received from passengers could be incorporated into the training. Drivers and operators were kept up to date with any changes in legislation via the newsletter, electronic messages and the website. One of the categories on the Council's website, which passengers could select when making a complaint about a taxi or private hire driver or vehicle, was discrimination.

In response to a question regarding rejected applications and whether there was a charge for these, officers advised that there was not a charge for rejected applications. A Member commented that the Council should be able to charge an administration fee for those applications which were repeatedly rejected. Officers explained that the Service was working to reduce the number of rejected applications, for example, by contacting applicants who were having problems with their application and offering them advice. The Service was also considering running clinics for larger operators which have staff in their operating offices/bases who were struggling to submit valid applications. A question was asked as to whether similar to pre planning advice, applicants could pay an accelerated fee in return for advice and help in completing the application. In response, officers agreed to look into this further and whether it would comply with legal requirements and would report back to the Committee.

With regard to appeals, a question was asked as to why the Magistrates had allowed an appeal against the Council's decision to revoke a driver's licence who had been stopped by police driving at 100mph in a 70mph zone with passengers onboard. In response, the Committee were advised that an appeal before the Magistrates court was a rehearing and therefore the evidence put before the Magistrates court could include new items. In this particular case, the appellant stated that there was a mechanical fault with the speedometer and produced an invoice in relation to repairs for the vehicle which had not been available when the Council's decision was made. The Magistrates hearing the matter afresh accepted the driver's evidence and allowed the appeal.

The Committee welcomed the detailed and informative report.

RESOLVED that the report be noted.

6 TAXI AND PRIVATE HIRE LICENSING BUDGET REVIEW AND FEES AND CHARGES

The Committee received a report on the taxi and private hire licensing budget review and fees and charges and were asked to consider whether to agree the proposed fees and charges set out at Appendix A of the report prior to consultation and statutory advertising.

In July 2021, taxi and private hire fees and charges were approved as part of the implementation of a new Taxi and Private Hire Licensing Policy for Buckinghamshire, which came into effect in September 2021. The Licensing Service also went through the Better Buckinghamshire programme in 2021 and new structures for a harmonised Licensing Service, organised by specialism rather than geographical location, came into effect from the 1st September 2021. This created a single taxi and private hire licensing service serving the whole of Buckinghamshire and operating under the new Policy. Since September 2021, the Taxi Licensing Service had delivered policy changes as well as improvements in systems and processes, which had required significant resource to deliver. This included the implementation of the Department for

Transport's (DfT) Statutory Taxi and Private Hire Vehicle Standards, which were introduced in July 2020 and aimed to protect children and vulnerable adults from exploitation. The Service had also moved to a single back-office system and redesigned the way that the Service was provided. Having undertaken significant implementation and improvement work, the Service was now stable and operating in a business-as-usual fashion.

Taxi and private hire licensing fees could only be set at levels to recover such costs as were prescribed in law. The Council could not make a profit from licence fees and any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice, this meant that the costs of the service should be covered entirely by taxi licensing fee income into the Council. Any surplus or deficit must be carried forward and form part of any subsequent review of fees. In July 2021, taxi licensing fees were set based on both a combination of the available legacy district council information on volumes of activity into the services pre the Covid-19 pandemic and assumptions on how the future harmonised Taxi Licensing Service and Policy would operate. A rolling full-service review of fees was generally carried out every 3 years. However, there were a number of uncertainties and assumptions around service provision at the time that the fees were set. Given this, assurances were provided to the Licensing Committee that a full annual review of taxi licensing budgets and fees and charge would be carried out a year into implementation of the new Policy. This would enable the Service to fully understand any surplus or deficit at that point and ensure that any adjustments required could be considered.

As requested by the Licensing Committee a full budget review for taxi and private hire licensing was carried out between September and December 2022, one year on from the introduction of the new Policy and the single service structure and back-office system. The report presented the key findings of that review and the actions that had been taken as a result. The 2022/23 end of year budget position showed a forecast overspend position of £100k. Vacancies within the Service have been proactively managed over several months relative to the ongoing budget forecast position and as a result there was a 13.5% forecast underspend on employee costs over the 2022/23 period of £131k. However, application income into the services was 19.8% lower than was anticipated and therefore, the underspend on employee costs did not fully mitigate this budget impact. Additionally, running costs had increased by 28.2% over this period, in part reflecting increased supplier costs. There were two key factors that were likely to have impacted the level of income into the Service since September 2021. The Department for Transport (DfT) Taxi and private hire vehicle statistics: England 2022 showed that nationally the number of licensed drivers had fallen by 9.4% and continued to fall, likely as a result of the 2020 Covid-19 pandemic and drivers ceasing to drive and moving to other forms of employment. The other key factor that was likely to have impacted the level of income received was that, prior to the formation of Buckinghamshire Council on the 1st April 2020, drivers and operators who wanted to work across more than one of the legacy district council areas would have needed to have held a licence with each of the legacy councils to legally do so. As a consequence of resolutions passed by the Council in April 2021, which created a single administrative area for taxi and private hire licensing purposes, since 6th September 2021 only one licence was required for the respective activities of operator, vehicle and driver. Driver licences were issued for a 3-year period and operator licences for a 5-year period and therefore, where multiple licences were held, the licence holder was able to let older licences lapse and work under the newest licence issued, up to its expiry date.

The Council could not make a profit from licence fees and any surplus or deficit must be carried forward and recovered from the licensed trade over a rolling 3-year period. This meant that the forecast £100k overspend at year end for 2022/23 should be recovered across the next 3-year period and the budget and fees and charges review have incorporated this requirement. In

order to ensure and sustain a cost neutral budget position, where cost recovery adequately funds the service, a combination of measures was required. This included reducing overheads within the taxi and private hire licensing service as far as was possible to reflect current demand levels and increasing fees and charges to the licensed trade. The Taxi Licensing Service was currently undertaking formal consultation with staff within the Service on proposed structure changes which, if implemented as proposed, would reduce salary overheads by £146K. The new structure would be implemented on the 1st May 2023, dependent on the outcome of the consultation (this was an indicative timeline and might change as a result of consultation).

The new fees, which were being proposed, reflected both the full staffing costs of running the service, as well as the support service costs, with likely pay award and inflationary uplifts. As required, this review had factored in recoverable costs incurred by the Council such as IT provision, administration, supplies and services etc. A fee schedule of the proposed fees and charges was provided at Appendix A of the report. A benchmarking exercise had been carried out of current fee levels charged by 12 neighbouring local authority areas and this was attached at Appendix B of the report. A comparison of the proposed fees against the current average fee charged across the neighbouring local authorities was attached at Appendix C of the report. Fees charged by Transport for London (TfL) were excluded from the calculation of average fees charged because they were not comparable in terms of scale and operation, although TfL fees had been provided for information purposes.

Whilst the Service was mindful of the impacts of an increase in fee to licensed drivers, the legislative framework on cost recovery and the increased activity associated with the implementation of the new Policy and Statutory Standards meant that fees must be increased to cover the costs of the service or be borne by the taxpayer. The legislation did not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. However, councils were required to take a reasonable and proportionate approach and should aim to set a fee level that would be sufficient to cover the cost but not make a surplus or deficit.

Given the uncertainties around the wider economy and the trends on driver and vehicle numbers reported within the taxi and private hire statistics for England data, it was proposed that the taxi and private hire licensing budget and fees and charges position be reported to the Licensing Committee in Q4 of 2023/24, providing the opportunity to ensure that the position would be as anticipated. In addition to this, the fees and charges would be reviewed annually in relation to any increase in RPI and where appropriate an increase would be applied to the fee to recover related increased costs to the Council. The Government were currently reviewing RPI and might replace it with another inflationary measure. If this was the case an annual increase in relation to any new measure prescribed, where appropriate, would be applied as a minimum to the fee to recover related increased costs to the Council.

If approved, the proposed fees would be subject to a full consultation process with the licensed trade and other relevant parties. Section 70 of the Act set out statutory advertising requirements in relation to vehicle and operator licences, which require that an advert must be published within a local newspaper and at least 28 days provided for comments to be made. It was proposed that this consultation period would begin during February 2023. The licensed taxi and private hire trade would be made aware of the consultation and how to feed in via email as well as through the quarterly Taxi and Private Hire Newsletter. Following the statutory consultation process, a further report would be presented to this Committee at the next meeting on 11th April 2023, setting out the results of the consultation and any amendments made to the proposed fees as a result. If approved, the final proposed fees would take effect across the whole Council area on or before 12th May 2023. Fees would be reviewed annually

and further reports would be provided to the Licensing Committee following review.

Members were invited to ask questions of officers. In response to a question regarding the potential to reduce salary overheads by £146K, the Committee was advised that the fees which were being proposed had taken into account this potential saving. A Member enquired as to why the fee for the licence of an executive vehicle was slightly less than that of a private hire vehicle when the work involved was similar. In response, officers advised that the fee for an executive vehicle was less because, unlike private hire vehicles, executive vehicles did not have door signs so there was not a need to recover the cost of this from the applicant.

Following a query regarding why the 2022/23 budget had not accurately taken account of the likely reduction in income due to the impact of multiple licence holders, officers advised that prior to the harmonisation of the taxi licensing service in September 2021, data was held in 3 different and separate legacy back-office systems. As a result, it had not been possible to match datasets in a meaningful way to assess the likely impact of multiple licence holders. Furthermore, the budget for 2022/23 was set in advance of the harmonisation of the Service when the Service was still operating under the legacy district councils' policies and legacy district councils' fees and charges.

It was confirmed that fees would be reviewed annually to ensure that fees and charges were set at an appropriate level and that any adjustments required could be considered if necessary.

On a vote being taken, the recommendation was proposed by Cllr Green and seconded by Cllr Barnes and: -

RESOLVED that the proposed fees and charges set out at Appendix A of the report be agreed prior to consultation and statutory advertising.

7 DATE OF NEXT MEETING

Tuesday 11 April 2023 at 6.30pm



Report to Licensing (Regulatory) Committee

Date:	11 th April 2023
Title:	Taxi and Private Hire Licensing Fees and Charges
Cabinet Member(s):	Cllr Mark Winn, Cabinet Member for Homelessness & Regulatory Services
Contact Officer:	Lindsey Vallis, Service Director – Transport Services
Ward(s) affected:	None specific

Recommendations: **That the proposed fees and charges set out at Appendix A are agreed and take effect on 24th April 2023.**

Reason for decision: If taxi and private hire licensing is not a cost neutral service paid for from licence fee income the financial burden will fall to the wider taxpayer. Fees and charges should increase so as to cover the wider costs of providing the service.

1. Background

- 1.1 Taxi and private hire licensing fees can only be set at levels to recover such costs as are prescribed in law. The Council cannot make a profit from licence fees and any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice, this means that the costs of the Service should ideally be covered entirely by taxi licensing fee income into the Council. Any surplus or deficit must be carried forward and form part of any subsequent review of fees.
- 1.2 In July 2021 taxi and private hire fees and charges were last approved as part of the implementation of a new Taxi and Private Hire Licensing Policy for Buckinghamshire, which came into effect in September 2021. The Licensing Service also went through the Better Buckinghamshire programme in 2021 and new structures for a harmonised Licensing Service, organised by specialism rather than geographical location, came into effect from the 1st September 2021. This created a single taxi and private hire licensing service serving the whole of Buckinghamshire and operating under the new Policy.

- 1.3 Since September 2021 the Taxi Licensing service has delivered Policy changes as well as improvements in systems and processes which have required significant resource to deliver. The service has also moved to a single back-office system and redesigned the way that the service is provided. Having undertaken significant implementation and improvement work, the service is now stable and operating in a business-as-usual fashion.
- 1.4 The changes have included implementation of the Department for Transport (DfT) [Statutory Taxi and Private Hire Vehicle Standards](#), which were introduced in July 2020 and aim to protect children and vulnerable adults from exploitation. The Statutory Standards introduced significant additional requirements for local authorities carrying out taxi and private hire licensing functions. Government was clear at the time of introduction that it was anticipated that local authorities would seek to cover the costs of these additional requirements from driver licence fees¹.
- 1.5 Following a full budget review of the taxi and private hire licensing service between September and December 2022, the Committee received a report on the budget position for taxi and private hire licensing at the meeting of the 1st February 2023 which included the table below:

	Base Budget 2022- 23 £	Forecast Budget 2022- 23 £	Underspend/Overspend +/- £
Employee Costs	977,057	845,705	-131,352
Running Expenses	80,420	103,089	22,669
Taxi Licensing Income	-1,057,477	-848,596	208,881
Budget Total +/-	0	100,198	Overspend 100,198

¹ UK Parliament – [question put to Rachel Maclean](#) On the 27th April 2021 a question relating to the statutory standards and their financial impact on the trade was put to the Secretary of State for Transport. In response Rachel Maclean MP stated, "A full impact assessment was published alongside the Statutory Taxi and Private Hire Vehicle Standards in July 2020. This found that if the full cost of the Standards was passed on to drivers, the increased cost would be £62.24 per driver per year which would equate to a three pence increase per fare."

- 1.6 This report advised that the 2022/23 end of year forecast budget position was an overspend position of £100k. Vacancies within the service had been proactively managed over several months relative to the ongoing budget forecast position, and as a result there was a 13.5% forecast underspend on employee costs over the 2022/23 period of £131k. However, application income into the services was 19.8% lower than anticipated and therefore the underspend on employee costs did not fully mitigate this budget impact. Additionally, running costs had increased by 28.2% over this period, in part reflecting increased supplier costs.
- 1.7 The taxi licensing service has recently undertaken formal consultation with staff within the service on structural changes which will reduce salary overheads by £146K. The new structure will be implemented from the 1st May 2023. Whilst these savings will assist in returning the service to a cost neutral position there remains the need to increase fee income into the service.
- 1.8 The Council cannot make a profit from licence fees and any surplus or deficit should be carried forward and recovered from the licensed trade over a rolling 3-year period. This means that the £100k overspend at year end for 2022/23 should be recovered across the next 3-year period and the review of fees and charges has incorporated this requirement.
- 1.9 In order to ensure and sustain a cost neutral budget position where cost recovery adequately funds the service a combination of measures are required. This includes:
- reducing overheads within the taxi and private hire licensing service as far as is possible to reflect current demand levels (this has been primarily addressed through a reduction in headcount within the service see paragraph 1.5 above), and
 - increasing fees and charges to the licensed trade.

Whilst the Service is very mindful of the impacts of an increase in fee levels to the licensed trade, fees should increase to cover the costs of the service, or costs will be borne by the taxpayer.

- 1.10 This report seeks the approval of proposed fee levels following a full consultation process, including required statutory advertising. If approved, the proposed fees and charges will take effect on the 24th April 2023.

2. Main content of report

- 2.1 Fee review should be kept under annual review and a full review should be undertaken regularly and at least every 3 years to ensure that fees and charges are set at an appropriate level. Taxi and private hire licensing fees can only be set at levels to recover such costs as are prescribed in law. The Council cannot make a profit from licence fees and any shortfall in revenue, if not met by licence fee payers,

must be borne by the Council as a whole. In practice, this means that the costs of the Service should be covered entirely by taxi licensing fee income into the Council. Any surplus or deficit must be carried forward and form part of any subsequent review of fees.

- 2.2 The relevant legal provisions are set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically section 53(2) with respect to driver licences and section 70 in relation to vehicle and operator licences, both of which permit the recovery of a reasonable fee for the grant of a licence.
- 2.3 Regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000 requires that where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge, is not to be the responsibility of an executive of the authority. As a result, fee setting for taxi licensing is a non-executive function of the Council.
- 2.4 Section 53 of the Act specifies that the costs related to issue and administration of licences can be recovered in driver's licence fees. In respect of vehicle and operator licences, section 70 specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 2.5 Until recently, it was generally thought that the costs of enforcement could not be included in the calculation of fees for driver licences under Section 53 of the Act . However, the judgement in the Court of Appeal case of R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019) determined that "administration" can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of vehicles and operators.
- 2.6 Licence fees cannot be used for enforcement activities against unlicensed activities, and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds, and costs awarded following Court proceedings. This work forms a very small part of the overall work of the taxi licensing service with the vast majority of activity directed at the licensed trade.
- 2.7 The general methodology behind the review of fees has been determined by the Act and the document 'Open for business: Local Government Association (LGA) guidance on locally set licence fees'. This guidance has been used as a starting point only because it does not take into account the specific statutory restrictions applicable to taxi and private hire fees and therefore not all the costs listed as recoverable in the guidance have been included in the fees. It was last revised in June 2017 and so also does not take into account the decision in the recent Wakefield case in relation to enforcement costs.

- 2.8 The LGA guidance acknowledges that the EU Services Directive, applicable to most forms of licensing, does not apply in the case of taxi and private hire licensing but the principles, remain helpful. The core principles are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible.
- 2.9 The LGA guidance draws attention to two important judicial decisions in relation to fees. The first is R (Cummins) v Cardiff [2014] in which the Council conceded that the charges within a licensing regime for different categories of licence should be accounted entirely separately and should not subsidise each other. This means that driver licence fees cannot subsidise vehicle or operator licence fees and vice versa.
- 2.10 The second is R (Hemming) v Westminster City Council [2017]. Strictly speaking this does not apply to taxi and private hire licensing as this case proceeded under the auspices of the EU Services Directive from which transport services are specifically excluded. The principle ruling was that application fees relate solely to the costs of authorisation i.e. reviewing the application and granting or refusing it. Successful applicants should subsequently be charged an additional fee relating to the costs of on-going maintenance and enforcement. Whilst this is not necessarily applicable to taxi and private hire licensing it would be prudent to bear in mind the principle and might inform the Council's refund policy in respect to unsuccessful applications.
- 2.11 The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly. It provides a number of elements that Councils may wish to consider. These include administration, visits, third party costs, liaison with interested parties, management costs, local democracy costs, staffing on-costs, development, determination and production of licensing policies, web material, advice and guidance, setting and reviewing fees, monitoring and inspection visits and maintaining statutory registers.
- 2.12 A comprehensive review of the cost of delivering taxi licensing services has been carried out as part of the recent service budget review and new fees are proposed that reflect both the full staffing costs of running the service, as well as the support service costs, with likely pay award and inflationary uplifts. As required, this review has factored in recoverable costs incurred by the Council such as IT provision, administration, supplies and services etc. It does not include Freedom of Information requests, Data Protection Act requests or activity related to unlicensed drivers, operators or vehicles. A fee schedule of the proposed fees and charges is provided at Appendix A.
- 2.13 Where the fee pays for a service provided to the Council by a supplier, such as DVLA checks, safeguarding training or a physical item such as a plate or bracket for a vehicle, this has been factored into the fee. Supplier costs to the Council can vary

subject to wider market pressures and contract costs and are generally increased annually to reflect this. This means that these costs to the Council will be considered annually and, where required, fees and charges updated to directly reflect these increased costs. This will not require a formal approval process. Fees which are paid by the applicant directly to an external supplier for services required as part of the application or licensing process, such as medical examinations and testing for driving standards and English language, have not been included.

- 2.14 In arriving at the proposed fee levels, Officers considered the steps required for each licence type in order to process, validate, review, and grant or refuse a licence including external cross-check requirements such as Disclosure and Barring Service checks, checks with other authorities, knowledge tests and mechanical vehicle checks. A time estimate of activity required at each step was carried out based on an understanding of the existing processes and digital systems in place since the new Policy and harmonised service was implemented. This information was then considered in relation to application volumes received over the previous 15 months, as well as data held on licences due to renew over the next 3 years for each licence type. Future staffing costs and direct and indirect costs (as per the LGA guidance) were also considered in order to arrive at the proposed fees and charges. The methodology and approach used have had input and oversight from Finance Business Partner colleagues.
- 2.15 A benchmarking exercise was carried out of current fee levels charged by neighbouring local authority areas (12) and this is attached as Appendix B. A comparison of the proposed fees against the current average fee charged across the neighbouring local authorities is attached as Appendix C. Fees charged by Transport for London (TfL) have been excluded from the calculation of average fees charged because they are not comparable in terms of scale and operation, although TfL fees have been provided for information purposes. Benchmarking shows that the majority of these authorities have reviewed and increased their fees since benchmarking was last carried out in 2021. This is good practice but also likely to have been influenced by the introduction of the Statutory Standards in July 2020 and associated workload activity.

Driver fees

- 2.16 In comparison to the average driver fees charged by neighbouring local authorities, benchmarking indicates that while proposed driver fees will increase from current levels, they remain cheaper at first licence for both private hire, hackney carriage and dual licence applicants. The level of activity carried out within the Service for renewal applicants is comparative to that for new drivers and therefore the fee charged is consistent for both and proposed renewal fees are higher than the average fee across our neighbouring authorities but remain lower than some at an individual level. When the proposed fee is considered over the 3-year licence

duration period, the annual cost for a driver licence would be £120. It is common for local authorities to exclude some pre-requisite qualifications and checks e.g., English language tests, knowledge test from a driver fee but the approach to this is not consistent and therefore direct comparisons are not always reliable.

Vehicle fees

2.17 Vehicle licensing and enforcement activity is the largest sector of work undertaken by the service and the Council has a robust enforcement plan in place which includes enforcement at large events throughout the district, monitoring school contract runs at the start and end of the school day alongside the Client Transport Compliance team, joint operations with Thames Valley Police, plying for hire test purchase exercises, Equalities Act compliance monitoring and regular out of hours town centre and rank enforcement activity. The service also investigates and acts on complaints related to licensed vehicles (as summarised in the regular enforcement reports provided to the Committee). When vehicle fees were set in 2021 there were some uncertainties about how this element of the service would operate in practice under the new Policy. The new Policy introduced additional public safety requirements around vehicle licensing including DBS vetting of applicants, checking each application to ensure that the vehicle presented for licence is not a Category S vehicle (a vehicle that has previously suffered structural damage severe enough to have affected the structural integrity of the vehicle) as well as complexities relating to differing grandfather rights as a result of the previous 4 area policies in place and different requirements for age limits of vehicles.

2.18 In addition, vehicle testing arrangements have been reprocurd across the whole county area and a consistent and robust approach is taken with all vehicles that fail an MOT which aims to ensure a high standard of licensed vehicle for the travelling public. Vehicles that fail an MOT have their licences suspended in the majority of cases, until the vehicle is roadworthy and compliant with Policy requirements at which point the licence is reinstated. Officers run training workshops for approved testing centres and routinely visit testing centres to ensure adherence to standards. The licence fees set in 2021 were low and are not sufficient to adequately cover the cost of this activity and should increase across the board. In comparison to the average vehicle fees charged by neighbouring local authorities, the proposed fees are more expensive for new private hire and marginally more expensive for renewal private hire licences, but cheaper for both new and renewal hackney carriage licences.

Operator fees

2.19 Since the introduction of the new Policy the activity undertaken around operator licences has increased significantly. As a result of the new Policy, operator applications are subject to more scrutiny and vetting with a far higher degree of

consistency than was the case across the legacy areas. This includes more thorough DBS checks on applicants, including all company directors, greater scrutiny of staff working within the private hire company including DBS checks and employment policies to ensure suitability, review of lease arrangements for vehicles, and background checks with other local authorities and partners e.g. Police and fraud investigation teams. The service undertakes greater frequency of engagement and enforcement with operators to ensure that Policy requirements are understood and applied. This includes an initial inspection on first application followed by an annual review/visit. The service also investigates and act on intelligence and complaints related to licensed vehicles working for operators (as summarised in the regular enforcement reports provided to the Committee).

- 2.20 The licence fees set in 2021 were low and are not sufficient to adequately cover the cost of these activities and should increase across the board. In comparison to the average operator fees charged by neighbouring local authorities, the proposed fees are cheaper for operators with one vehicle and 10-50 vehicles but more expensive for operators with less than 10 vehicles or more than 50 vehicles (currently the Council does not licence any operators with more than 50 vehicles). Despite being more expensive than the average, operator fees remain lower than some of our neighbouring local authorities at a local level with Milton Keynes, Windsor & Maidenhead and Three Rivers charging consistently higher fees, and central Bedfordshire and Slough charging at a higher rate for some fee bands. When the proposed fee is considered over the 5-year licence duration period, the annual cost for a new operator with one vehicle would be £114. For a new operator with less than 10 vehicles the annual cost would be £223.60 and for a new operator with 10-50 vehicles the annual cost would be £370.80.
- 2.21 Whilst the Service is mindful of the impacts of an increase in fee to licensed drivers, the legislative framework on cost recovery and the increased activity associated with the implementation of the new Policy and Statutory Standards means that fees should increase. The legislation does not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. However, Councils are required to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus or deficit.

3. Consultation

- 3.1 At the meeting of the 1st February 2023, the Committee agreed to approve the proposed fees and charges for statutory advertisement and consultation. Since that meeting the fees and charges have been advertised in a newspaper within the Council area, as required by the legislation. All licence holders were contacted by email as well as via the regular Taxi and Private Hire Licensing Newsletter which is

sent to all licence holders. Licence holders were provided with a link to the fees and charges consultation survey and supporting information. The Council also engaged with representatives of the taxi and private hire trades, including the Licensed Private Hire Car Association (LPHCA), on the consultation via the Taxi Working Group as part of a scheduled meeting. The consultation was promoted to wider stakeholders, including the travelling public, via the Council's Facebook pages.

- 3.2 The consultation ended on the 15th March 2023 and responses were collated and analysed by the Business Intelligence team. During the consultation period 210 responses were received, 199 via the online survey and 10 via email. A written response was also received from the LPHCA and is provided at Appendix D. These have been incorporated into the consultation analysis provided at Appendix E.
- 3.3 The majority of respondents to the survey (67%) were members of the taxi and private hire trade or trade representatives. 33% of respondents were not members or representatives of the licensed trade. The majority of all respondents live and/or work in Buckinghamshire.
- 3.4 When asked whether they agreed with or objected to the proposed fees 88% of respondents objected. When considered by respondent type 96% of taxi and private hire licence holder respondents objected to the proposed fees with the cost-of-living crisis (54%) given within free text comments as the most common reason for objecting. 72% of non-licence holders objected to the proposed fees with consumer impact (13%) given within free text comments as the most common reason for objecting.
- 3.5 Unless the costs of the taxi and private hire licensing service are to be borne by the wider taxpayer, the costs of the taxi and private hire licensing service should be covered entirely by taxi licensing fee income into the Council. Respondents were asked whether they thought it was acceptable for the costs of the taxi and private hire licensing service to be paid for by the taxpayer if fee income did not cover the costs of providing the service. A small majority (53%) of respondents said it was not acceptable for the costs of the service to be borne by the taxpayer. When this is considered by respondent type 76% of non-licence holder respondents felt it was unacceptable. 58% of taxi and private hire licence holder and trade representative respondents felt that it was acceptable that the taxpayer should pay for the costs of the taxi and private hire licensing service.
- 3.6 Verbatim free text comments accompanying this question included the following views:

If taxi and private hire fees do not cover the cost of the taxi licensing service these costs would have to be paid for by the taxpayer. Do you think this is acceptable?

Verbatim comments from respondents by respondent type

Views from Taxi Drivers	Views from Operators, Licence Holders and Trade Representatives	Views from Other respondents
<p>'We taxi drivers are also tax -payers.'</p> <p>'The local economy benefits from people eating out and drinking, you need taxi drivers to transport them safely to and from their homes'</p> <p>'I think it is quite questionable on how the tax -payer money is currently being used...'</p> <p>'Why should the council not pay for such a service – we pay council tax..'</p> <p>'Taxes should be used for welfare and not private business'</p> <p>'I think the tax -payer should pay, everyone should contribute'</p> <p>'...you give grants to bus companies but not us...'</p> <p>'...I think the fees are already enough to cover the cost of the service...'</p>	<p>'Taxi licensing needs to be more responsive, there is no need to be overstaffed, as things have become more automated in the last year, the costs should have come down'</p> <p>'The council can find the funds from within' 'The council should manage their budget better.'</p> <p>'Taxi licensing should be run as a commercial business which should be self-funding'</p> <p>'I believe that the fees should easily be covered by what we pay, if they do not it is fine for them to be subsidised by the tax-payer....The new Carousel Pick Me Up service is subsidised so why should the traditional trade not be?...'</p> <p>'If you spread the cost between the tax -payers this will mean it will be divided and maybe you won't be affecting just a minority...'</p>	<p>'People who don't use taxis should not have to fund the licences'</p> <p>'This is not a public service as such and should be self-funding'</p> <p>'The operator and users of the service should pay for the service they operate/use'</p> <p>'...I have no cars and I have to rely on bus and taxi. However, the bus service is ridiculously unreliable, and it stops service too early in the evening. The only choice is taxi, but it is not cheap already. I can't afford anymore increment'</p> <p>'Taxis are an important public transport service. If it is acceptable for the council to support buses, there is no reason why modest expenditure on taxi services should be considered unacceptable'</p> <p>'This would take finances away from other services. If you want a license you pay for it.'</p> <p>'Make the fees work! We are all doing are bit making things work during hard times!</p>

BUCKINGHAMSHIRE COUNCIL

- 3.7 The LPHCA response stated that they considered it 'reasonable to get some of the licensing regimes funding from taxpayers as the industry alone should not be burdened with the whole issue of public safety' and that they considered that 'public safety will be compromised if more drivers are forced out through other increased costs like fees'.
- 3.8 The taxi and private hire licensing service aims to process all valid driver and vehicle licence applications within 10 days of a valid application received (with all supporting documents). Licence holder respondents were asked how important it is that applications are processed within 10 days. 90% of respondents to this question said that this was extremely or very important to them with only 2% of respondents stating that this was unimportant. This question was asked to gauge opinion of the value of the current service levels provided to the licensed trade. The taxi and private hire licensing service has recently formally consulted with staff on structural changes which have resulted in a reduction in headcount and savings of £146k. The majority of the costs of the service are staffing overheads and any further reduction in headcount (based on current demand levels) would impact on the ability of the service to process applications within these service timeframes. This would also impact the level of robust enforcement activity that could be carried out by the service which underpins the Taxi and Private Hire Licensing Policy and protects and promotes public safety.

4. Conclusion

- 4.1 Overall, the results of the consultation were as expected and are not surprising given the current economic situation and inflationary climate. However, the authority is required by law to provide the taxi and private hire licensing service and unless the costs are subsidised by the taxpayer, it should be cost neutral and operate at no cost to the taxpayer.
- 4.2 Benchmarking indicates that the proposed fees compare reasonably with the average fees charged by neighbouring authorities and remain cheaper than some. When considering affordability in the case of driver and operator licences the licence duration periods (3 and 5 year respectively) are also relevant in terms of the cost per annum for the licence and associated activity carried out by the Council.
- 4.3 Given the uncertainties around the wider economy and declining trends in driver and vehicle numbers reported within the [Taxi and private hire statistics: England 2022](#) data it is proposed that the taxi and private hire licensing budget and fees and charges position is reported to Committee in Q4 of 2023/24, providing the opportunity to ensure that the position is as anticipated. In addition to this, the fees and charges will be reviewed annually in relation to any increase in RPI and where appropriate an increase will be applied to the fee to recover related increased costs to the Council. The Government are currently reviewing RPI and may replace it with another inflationary measure. If this is the case an annual increase in relation to any new measure prescribed, where appropriate, will be applied as a minimum to the fee to recover related increased costs to the Council. Any variation to vehicle or operator fees will require statutory advertisement.
- 4.4 A short form equalities impact assessment (Appendix F) was undertaken in January 2023 and accompanies this fees and charges review. Increases in fees and charges have the potential to impact groups with protected characteristics in terms of both race and ethnicity, and poverty (social and economic deprivation). This is because a high proportion of licensed drivers and operators are from ethnic minorities and any increase in fees may have a disproportionate effect on this group, including their ability to start working in the field or continue to do so. Those experiencing poverty (social and economic deprivation) may be impacted similarly. Under the public sector equality duty, the Committee should *have due regard* to this when making a decision on the proposed increases to fees and charges.
- 4.5 The equalities impact assessment recognises that any increase in fees is to accommodate the increased costs of licensing drivers, vehicles and operators and that the purpose of licensing is to ensure a regulatory regime to protect the public who use taxi and private vehicle hire services. Therefore, any possible financial impacts need to be balanced alongside the overriding Policy objective of protecting public safety. Case law judgements also indicate that Licensing Committees should

not take financial considerations into account when reaching individual taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and indicates that whilst the Council may be mindful of financial impacts on the taxi trade, this should not take precedence over public safety in decision making.

- 4.6 Where objections are received to the proposed advertised fees, under Section 70 of the Local Government Miscellaneous Provisions Act 1976 the Committee can either approve the fees as proposed, or modify the fees after consideration of the objections. Whether approved as proposed or modified, the fees must come into effect no later than two months after the date of advertisement (15th May 2023).

5. Next steps and review

- 5.1 If approved as proposed (without modification) the fees will take effect across the whole Council area on 24th April 2023. Fees must be brought into effect on or before 15th May 2023.
- 5.2 Fees will continue to be reviewed annually, and further reports will be provided to this committee following review.

6. Other options considered

None. Taxi fees should be cost neutral, and a reasonable fee must be charged to cover the cost of the service. Legally the Council cannot make a profit from taxi licensing.

7. Legal and financial implications

- 7.1 Sections 53 and 70 of the Act allow for the recovery of a reasonable fee for the grant of a driver, operator and vehicle licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in subsequent fee reviews, to be recovered or refunded over a rolling three-year cycle.
- 7.2 This report covers the financial implications of the proposed fees and charges for taxi and private hire licencing. The proposed fees and charges are in line with keeping this as a cost neutral service which should be paid for from licence fee income and operate at no cost to the wider taxpayer. Fees and charges have been proposed to increase to cover the costs of providing the service.

8. Corporate implications

Protecting the vulnerable – The licensed trade provides an important service transporting members of the public, some of whom are. Taxi fees should be set at a

level which ensures that all necessary checks and testing can be carried out to ensure that new applicants are “fit and proper” to hold a licence, and for compliance checks and appropriate enforcement measures to be undertaken with existing licence holders where required.

Property – N/A

HR – N/A

Climate change – the legislative framework is such that it is difficult for Councils to incentivise the use of environmentally friendly vehicles through reduced fee levels as the costs associated with processing and administering a vehicle licence are the same. In effect a reduced fee would mean that other vehicle licence holders were subsidising the use of these vehicles. The Policy instead incentivises the use of less polluting vehicles through the provision of extended vehicle age limits.

Sustainability – N/A

Equality – A short form equalities impacts assessment has been carried out and accompanies this fees and charges review. Under the public sector equality duty when making a decision the Council must *have due regard* to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Data – N/A

Value for money – while the paramount consideration is passenger safety, the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum and that savings are made where possible.

9. Key documents:

DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

“Open for Business”, LGA Guidance on locally set fees:

<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

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Proposed hackney carriage and private hire licence fees (subject to consultation/approval)

Driver licence fees – hackney carriage, private hire and dual

Driver licences are usually granted for 3 years but may be granted for a shorter duration in certain circumstances. Application costs include safeguarding and disability awareness training.

Applicants are required to pay suppliers directly for required tests and documents including cabology, enhanced Disclosure and Barring Service (DBS) check and updaters service, knowledge tests, English language tests and medicals.

- New private hire driver licence - £360.00
- New hackney carriage driver licence - £360.00
- New dual private hire/hackney carriage driver licence - £360.00
- Renewal driver licence (all types) - £360.00
- Extension of licence (visa) - £77.00
- Replacement identity badge - £32.00
- Replacement paperwork - £17.00

The total fee charged for the variation of a licence will depend on the options chosen from the list of fees above and can be made up of one or more of these fees.

Vehicle licence fees – private hire

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections.

- New private hire vehicle licence - £275.00
- Renewal private hire vehicle licence - £239.00
- Vehicle transfer (from one owner to another owner) - £96.00
- Insurance vehicle/change of vehicle - £77.00
- Replacement plate, (holder, bracket, secure fixings) - £41.00 *
- Replacement door stickers - £21.00 *
- Replacement internal licence - £18.00*
- Replacement paperwork - £21.00

The total fee charged for the variation of a licence will depend on the options chosen from the list of fees above and can be made up of one or more of these fees.

* Individual livery items can be ordered if required

Vehicle licence fees – hackney carriage

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections

- New hackney carriage vehicle licence - £282.00
- Renewal hackney carriage vehicle licence - £243.00
- Vehicle transfer (from one owner to another owner) - £96.00
- Insurance vehicle/change of vehicle - £77.00
- Replacement plate, (holder, bracket, secure fixings) - £41.00*
- Replacement internal licence - £18.00*
- Replacement paperwork - £21.00

The total fee charged for the variation of a licence will depend on the options chosen from the list of fees above and can be made up of one or more of these fees.

* Individual livery items can be ordered if required

Vehicle licence fees – executive

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections.

- New executive vehicle licence - £264.00
- Renewal executive vehicle licence - £228.00
- Vehicle transfer (from one owner to another owner) - £96.00
- Insurance vehicle/change of vehicle - £77.00
- Replacement internal licence - £18.00*
- Replacement paperwork - £21.00

The total fee charged for the variation of a licence will depend on the options chosen from the list of fees above and can be made up of one or more of these fees.

* Individual livery items can be ordered as required

Operator licence fees

If you run a private hire firm, you need an operator licence. Operator licences are usually granted for 5 years. In exceptional circumstances the Council may grant a 1 year operator licence at its discretion, but this will not normally be the case.

5 year licence

- Owner operator licence (1 vehicle) - £570.00
- Operator licence (under 10 vehicles) - £1118.00
- Operator licence (under 50 vehicles) - £1854.00
- Operator licence (more than 50 vehicles) - £2914.00

1 year licence

- Owner operator licence (1 vehicle) - £456.00
- Operator licence (under 10 vehicles) - £606.00
- Operator licence (under 50 vehicles) - £682.00
- Operator licence (more than 50 vehicles) - £758.00

Operators who increase the number of vehicles during the course of a licence and exceed their existing fee bracket level will be required to pay the difference between the two fee brackets for the remainder of the existing licence period.

- Variation of licence - £110.00
- Replacement licence - £36.00
- Replacement paperwork - £21.00

The total fee charged for the variation of a licence will depend on the options chosen from the list of fees above and can be made up of one or more of these fees.

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Appendix B - Fee benchmarking comparison with neighbouring authorities (page 1)

2022/23	Buckinghamshire current fees	Buckinghamshire Proposed fees	West Northants - South Northants Area	Milton Keynes	Central Bedfordshire	Dacorum	Three Rivers	TfL
			% Higher than BC	% Higher than BC	% Higher than BC	% Higher than BC	% Higher than BC	% Higher than BC
Drivers (3yr licence)								
PH Driver - New	£ 303.00	£ 360.00	£ 364.60 1%	£ 334.00 -7%	£ 412.20 15%	£ 477.80 33%	£ 486.60 35%	£ 477.00 33%
PH Driver - Renew	£ 303.00	£ 360.00	£ 254.60 -29%	£ 318.00 -12%	£ 284.40 -21%	£ 302.00 -16%	£ 451.60 25%	£ 362.00 1%
HC Driver - New	£ 303.00	£ 360.00	£ 364.60 1%	£ 334.00 -7%	£ 412.20 15%	£ 477.80 33%	£ 486.60 35%	£ 352.00 -2%
HC Driver - Renew	£ 303.00	£ 360.00	£ 254.60 -29%	£ 318.00 -12%	£ 284.40 -21%	£ 290.00 -19%	£ 451.60 25%	£ 352.00 -2%
Dual - New	£ 303.00	£ 360.00	N/A	£ 334.00 -7%	£ 412.20 15%	£ 503.80 40%	£ 565.60 57%	N/A
Dual - Renewal	£ 303.00	£ 360.00	N/A	£ 318.00 -12%	£ 284.40 -21%	£ 328.00 -9%	£ 552.60 54%	N/A
Vehicles (1 yr licence)								
PH Vehicle - New	£ 183.00	£ 275.00	£ 270.00 -2%	£ 288.00 5%	£ 314.00 14%	£ 246.00 -11%	£ 190.00 -31%	£ 140.00 -49%
PH Vehicle - Renew	£ 159.00	£ 239.00	£ 250.00 5%	£ 283.00 18%	£ 214.30 -10%	£ 246.00 3%	£ 159.00 -33%	£ 140.00 -41%
HC - New	£ 176.00	£ 282.00	£ 292.00 4%	£ 297.00 5%	£ 377.60 34%	£ 370.00 31%	£ 190.00 -33%	£ 110.00 -61%
HC - Renew	£ 152.00	£ 243.00	£ 270.00 11%	£ 291.00 20%	£ 289.20 19%	£ 275.00 13%	£ 159.00 -35%	£ 110.00 -55%
Executive vehicle		£ 264.00						
	<i>Excludes vehicle test fees</i>	<i>Excludes vehicle test fees</i>						
Operators (5 year licence)								
Operator 1 vehicle - New	£ 285.00	£ 570.00	£ 230.00 -60%	£ 937.00 64%	£ 1,050.00 84%	£ 443.00 -22%	£ 1,003.00 76%	£ 2,000.00 251%
Operator <10 - New	£ 559.00	£ 1,118.00	£ 430.00 -62%	£ 1,250.00 12%	£ 1,050.00 -6%	£ 751.00 -33%	£ 1,793.00 60%	£ 2,000.00 79%
Operator 10 - 50 - New	£ 927.00	£ 1,854.00	£ 1,230.00 -34%	£ 2,500.00 35%	£ 1,050.00 -43%	£ 751.00 -59%	£ 1,871.00 1%	£ 19,000.00 925%
Operator >50 - New	£ 1,457.00	£ 2,914.00	£ 1,230.00 -58%	£ 3,749.00 29%	£ 1,050.00 -64%	£ 751.00 -74%	£ 1,871.00 -36%	£ 30,000.00 930%
Operator 1 vehicle - Renew	£ 285.00	£ 570.00	£ 230.00 -60%	£ 906.00 59%	£ 700.00 23%	£ 443.00 -22%	£ 1,003.00 76%	£ 2,000.00 251%
Operator <10 - Renew	£ 559.00	£ 1,118.00	£ 430.00 -62%	£ 1,219.00 9%	£ 700.00 -37%	£ 751.00 -33%	£ 1,793.00 60%	£ 2,000.00 79%
Operator 10 - 50 - Renew	£ 927.00	£ 1,854.00	£ 1,230.00 -34%	£ 2,468.00 33%	£ 700.00 -62%	£ 751.00 -59%	£ 1,871.00 1%	£ 19,000.00 925%
Operator >50 - Renew	£ 1,457.00	£ 2,914.00	£ 1,230.00 -58%	£ 3,718.00 28%	£ 700.00 -76%	£ 751.00 -74%	£ 1,871.00 -36%	£ 30,000.00 930%
	<i>plus basic DBS fee if non licensed driver</i>	<i>plus basic DBS fee if non licensed driver</i>						

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Appendix B - Fee benchmarking comparison with neighbouring authorities (page 2)

2022/23	Buckinghamshire current fees	Buckinghamshire Proposed fees	Slough	Windsor & Maidenhead	Wokingham	South Oxfordshire	Vale of White Horse	Cherwell
			% Higher than BC	% Higher than BC	% Higher than BC	% Higher than BC	% Higher than BC	% Higher than BC
Drivers (3yr licence)								
PH Driver - New	£ 303.00	£ 360.00	£ 322.50 -10%	£ 374.00 4%	£ 463.00 29%	£ 446.00 24%	£ 446.00 24%	£ 378.25 5%
PH Driver - Renew	£ 303.00	£ 360.00	£ 294.50 -18%	£ 344.00 -4%	£ 349.00 -3%	£ 336.00 -7%	£ 336.00 -7%	£ 280.50 -22%
HC Driver - New	£ 303.00	£ 360.00	£ 363.70 1%	£ 374.00 4%	£ 463.00 29%	£ 446.00 24%	£ 446.00 24%	£ 378.25 5%
HC Driver - Renew	£ 303.00	£ 360.00	£ 294.50 -18%	£ 344.00 -4%	£ 349.00 -3%	£ 336.00 -7%	£ 336.00 -7%	£ 280.50 -22%
Dual - New	£ 303.00	£ 360.00	£ 363.70 1%	£ 554.00 54%	N/A	N/A	N/A	N/A
Dual - Renewal	£ 303.00	£ 360.00	£ 322.50 -10%	£ 524.00 46%	N/A	N/A	N/A	N/A
Vehicles (1 yr licence)								
PH Vehicle - New	£ 183.00	£ 275.00	£ 226.00 -18%	£ 255.00 -7%	£ 248.00 -10%	£ 231.00 -16%	£ 231.00 -16%	£ 286.00 4%
PH Vehicle - Renew	£ 159.00	£ 239.00	£ 226.00 -5%	£ 255.00 7%	£ 248.00 4%	£ 231.00 -3%	£ 231.00 -3%	£ 263.00 10%
HC - New	£ 176.00	£ 282.00	£ 226.00 -20%	£ 315.00 12%	£ 248.00 -12%	£ 330.00 17%	£ 330.00 17%	£ 313.50 11%
HC - Renew	£ 152.00	£ 243.00	£ 226.00 -7%	£ 315.00 30%	£ 248.00 2%	£ 330.00 36%	£ 330.00 36%	£ 272.00 12%
Executive vehicle		£ 264.00						
	<i>Excludes vehicle test fees</i>	<i>Excludes vehicle test fees</i>						
Operators (5 year licence)								
Operator 1 vehicle - New	£ 285.00	£ 570.00	£ 411.00 -28%	£ 1,325.00 132%	£ 472.00 -17%	£ 166.00 -71%	£ 454.00 -20%	£ 183.50 -68%
Operator <10 - New	£ 559.00	£ 1,118.00	£ 1,080.00 -3%	£ 2,200.00 97%	£ 1,062.00 -5%	£ 440.00 -61%	£ 722.00 -35%	£ 398.50 -64%
Operator 10 - 50 - New	£ 927.00	£ 1,854.00	£ 3,930.00 112%	£ 7,100.00 283%	£ 1,873.00 1%	£ 606.00 -67%	£ 899.00 -52%	£ 1,258.50 -32%
Operator >50 - New	£ 1,457.00	£ 2,914.00	£ 3,930.00 35%	£ 7,100.00 144%	£ 1,873.00 -36%	£ 606.00 -79%	£ 899.00 -69%	£ 1,258.50 -57%
Operator 1 vehicle - Renew	£ 285.00	£ 570.00	£ 411.00 -28%	£ 1,325.00 132%	£ 354.00 -38%	£ 166.00 -71%	£ 454.00 -20%	£ 183.50 -68%
Operator <10 - Renew	£ 559.00	£ 1,118.00	£ 1,080.00 -3%	£ 2,200.00 97%	£ 944.00 -16%	£ 440.00 -61%	£ 722.00 -35%	£ 398.50 -64%
Operator 10 - 50 - Renew	£ 927.00	£ 1,854.00	£ 3,930.00 112%	£ 7,100.00 283%	£ 1,755.00 -5%	£ 606.00 -67%	£ 899.00 -52%	£ 1,258.50 -32%
Operator >50 - Renew	£ 1,457.00	£ 2,914.00	£ 3,930.00 35%	£ 7,100.00 144%	£ 1,755.00 -40%	£ 606.00 -79%	£ 899.00 -69%	£ 1,258.50 -57%
	<i>plus basic DBS fee if non licensed driver</i>	<i>plus basic DBS fee if non licensed driver</i>						

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Appendix C - Comparison of proposed fees to current average fee charged by neighbouring authorities					
2022/23	Buckinghamshire current fees	Buckinghamshire Proposed fees	Average fee neighbouring authorities (exclu TfL)	Difference - average to proposed Buckinghamshire fee	
Drivers (3yr licence)					
PH Driver - New	£ 303.00	£ 360.00	£ 410	-£	50
PH Driver - Renew	£ 303.00	£ 360.00	£ 323	£	37
HC Driver - New	£ 303.00	£ 360.00	£ 413	-£	53
HC Driver - Renew	£ 303.00	£ 360.00	£ 322	£	38
Dual - New	£ 303.00	£ 360.00	£ 456	-£	96
Dual - Renewal	£ 303.00	£ 360.00	£ 388	-£	28
Vehicles (1 yr licence)					
PH Vehicle - New	£ 183.00	£ 275.00	£ 253	£	22
PH Vehicle - Renew	£ 159.00	£ 239.00	£ 237	£	2
HC - New	£ 176.00	£ 282.00	£ 299	-£	17
HC - Renew	£ 152.00	£ 243.00	£ 273	-£	30
Executive vehicle		£ 264.00			
	<i>Excludes vehicle test fees</i>	<i>Excludes vehicle test fees</i>			
Operators (5 year licence)					
Operator 1 vehicle - New	£ 285.00	£ 570.00	£ 607	-£	37
Operator <10 - New	£ 559.00	£ 1,118.00	£ 1,016	£	102
Operator 10 - 50 - New	£ 927.00	£ 1,854.00	£ 2,097	-£	243
Operator >50 - New	£ 1,457.00	£ 2,914.00	£ 2,211	£	703
Operator 1 vehicle - Renew	£ 285.00	£ 570.00	£ 561	£	9
Operator <10 - Renew	£ 559.00	£ 1,118.00	£ 971	£	147
Operator 10 - 50 - Renew	£ 927.00	£ 1,854.00	£ 2,052	-£	198
Operator >50 - Renew	£ 1,457.00	£ 2,914.00	£ 2,165	£	749
	<i>plus basic DBS fee if non licensed driver</i>	<i>plus basic DBS fee if non licensed driver</i>			

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Licensed Private Hire Car Association

56 Austins Mead, Bovington, Hemel Hempstead, Herts. HP3 0LH

Tel: 01442 833464

E-mail: steve@lphca.co.uk

Tel Chair: 07956 329288

Web: WWW.LPHCA.CO.UK



Ms Lindsey Vallis

Service Director – Transport Services

Communities Directorate

Buckinghamshire Council

BY Email

15 March 2023

Dear Lindsey,

Taxi and private hire licensing fees consultation Submitted on 2023-03-15 18:55:12 Proposed fees and charges

Do you agree with or object to the proposed fees? - Object

Please tell us the reasons for your previous answer: - I feel it is a big hike, following the pandemic and would have expected the unification of the licensing regimes to deliver savings. I do believe that costs could be made to reduce overheads for both licensees and licensing authority. There are also many ways that I believe the council could utilise, which could save licensees money. If fees are frozen, these ways could be explored. High fees, elsewhere should not be a basis for fees in Buckinghamshire, in fact, lower fees elsewhere would be a far better place to look at.

If taxi and private hire fees do not cover the cost of the taxi licensing service these costs would have to be paid for by the taxpayer. Do you think this is acceptable? - Yes

Please tell us

the reasons for your previous answer: - The Taxi and Private Hire Vehicle Trade is already suffering with fuel & insurance increases and many other issues post-pandemic including driver shortages. Public safety will be compromised if more drivers are forced out through other increased costs like fees. It is reasonable to get some of the licensing regimes funding from taxpayers as the industry alone should not be burdened with the whole issue of public safety.

Who are you responding as? Trade Representative

About you Which of the following describe you? (Select all that apply)

Other (please give details below) We are a trade organisation just outside Buckinghamshire and we represent many operators there. I also visit shops, restaurants, travel through, have sports & social activities, do business, do car servicing and use taxis and PHVs in the County.

How did you find out about this consultation? (Select all that apply) From Buckinghamshire Council staff

Other communications method:

Are you responding as an individual or on behalf of an organisation (e.g. a business or a voluntary group)? On behalf of an organisation

Please provide the following details: Name of organisation:: Licensed Private Hire Car Association

Your job title: Chair

Yours sincerely,

Steve Wright MBE – Chair LPHCA

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Taxi and private hire licensing fees consultation

March 2023

Prepared by Sue Hinks, Analyst,
Business Intelligence and Community Support – PGS & Communities



Contents

- Demographic profile of respondents
 - Slide 3:
 - Number and type of respondents
 - How did you find out about this survey
 - What best describes you
 - Responding as an individual or an organisation
 - Slide 4:
 - Age profile of respondents
 - Gender profile of respondents
 - Ethnicity profile of respondents
- Do you agree or object to the proposed fees?
 - Slide 5 - Responses by respondent type and licence-holder type
 - Slide 6 - Free Text reasons for agreeing / objecting to proposed fees
 - Slide 7 - Free Text reasons for agreeing / objecting to proposed fees by respondent type
 - Slide 8 – Verbatim comments
- If taxi and private hire fees do not cover the cost of the taxi licensing service these costs would have to be paid for by the tax-payer. Do you think this is acceptable?
 - Slide 9 – Responses by respondent type
 - Slide 10 – Free text themes around the acceptability of licensing fees being paid for by the tax-payer
 - Slide 11 - Free text themes around the acceptability of licensing fees being paid for by the tax-payer by respondent type
 - Slide 12 – Verbatim comments
- How important is it that applications are processed within 10 days?
 - Slide 13 – Responses by respondent type

Respondent Demographics

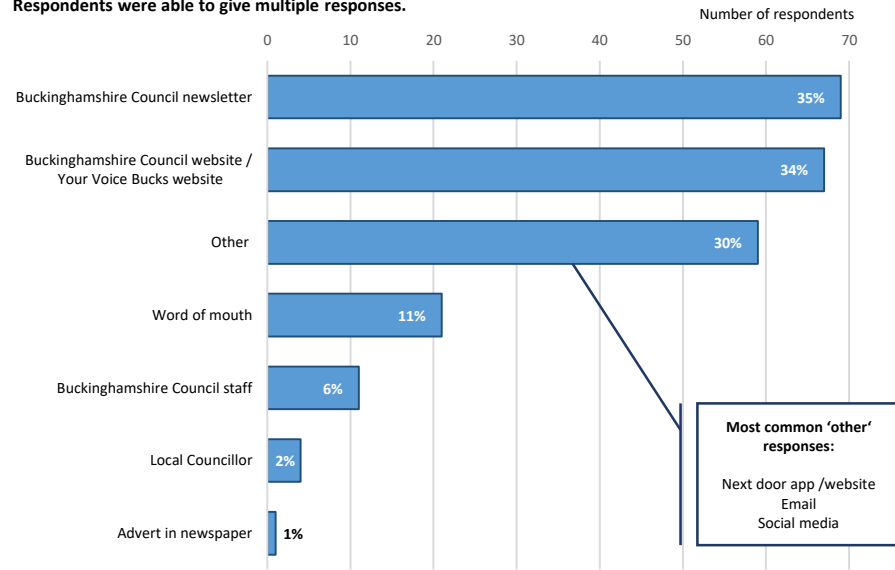
210
Respondents

Taxi Driver	119 (57%)
Operator	15 (7%)
Vehicle Licence Holder	5 (2%)
Trade Representative	2 (1%)
Other	69 (33%)

Of which **130** are
Licence-Holder Respondents

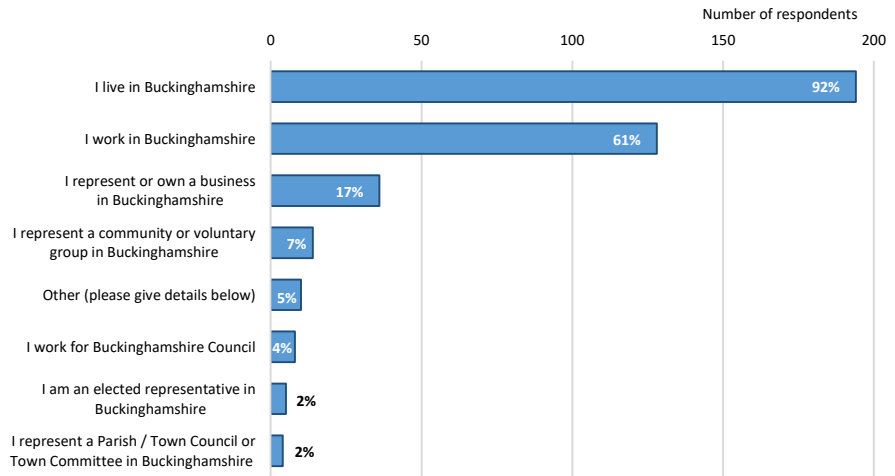
Private Hire	60 (46%)
Joint Private Hire and Hackney Carriage	43 (33%)
Hackney Carriage	25 (19%)
Undefined	2 (2%)

How did you find out about the survey?
197 respondents gave 232 responses / response rate 94%
Respondents were able to give multiple responses.



Page 3

Which of the following describe you?
210 respondents gave 399 responses / 100% response rate
Respondents were able to give multiple responses.



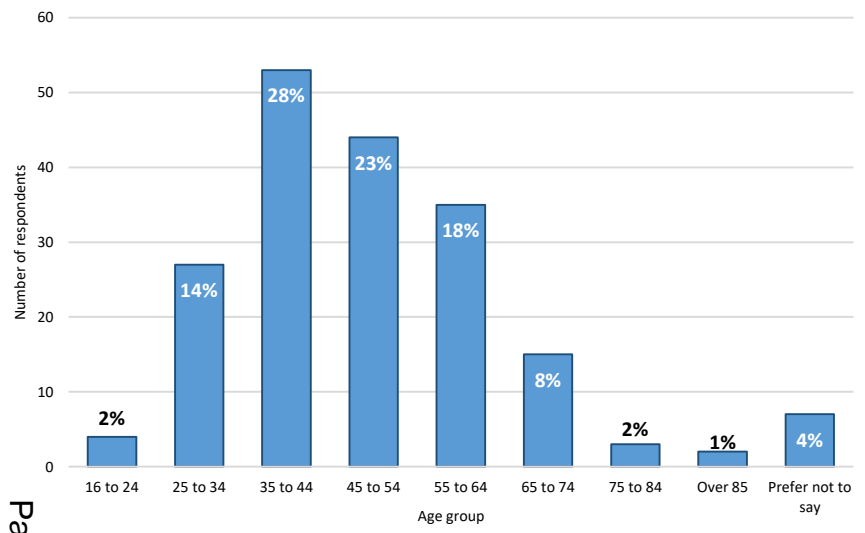
Are you answering as an organisation or an individual?
210 respondents / 100% response rate

10 Respondents represented Organisations,
4 organisations were mentioned in comments:

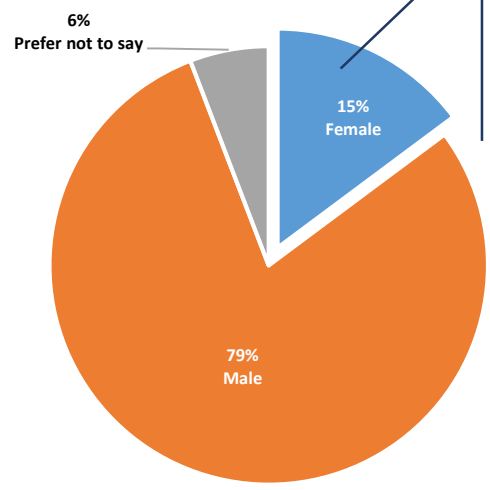
- Asian Community Group
- Berryfields Executive Cars
- Vale Travel Ltd
- 24x7 Bucks Ltd

Respondent Demographics continued

Respondent Age Profile
190 respondents / 90% response rate



Respondent gender profile
189 respondents / 90% response rate

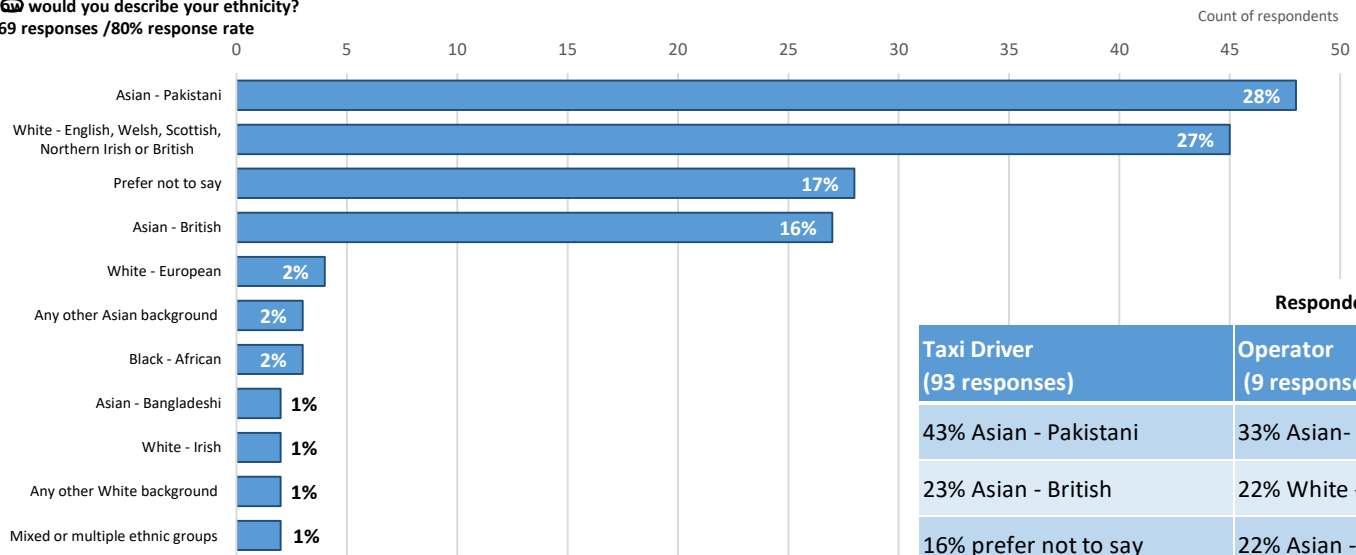


28 respondents were female (15%)

26 (93%) of these were respondent type 'Other'
1 was a 'taxi driver'
1 was a 'vehicle licence holder'

Page 40

How would you describe your ethnicity?
169 responses / 80% response rate

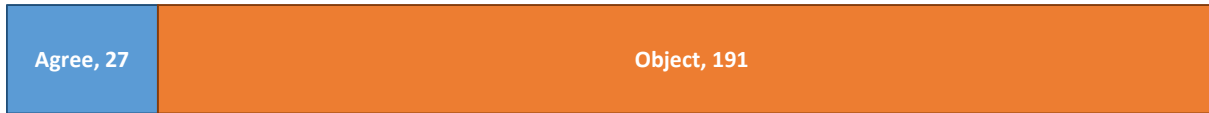


Respondent ethnicity profile differs across respondent types

Taxi Driver (93 responses)	Operator (9 responses)	Other (62 responses)
43% Asian - Pakistani	33% Asian- Pakistani	58% White - E/W/S/NI or B
23% Asian - British	22% White - E/W/S/NI or B	19% Prefer not to say
16% prefer not to say	22% Asian - British	8% Asian - Pakistani

Do you agree with or object to the proposed fees?

208 respondents / 99% response rate (plus 10 emailed views)



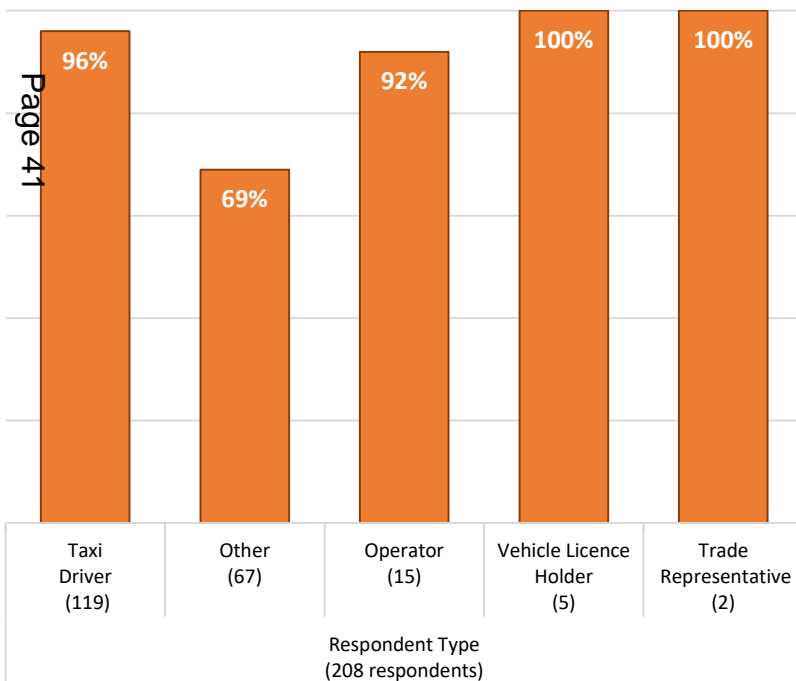
(Includes 10 objecting emails sent to the Taxi licensing team. Views from these emails are also included in the free text theme analysis on slide 5 and in the Verbatim comments on slide 7)

88% of all respondents object to the proposed fees
(218 respondents including 10 emailed views)

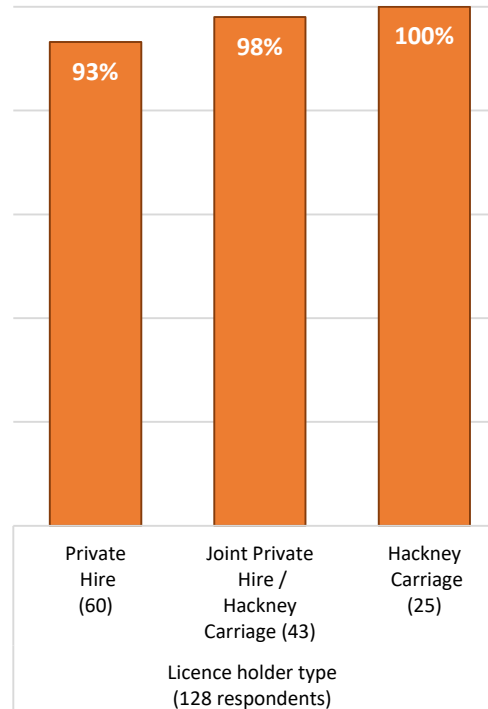
96% of licence-holder respondents object to the proposed fees
(128 respondents)

72% of non-licence-holder respondents object to the proposed fees
(78 respondents)

Proportion of respondents who object to the fees, by respondent type
(208 respondents / 99% response rate)



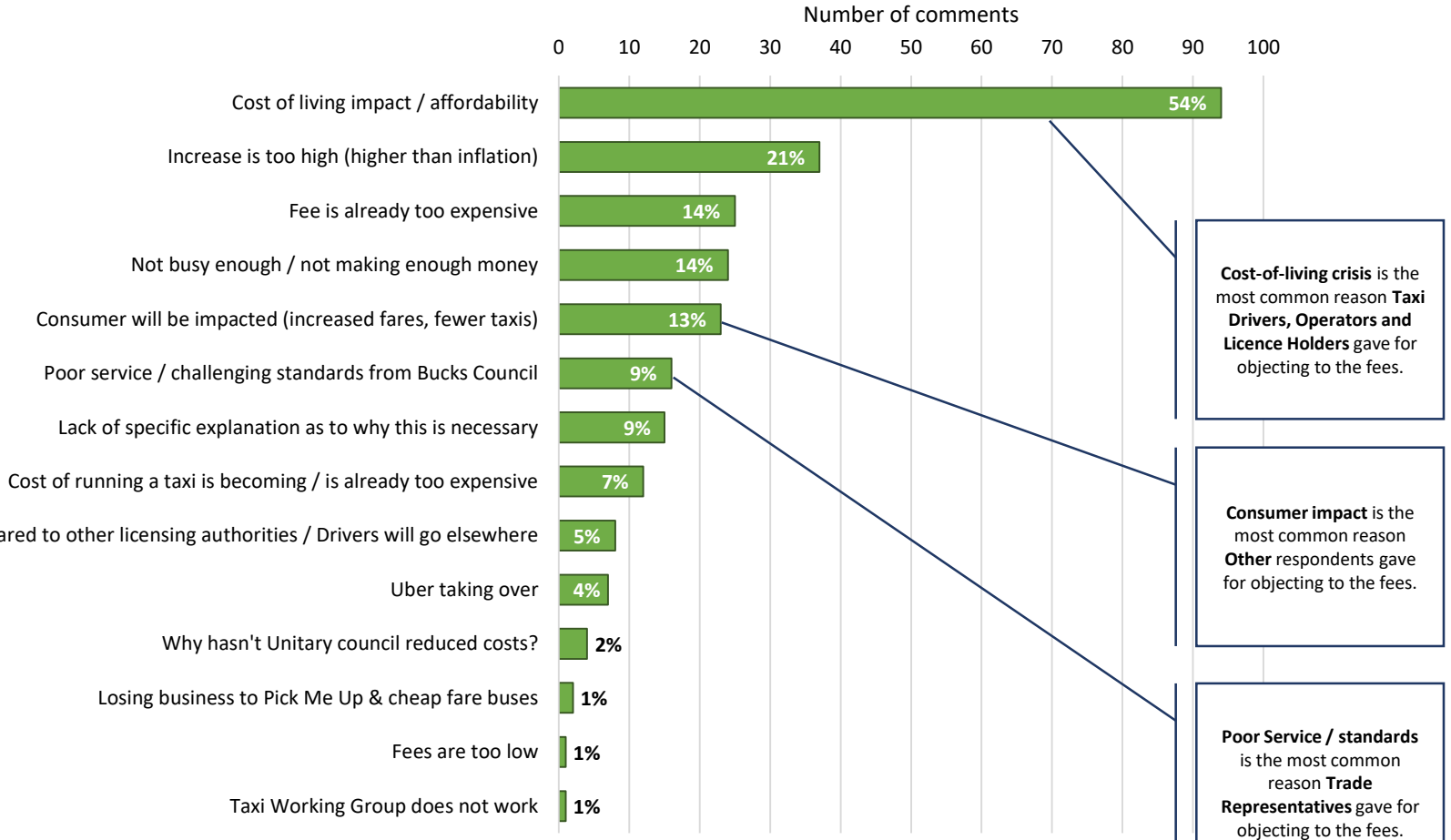
Proportion of respondents who object to the fees, by licence-holder type
(128 licence-holder respondents / 100% response rate)



Do you agree with or object to the proposed fees?

Free text reasons given for objecting to the fees increase. Comments have been grouped into common themes

173 survey respondents gave free text reasons for their objection, together with 10 emailed comments



27 respondents **agree** with the proposed fees. **13** left free text comments:

- 6** respondents agree with proposed fees, but state they should **not be subsidised by the tax-payer**
- 3** respondents note the **consumer will be impacted**
- 3** respondents note the **impact of the cost of living**
- 1** respondent believes the **fees are currently too low**

Do you agree with or object to the proposed fees?

Free text reasons given for objecting to the fees increase.

Comments have been grouped into common themes, by respondent type

Free Text Themes: Reasons for objecting to the increase in fees	Operator (14 respondents / 25 comments)	Other (43 respondents / 52 comments)	Taxi driver (110 respondents / 165 Comments)	Trade representative (2 respondents / 7 comments)	Vehicle licence holder (4 respondents / 6 comments)
Cost of living impact / affordability	5	12	66	1	3
Increase is too high (higher than inflation)	4	6	25	1	1
Fee is already too expensive	1	3	21	0	0
Not busy enough / not making enough money	1	2	18	1	1
Consumer will be impacted (increased fares, fewer taxis)	2	16	3	0	0
Lack of specific explanation as to why this is necessary	1	6	6	1	0
Poor service / challenging standards from Bucks Council	3	3	6	2	0
Cost of running a taxi is becoming / is already too expensive	3	1	8	0	0
Uber taking over	0	1	6	0	0
Fees high compared to other licensing authorities / Drivers will go elsewhere	3	0	3	0	1
We were told unitary would reduce costs	1	1	1	1	0
Losing business to Pick Me Up & cheap fare buses	0	0	2	0	0
Fees are too low	0	1	0	0	0
Taxi Working Group does not work	1	0	0	0	0

Do you agree with or object to the proposed fees?

Verbatim comments from respondents, by respondent type

Views from Taxi Drivers

'With the cost of living going up, you should be holding the price or decreasing it'

'As a Buckinghamshire driver, I feel this is very unfair as year on year we see a decline in work and an increase in our running cost...'

'Cost of living crisis has hurt the taxi trade with many people cutting back, a taxi is a luxury people forego...'

'Uber drivers have taken 75% of the business...'

'Incredibly high increases, completely unjustifiable'

'... 10-year car limit doesn't help as vehicles are expensive to buy...' '...factory fitted tinted windows should be permitted...'

'Fees have increased a lot for a renewal badge, I think the renewal should be cheaper than a new application'

Views from Operators, Licence Holders and Trade Representatives

'...This will increase pressure on my small business...'

'You are probably aware that many drivers are getting licences from other Councils...more drivers will consider this route'

'...subsidised Pick-Me-Up service has taken a significant portion of work...'

'...the merger of 5 local authorities into one was supposed to lead to efficiencies...'

'I am never convinced we are given value for money... response is often inadequate and unhelpful...'

'... we are made to jump through hoops to get a licence...'

'...consumer will have to bear the cost in a time when everyone is struggling...'

Views from Other respondents

'...Such an increase will affect drivers and passengers / cost of a taxi...'

'No clear evidence of what it costs to manage the process'

'...proposed increase in fees will make fare go up even more...'

'...there is no public transport alternative...'

'...pensioners in particular will be hard hit if they can no longer drive – taxis are a lifeline...'

'Taxis are private business and shouldn't be subsidised by the taxpayer'

'...the standards of taxis and general professionalism of their trade should be at an appropriate level..'

'The increase does not seem excessive and neither the council nor rate payers should fund the taxi industry'

'...on one hand...we are trying to level up... on the other hand we are putting more burden on these lower-income (taxi driver's) families...'

If taxi and private hire fees do not cover the cost of the taxi licensing service these costs would have to be paid for by the tax-payer. Do you think this is acceptable?

204 respondents / 97% response rate



53% of all respondents say it is **not acceptable** for the tax-payer to cover the cost of the licensing service.
(204 respondents)

Proportion of respondents who say it is **not acceptable** that licensing costs would have to be covered by the tax payer, by respondent type (204 respondents / 97% response rate)



Page 45

76% of 'other'¹ respondents say it is **not acceptable** for tax-payers to cover the cost of the licensing service
(68 Respondents)
¹ respondents who are not taxi drivers, operators, licence holders or trade representatives

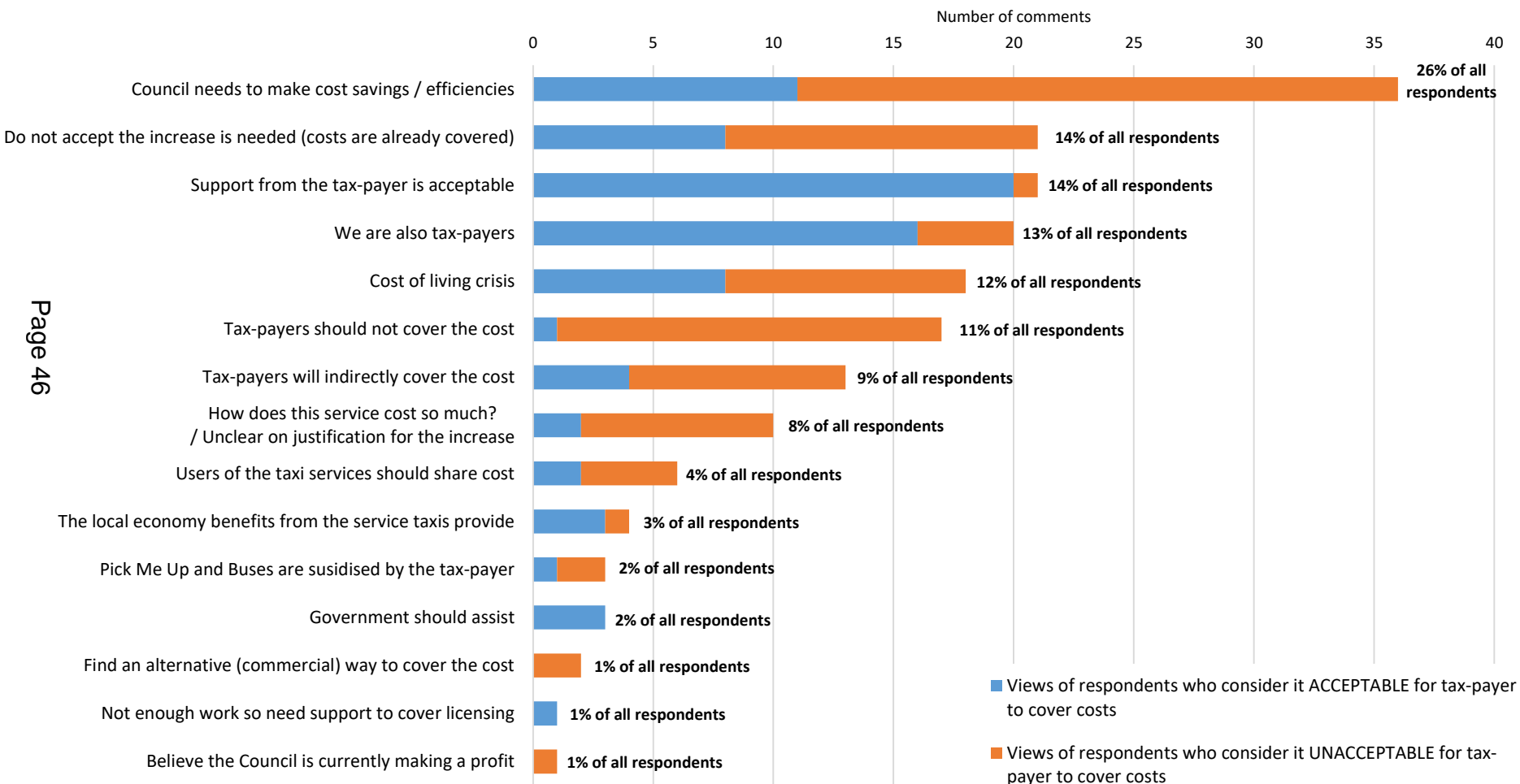
47% of all respondents say it is **acceptable** for the tax-payer to cover the cost of the licensing service.
(204 respondents)

58% of licence-holders say it is **acceptable** for the tax-payer to cover the cost of the licensing service
(124 respondents)

If taxi and private hire fees do not cover the cost of the taxi licensing service these costs would have to be paid for by the taxpayer. Do you think this is acceptable?

Free text comments have been grouped into common themes, presented by whether the respondent considered it acceptable or unacceptable for cost to be paid by tax-payer

151 respondents made 176 comments



If taxi and private hire fees do not cover the cost of the taxi licensing service these costs would have to be paid for by the taxpayer. Do you think this is acceptable?

Free text comments have been grouped into common themes, presented by respondent type (regardless of whether the respondent considered it acceptable or unacceptable for cost to be paid by tax-payer)

151 respondents made 176 comments

Free Text Themes: Reasons for objecting to the increase in fees	Operator (14 respondents / 18 comments)	Other (48 respondents / 55 comments)	Taxi driver (84 respondents / 97 Comments)	Trade representative (2 respondents / 3 comments)	Vehicle licence holder (3 respondents / 3 comments)
Council needs to make cost savings / efficiencies	4	14	15	1	2
Support from the tax-payer is acceptable	2	5	13	1	0
Do not accept the increase is needed (costs are already covered)	4	5	12	0	0
We are also tax-payers	2	2	16	0	0
Cost of living crisis	0	2	14	1	1
Tax-payers should not cover the cost	2	8	7	0	0
Tax-payers will indirectly cover the cost	1	9	3	0	0
How does this service cost so much? / Unclear on justification for the increase	0	3	7	0	0
Users of the taxi services should share cost	0	4	2	0	0
The local economy benefits from the service taxis provide	1	1	2	0	0
Pick Me Up and Buses are subsidised by the tax-payer	1	1	1	0	0
Government should assist	0	1	2	0	0
Find an alternative (commercial) way to cover the cost	1	0	1	0	0
Not enough work so need support to cover licensing	0	0	1	0	0
Believe the Council is currently making a profit	0	0	1	0	0

If taxi and private hire fees do not cover the cost of the taxi licensing service these costs would have to be paid for by the taxpayer. Do you think this is acceptable?

Verbatim comments from respondents by respondent type

Views from Taxi Drivers

'We taxi drivers are also tax-payers.'

'The local economy benefits from people eating out and drinking, you need taxi drivers to transport them safely to and from their homes'

'I think it is quite questionable on how the tax-payer money is currently being used...'

'Why should the council not pay for such a service – we pay council tax..'

'Taxes should be used for welfare and not private business'

'I think the tax-payer should pay, everyone should contribute'

'...you give grants to bus companies but not us...'

'...I think the fees are already enough to cover the cost of the service...'

Views from Operators, Licence Holders and Trade Representatives

'Taxi licensing needs to be more responsive, there is no need to be overstaffed, as things have become more automated in the last year, the costs should have come down'

'The council can find the funds from within'
'The council should manage their budget better.'

'Taxi licensing should be run as a commercial business which should be self-funding'

'I believe that the fees should easily be covered by what we pay, if they do not it is fine for them to be subsidised by the tax-payer....The new Carousel Pick Me Up service is subsidised so why should the traditional trade not be?...'

'If you spread the cost between the tax-payers this will mean it will be divided and maybe you won't be affecting just a minority...'

Views from Other respondents

'People who don't use taxis should not have to fund the licences'

'This is not a public service as such and should be self-funding'

'The operator and users of the service should pay for the service they operate/use'

'...I have no cars and I have to rely on bus and taxi. However, the bus service is ridiculously unreliable, and it stops service too early in the evening. The only choice is taxi, but it is not cheap already. I can't afford anymore increment'

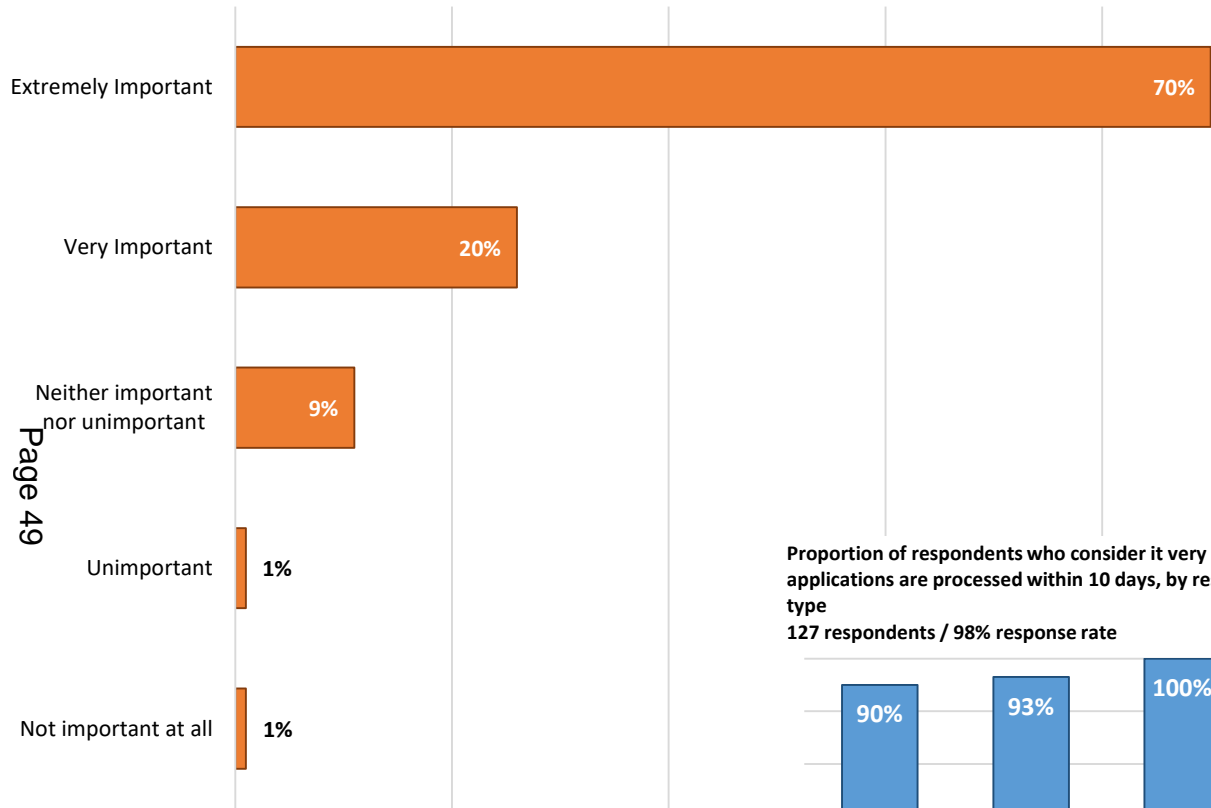
'Taxis are an important public transport service. If it is acceptable for the council to support buses, there is no reason why modest expenditure on taxi services should be considered unacceptable'

'This would take finances away from other services. If you want a license you pay for it.'

'Make the fees work! We are all doing are bit making things work during hard times!'

We aim to process all valid driver and vehicle licence applications within 10 days of a valid application (with all documents) being received. How important is it that applications are processed within 10 days?

129 licence-holder respondents / 99% response rate

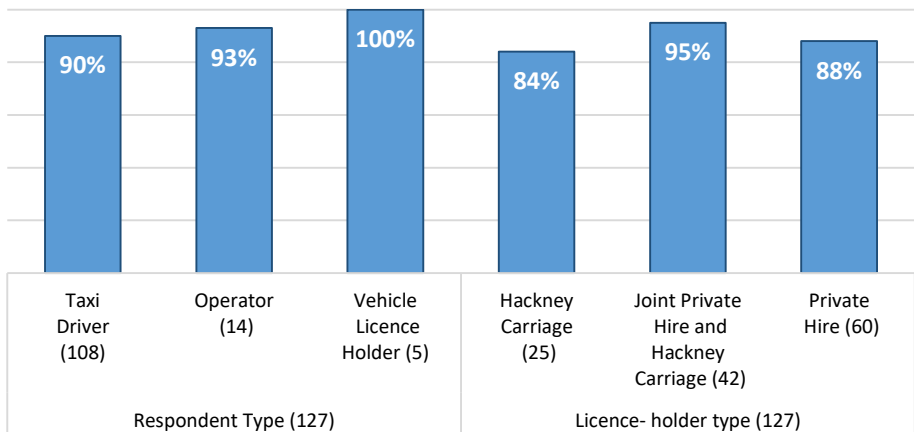


90% of all respondents said it is **Extremely important** or **Very important** for applications to be processed within 10 days
(129 respondents)

2% of respondents said the processing of applications within 10 days was **unimportant**
(129 respondents)

Page 49

Proportion of respondents who consider it very Important or important that licence applications are processed within 10 days, by respondent type and by licence holder type
127 respondents / 98% response rate



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Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

The Public Sector Equality Duty (PSED) was introduced as part of the Equality Act 2010, which protects people from discrimination in the workplace, in the provision of services and in wider society.

The duty requires all public bodies to have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people

Public bodies demonstrate this due regard in different ways, including producing robust equality impact assessments when considering changes to policies and services.

An EqIA enables us to check the potential impacts on residents and employees of our policies, services and projects. It's an opportunity to challenge how we currently do things.

Carrying out an EqIA should not create extra work; it should be part of your normal service planning process. Most of the information required should already be available to you through other work already undertaken e.g. service user monitoring, analysis of complaints and national research.

The purpose of an EqIA is to *take account* of equality as plans develop, to promote and assist the consideration of equalities issues arising in plans and proposals and to ensure that where possible adverse or disproportionate impacts are minimised and positive impacts are maximised. As such where possible an EqIA should be started at the outset of a project/proposal and continually be developed and reviewed until a final proposal is adopted. An EqIA should be used to ensure decision makers have all the information they need regarding potential impacts to ensure they have due regard to the Public Sector Equality Duty when making judgements.

Carrying out EqIAs should be an integral part of policy or service development/change and larger projects may need more than one EqIA if different areas are impacted by the change.

Any project that requires consultation will automatically require an EqIA.

All approved and signed EqIAs are recorded in a central register. Please email your completed draft EqIA to equalities@buckinghamshire.gov.uk. Previous EqIAs can be made available for information upon request. For any questions or if you require support in completing your EqIA please contact Maria Damigos and Natalie Donhou Morley directly.



Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Part A (Initial assessment) - Section 1 - Background

Proposal/Brief Title: Taxi and Private hire fees and charges

OneDrive link to report/policy:

<https://buckinghamshire.moderngov.co.uk/documents/g17576/Public%20reports%20pack%2001st-Feb-2023%2018.30%20Licensing%20Committee.pdf?T=10>

Related policies: **Taxi and Private Hire Licensing Policy and related EQIA**

Date: 20th January 2023

Type of strategy, policy, project or service:

Please tick one of the following:

- Existing
- New or proposed
- Changing, update or revision
- Other (please explain)

This assessment was created by:

Name: Lindsey Vallis

Job Title: Service Director – Transport Services

Email address: Lindsey.vallis@buckinghamshire.gov.uk

Briefly describe the aims and objectives of the proposal below:

An annual review of fees and charges has been carried out and existing fees for driver licence fees, vehicle licence fees and operator licence fees may increase (subject to statutory advertisement/consultation and Licensing Committee decision) as a result. However, this must be balanced alongside the overriding Taxi and Private Hire Licensing Policy objective of protecting public safety. Case law judgments indicate that Licensing Committee's should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade, this cannot take precedence in decision making.

What outcomes do we want to achieve?

Fees and charges set that ensure the service operates at a cost neutral position at no cost to the taxpayer, as is the best practice approach and set down in statutory guidance

Does this proposal plan to withdraw a service, activity or presence? No

Does this proposal plan to reduce a service, activity or presence? No



Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Does this proposal plan to introduce, review or change a policy, strategy or procedure? No

Does this proposal affect service users and/or customers, or the wider community? Yes

Please explain your answer:

The proposal to increase fees impacts existing and new licence holders.

Does this proposal affect employees? No

Will employees require training to deliver this proposal? No

Has any engagement /consultation been carried out, or is planned in the future? Yes

Please explain your answer:

Taxi and private hire fees are subject to statutory advertisement and consultation. If the proposed fees are approved by the Licensing Committee for consultation they will then be advertised in accordance with legal requirement. Feedback received as a result of this will be provided to the Licensing Committee when reaching a final decision on the level that fees and charges should be set at.

Section 2 - Impacts

Please highlight potential impacts (including unintended impacts or consequences) for each protected characteristic*/equality groups below. Where there are negative or positive impacts please give more details of the impact. Where the impacts are unclear please explain why.

Age*				
Positive	Negative	Unclear	None	

Details:

Disability*				
Positive	Negative	Unclear	None	

Details:

Pregnancy & maternity*				
Positive	Negative	Unclear	None	

Details:

Race & Ethnicity*				
Positive	Negative	Unclear	None	



Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Details: As a high proportion of drivers and operators are from ethnic minorities any increase in fees may have a disproportionate effect on this group including their ability to start working in this field or continue to do so

Marriage & Civil Partnership*

Positive	Negative	Unclear	None
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Details:

Religion & Belief*

Positive	Negative	Unclear	None
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Details:

Sex*

Positive	Negative	Unclear	None
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Details:

Sexual Orientation*

Positive	Negative	Unclear	None
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Details:

Gender Reassignment*

Positive	Negative	Unclear	None
----------	----------	---------	------

Details:

Gender identity

Positive	Negative	Unclear	None
----------	----------	---------	------

Details:

Carers

Positive	Negative	Unclear	None
----------	----------	---------	------

Details:

Rural isolation

Positive	Negative	Unclear	None
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Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Details:

Single parent families

Positive	Negative	Unclear	None
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Details:

Poverty (social & economic deprivation)

Positive	Negative	Unclear	None
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Details: an increase in fees may have an impact on the ability of this group to start working in this field or continuing to do so where the fees are increased.

Military families / veterans

Positive	Negative	Unclear	None
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Details:

Section 3 – Is a full assessment required?

If you have answered yes to any of the initial assessment questions in section 1 of this EqIA, or have indicated a negative or unclear impact in section 2, it is likely you will need to complete part B of the EqIA form. Should you need guidance as to whether a full EqIA is needed at this time please contact Maria Damigos or Natalie Donhou Morley before continuing.

Following completion of part A, is part B completion required?

- Yes
- No
- Not required at this time

Explain your answer:

The current recommendation is that the fees are increased, and whilst this is agreed pending consultation the final decision has not yet been taken. It is therefore possible that the fees may remain the same or reduce which is why the potential impacts are set at unclear. If fees are increased the potential unclear impacts are expected to change to negative.

Any increase in fees is however to accommodate increased costs of licensing drivers, vehicles and operators which is to ensure a regulatory regime to protect the public who use taxi and private vehicle hire services.



Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Therefore, any possible financial impacts need to be balanced alongside the overriding Policy objective of protecting public safety. Case law judgements also indicate that

Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of financial impacts on the taxi trade, this cannot take precedence in decision making.

In addition as the proposed fees and charges are being consulted on there will be opportunity to receive views on the proposed increase from the taxi community as a whole.

The potential negative effect has been identified and will be taken into account in the decision making process as appropriate

Have you completed a DPIA for this project/change? No – not required

(As you are completing an EqIA, you may also require a DPIA - for more information please contact dataprotection@buckinghamshire.gov.uk)

Section 4 – Sign off (Only complete when NOT completing Part B)

Officer completing this assessment: Lindsey Vallis Date: 20th January 2023

Equality advice sought from: Maria Damigos Date: 27th January 2023

Service Director sign off: Lindsey Vallis Date: 3rd February 2023

CMT sign off (*if deemed necessary by Service Director*) sign off: (Please insert name) Date:
(Please insert Date)

Next review Date: N/A



Report to Licensing (Regulatory) Committee

Date:	11 th April 2023
Title:	Buckinghamshire Council draft Animal Licensing Policy
Cabinet Member(s):	Cllr Mark Winn, Cabinet Member for Homelessness & Regulatory Services
Contact officer:	Catriona Crelling, Senior Licensing Officer
Ward(s) affected:	none specific
Recommendations:	That the draft Animal Licensing Policy set out at Appendix 1 is, subject to any recommended amendments, approved for consultation with relevant stakeholders.
Reason for decision:	The adoption of a policy supports the Council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.

1. Background

- 1.1 The licensing of animal related activities is complex and is governed by highly prescriptive statutory provisions and comprehensive statutory and non-statutory guidance. In accordance with the Animal Welfare Act 2006, Buckinghamshire Council, in its role as Licensing Authority, is responsible for licensing operators of businesses carrying out prescribed activities involving animals. In addition, the Council is also responsible for licensing keepers of animals that are defined as dangerous wild animals and for the licensing of zoos.
- 1.2 There is currently no animal licensing policy, covering the Buckinghamshire Council area. Whilst there is no statutory requirement for a policy under any of the legislation relating to these types of licence, it is considered appropriate to produce a single policy which sets out a clear and consistent framework for the Council's approach to animal licensing. The adoption of a policy supports the Council's

commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.

- 1.3 The draft Animal Licensing Policy (“the Policy”) provides guidance on the various application processes, a brief overview of relevant legislation and links to statutory guidance. The legislation and regulations under which animal licences are issued require the Council to determine, among other factors, whether the applicant is suitable or in the case of the The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 “fit and proper” to hold a licence. Whilst there is no legal definition of “fit and proper” in the regulations, the Policy provides an opportunity to outline matters which the Council will take into consideration when deciding if someone is suitable to hold a licence.
- 1.4 As well as the need to comply with the different statutory licensing requirements set out in more detail below it is of public interest to ensure the general safety and wellbeing of animals, those responsible for them and members of the public who may come into contact with them. The adoption of a Policy will also give the Council an opportunity to set out its expectations around safeguarding for operators of businesses whose activities take place around children and vulnerable persons.

2. Main content of report

2.1 The Licensing Authority is required to consider and determine applications for licenses relating to animals in line with the relevant legislation and regulations:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“LAIA”)
- Dangerous Wild Animals Act 1976 (“DWA Act”)
- Zoo Licensing Act 1981

These pieces of legislation are aimed at protecting the welfare and safety of animals and those that interact with them. It is an offence for any person to own or keep animals in order to carry out certain businesses or have possession of certain animals without first being licensed by the Council.

- 2.2 Historically, animal licensing was dealt with differently in each legacy council area, using different application forms, fee structures and inspection processes. Licences in the Wycombe legacy area were administered by the Environmental Health team. By the autumn of 2021, forms and inspection processes had been harmonised with responsibility for animal licensing across all legacy areas transferred to the Licensing Service. A single harmonised fee structure was implemented in August 2022.
- 2.3 Buckinghamshire, with a mixture of towns and large areas of rural space, is home to a broad range of businesses that involve working with animals. These include visitor

attractions such as zoos and petting farms, leisure opportunities such a horse riding and alpaca walking and facilities that provide valuable services to residents, such as kennels and catteries, pet shops, home boarding of dogs, doggy day care and dog breeders. The Council also licence “exhibitors” whose businesses range from supplying trained animals to studios, for use in popular TV and films seen around the world, to individuals who take a small collection of animals to a school or nursing home for educational or therapeutic purposes. There are also a small number of private keepers of dangerous wild animals based in the area.

The Animal Welfare Act 2006 (“AWA”)

2.4 This Act is the primary piece of legislation controlling the welfare of animals in England and the “LAIA” Regulations are made under it. The Act requires reasonable animal welfare standards to be maintained and it is an offence to cause unnecessary suffering to any animal. The Act also contains a duty of care to animals. This means that anyone responsible for an animal must take reasonable steps to make sure the animal's welfare needs are met. These needs are often referred to as the “five needs” which are:

- The need for a suitable environment
- The need for suitable diet
- The need to be able to exhibit normal behaviour patterns
- Any need to be housed with, or apart from, other animals
- The need to be protected from pain, suffering, injury and disease

2.5 Officers are expected to take the AWA into consideration when dealing with all animal licensing matters. Those carrying out inspections are appointed as inspectors under the Act, enabling them to take action where necessary using their powers— an example of this would be taking animals into possession should they be found to be suffering.

Licences issued under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“LAIA”)

2.6 The vast majority of licences issued by the Council in relation to animal licensing are issued under the LAIA Regulations. Commercial operators require a licence for the following activities:

- Providing or arranging provision of boarding for cats and dogs.
- Breeding dogs for commercial purposes.
- Keeping or training animals for exhibition.
- Selling animals as pets.

- Hiring out horses.
- 2.7 There are currently in the region of 200 licences of this type in place in the Buckinghamshire Council's area. Licences can cover one or multiple activities, for example a business operating as both a cattery and a kennels.
- 2.8 The Regulations include statutory conditions and statutory guidance specific to each activity which must be applied to licences. The Council has no power to add or remove conditions to a licence and must abide by the statutory guidance, as must the licensed operator.
- 2.9 All new and renewal applications require an inspection and operators are also subject to an unannounced mid licence term inspection. Most inspections are carried out by suitably qualified inspectors who are part of the Licensing Team. However, in accordance with the Regulations, new applications for dog breeding require an appointed vet to carry out the inspection alongside the Council's appointed inspector. For the activity of hiring out horses, a "listed" vet must be appointed to carry out an inspection alongside the council appointed inspector for all new and renewal applications. The Council must also arrange for a "listed" vet to carry out an annual inspection of any premises offering the activity of hiring out horses if the licence is granted for more than one year.
- 2.10 Licences are issued for a period of 1, 2 or 3 years and the Council is expected to publish a register of licences issued on the Council's website. The length of licence is determined by the inspector who must risk rate the operator and issue a star rating following their inspection. Currently however, the LAIA Regulations and statutory guidance state that those holding licences for keeping or training animals for exhibition are automatically issued with a 3-year licence with no star rating.
- 2.11 The Policy sets out the Council's star rating appeal process and reinspection process for those wishing to have their star rating reviewed.
- 2.12 The LAIA Regulations make it clear that a local authority, when deciding whether to grant a licence, must take into account the applicant's conduct as the operator of the licensable activity, whether the applicant is a fit and proper person to be the operator of that activity and any other relevant circumstances.
- 2.13 Officers are of the view that as a matter of policy a recent basic DBS certificate should be required for all applications to assist in determining whether they meet the relevant statutory tests and to protect both the public and the animals they wish to care for. The draft Policy lists various offences which may affect the granting of a licence. It is considered appropriate to independently verify if an applicant has any relevant convictions. A DBS check is the only reliable way to obtain this. The draft Policy also provides that for certain specified changes in circumstances existing licence holders will be expected to notify the authority.

- 2.14 The Council is aware that some licensable activities involve unsupervised contact with children and/or vulnerable persons, for example the tuition of young persons at riding establishments or entertaining at a children's party with an exhibition of animals.
- 2.15 The draft Policy sets out that the Council expects applicants and licence holders whose activities involve contact with children or vulnerable persons to not be subject to restrictions on contact with children or vulnerable persons and to have:
- A written safeguarding policy.
 - Provide training for staff.
 - Procedures for vetting staff who have unsupervised contact with young/vulnerable persons.

Dangerous Wild Animal (DWA) Act 1976

- 2.16 A licence is required where an individual or a business wishes to keep an animal included on the current [Schedule of Dangerous Wild Animals](#).
- 2.17 Examples of the types of animals included in this schedule are capuchins, lemurs, crocodiles, ostriches, African servals and some venomous species of snakes. It is an offence for a person to keep a dangerous wild animal without first obtaining a licence from the Council. The Wild Animals in Circuses Act 2019 banned the exhibition of wild animals or use of them in travelling circuses in England.
- 2.18 Certain people are exempt from requiring a DWA licence:
- Zoo operators.
 - Holders of a LAIA licence for the activity of selling animals as pets.
 - Keepers of animals in a designated establishment within the meaning of the Animals (Scientific Procedures) Act 1986.
- 2.19 Licences are issued for a maximum period of 2 years and there are currently 3 DWA licences in place in the Buckinghamshire Council area. Inspections are carried out by a vet authorised by the council and with appropriate knowledge of the species to be covered by the licence. The vet will usually be accompanied by a licensing officer authorised to carry out animal inspections. Where a licence is granted, conditions are tailored to the species and type of premises where they are being kept.
- 2.20 Applicants are required to demonstrate how they meet certain criteria specified under the DWA. The draft Policy sets out clear guidance how the Council assesses whether the criteria can be met. The Council's intention is to ensure that these types of animals are kept in circumstances that safeguard the welfare of the animals and create no risk to the public. Owners are expected to have robust risk assessments to

prevent animals escaping, emergency evacuation plans for the animals concerned and prevention and control of the spread of infectious diseases.

- 2.21 For the same reasons that have been set out in paragraph 2.13 (in relation to licences issued under the LAIA Regulations), applicants who wish to obtain a DWA licence will be expected to provide a recent basic DBS certificate.
- 2.22 As required by the DWA Act, all applicants must also demonstrate that they have appropriate liability insurance in place.

Zoo Licencing Act 1981

- 2.23 A licence is required for an establishment where wild animals are kept for exhibition to which members of the public have access, with or without charge for admission, on seven or more days in any period of twelve consecutive months. This broad definition means that licensed zoos can range from a traditional urban zoo or safari park to a small specialist collection such as an aviary.
- 2.24 The Council currently licence 3 zoos, all of which hold a dispensation due to the size and limited numbers of wild animals on display. This dispensation, issued as a direction by the Animal and Plant Health Agency, reduces the scale of the inspection team for smaller zoos, reducing the burdens on these premises whilst ensuring that the correct standards are still maintained through an appropriate inspection regime.
- 2.25 Licences are issued for a period of 4 years initially and when renewed are issued for a period of 6 years.
- 2.26 A licensed zoo must be able to demonstrate compliance with a broad range of issues, including but not limited to, feeding, environment, conservation/education and public safety.
- 2.27 The Secretary of State's Standards of Modern Zoo practice provides detailed guidance and the draft Policy signposts applicants and existing licence holders to this document. The draft Policy also summarises inspection processes, how a dispensation can be applied for and grounds for refusing a licence.
- 2.28 For the same reasons that have been set out in paragraph 2.13 (in relation to licences issued under the LAIA Regulations), applicants who wish to obtain a Zoo licence will be expected to provide a recent basic DBS certificate. Where applications are made by a business or organisation, all business partners or directors will be required to provide a basic DBS certificate.

The future of Animal Licensing

- 2.29 Under the LAIA Regulations the Secretary of State must carry out a review of the regulatory provision contained in the Regulations at least every 5 years. The first review is currently underway with a requirement that the findings are published by 1st October 2023. Officers have participated in this review, which has included

consideration of revising statutory guidance and tightening the Regulations themselves, for example with regard to dog breeding. The Animal Welfare (Kept Animals) Bill is also progressing through Parliament (currently at report stage at House of Commons). It is anticipated that changes to existing and the introduction of new legislation will bring a wider range of animal related activities within scope for requiring a licence. These include significant changes to the licensing of zoos and the anticipated introduction of a licence for private keepers of primates. At the present time it is not known when these changes are likely to take effect, but it is anticipated that the Policy, if adopted, will require further review and amendment to reflect these changes.

3. Next steps and review

- 3.1 If approved by Committee, and subject to any suggested amendments, the draft Policy will undergo a six-week public consultation process with all relevant stakeholders being notified, including affected licence holders, Ward, Town and Parish Councillors, Community Boards, Thames Valley Police, Veterinary inspectors and Local Government Animal Welfare Group.
- 3.2 Following the consultation process, a further report will be presented to this Committee providing full details of any comments received and amendments proposed as a result.

4. Other options considered

- 4.1 The Council could choose not to have an animal licensing policy as there is no statutory requirement to have one. However, as stated above, a policy provides an opportunity for the Council to set out its approach to animal licensing, providing clarity for applicants, licence holders and other affected parties.
- 4.2 The Council could wait until after the LAIA Regulations have been reviewed by DEFRA and The Animal Welfare (Kept Animals) Bill passed by Parliament before drafting an animal licensing policy. However, it is felt that this would cause a significant delay to the introduction of a policy, with timescales for the new legislation uncertain at this time due to delays in its passage through Parliament.

5. Legal and financial implications

- 5.1 The legal implications are as set out in the report. The Policy ensures consistency of approach, and it is considered that the Council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered, reasons for refusal or our approach to enforcement. The introduction of a DBS check does engage further data protection requirements but

this would still be compliant with the legislation. Further implications are dealt with below.

- 5.2 Fees are generally subject to a full review every 3 years however, taking account of the recent harmonisation of the animal licensing work activities of Buckinghamshire Council and anticipated review of the LAIA Regulations at the end of 2023, fees will initially be reviewed annually to comply with standards of fee setting.

6. Corporate implications

Protecting the vulnerable – by setting out our expectations around safeguarding, the Council hopes to build awareness amongst operators of their responsibilities towards vulnerable groups who can benefit hugely from activities involving animals such as horse riding and animal assisted therapy. It is hoped that this will also provide additional assurances to customers of these businesses.

Property – N/A

HR – N/A

Climate change – N/A

Sustainability – N/A

Equality – An equality impact assessment screening assessment has been carried out which does not indicate any adverse or disproportionate effects on those with protected characteristics however the assessment will be kept under review to ensure appropriate information in this regard is available as and when required.

Data – dealing with any application for a licence will require the collection and processing of personal data. Such processing is justified by the public interest in appropriate licensing and safety requirements for both animals and their owners or others who they will come into contact with. The Council's current licensing procedures ensure relevant personal data (including criminal conviction data) is processed in accordance with the Data Protection Act and UK GDPR requirements and this will apply to any further more detailed personal data (if any) processed as a result of the proposed Policy being adopted.

Value for money – policy will be reviewed as legislative changes occur and updated accordingly, ensuring that it is fit for purpose. A formal review will be carried out at least every 5 years. All of this work will be performed by officers in-house.

7. Key documents

- The Animal Welfare Act 2006 (AWA 2006)
<https://www.legislation.gov.uk/ukpga/2006/45/contents>

- The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 (“LAIA”) <https://www.legislation.gov.uk/uksi/2018/486/contents>
- Link to DEFRA statutory guidance relating to licence issued under The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>
- Dangerous Wild Animals Act 1976 (as amended) <https://www.legislation.gov.uk/ukpga/1976/38/contents>
- Zoo Licensing Act 1981 (as amended) <https://www.legislation.gov.uk/ukpga/1981/37/contents>
- Government Guidance to Zoo Licensing Act <https://www.gov.uk/government/publications/zoo-licensing-act-1981-guide-to-the-act-s-provisions>

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Draft Animal Licensing Policy

1. Introduction**2. Safeguarding****3. The Animal Welfare Act 2006****4. Animal Welfare (Licensing of Activities Involving Animals)
(England) Regulations 2018****5. The Dangerous Wild Animals Act 1976****6. Zoo Licensing Act 1981****7. Enforcement****8. Fees**

Version No	Initial	Date	Changes Made
V1.0			

1.0 Introduction

1.1 Accessibility

We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate it into other accessible formats. If you have other needs in this regard, please contact the licensing service on licensing@buckinghamshire.gov.uk

1.2 Definitions

While every effort has been made to avoid the overuse of technical terms, this is not always possible. Appendix 1 contains a list of definitions which may be of help in explaining some of the key words and phrases used in this document.

1.3 Buckinghamshire Council

Buckinghamshire Council came into effect on 1 April 2020, bringing together the former Buckinghamshire County Council, and the four District Councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe. The county has a population of over 540,000 residents and includes the towns of Buckingham, Winslow, Aylesbury, Wendover, Princess Risborough, Chesham, Amersham, High Wycombe, Beaconsfield and Gerrards Cross. The county has a significant amount of rural space with over a quarter of the county within the Chilterns Area of Outstanding Beauty and a further third is covered by the Metropolitan Green Belt.

The new unitary area is host to a broad range of businesses that have activities involving animals as their focus. There are also currently a number of small zoos and private keepers of dangerous wild animals based in the area.

A map showing the Council's area can be shown here

<https://bucksCouncil.maps.arcgis.com/apps/webappviewer/index.html?id=1c196e0e4724417492bd4ffca4c4f249>

A search can be carried out to see if an address or particular premises falls within this area through the local authority finder <https://www.gov.uk/find-local-council>

Buckinghamshire Council aims to make Buckinghamshire the best place to live, raise a family, work and do business. The Council wants the county to be a place where everyone can be proud of, with excellent services, thriving businesses, and outstanding public space for everyone. A place where residents, regardless of background, have access to great opportunities, living healthy, successful lives and ageing well with independence. These ambitions are summarised in The Council's key priorities:

- strengthening our communities

- improving our environment
- protecting the vulnerable
- increasing prosperity

Licensing has a crucial role to play in achieving these goals, through the formulation of policy, decision-making, promotion of best practice and enforcement activities.

1.4 Role of the Council in Animal Welfare

Buckinghamshire Council has statutory responsibilities for the licensing of a number of activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 the Dangerous Wild Animals Act 1976, and the Zoo Licensing Act 1981. These pieces of legislation are aimed at protecting the welfare and safety of animals and those that interact with them and make it an offence for any person to own or keep animals in order to carry out certain businesses or have possession of certain animals without first being licensed by the Council.

Other areas of animal health are dealt with by Buckinghamshire and Surrey Trading standards. This relates to legislation aimed at protecting both human health through the food chain and animal health. Trading Standards are also involved in enforcing measures to protect the welfare of livestock in transit or at abattoirs. There are some cases where there may be some overlap of responsibilities, for example where livestock species are kept by operators holding licences for the keeping or training of animals for exhibition. In these instances, Licensing Officers may work in partnership with Trading Standards Officers.

1.5 Relevant Legislation

The list below sets out the main pieces of legislation that are used by licensing services in relation to operators of businesses involving animal related activities and keepers of certain types of animal:

- **The Animal Welfare Act 2006 (AWA 2006)**
<https://www.legislation.gov.uk/ukpga/2006/45/contents>
- **The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 (“LAIA”)** <https://www.legislation.gov.uk/uksi/2018/486/contents>
- **Dangerous Wild Animals Act 1976 (as amended) (“DWA Act”)**
<https://www.legislation.gov.uk/ukpga/1976/38/contents>
- **Zoo Licensing Act 1981 (as amended)**
<https://www.legislation.gov.uk/ukpga/1981/37/contents>

1.6 About this Policy

This is Buckinghamshire Council's first published animal licensing policy statement, "Policy". The Policy replaces any animal licensing policies adopted by the previous District Councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe.

Whilst there is no legal requirement for the Council to have a Policy relating to animal licensing, a policy benefits all interested parties, providing a clear and consistent framework for the Council's approach to animal licensing.

The Policy sets out how Buckinghamshire Council will work to ensure that there is a level playing field for operators of animal related businesses, ensuring that persons responsible for the management of animal welfare observe standards of good practice, and that residents can feel confident that licensed businesses offer a good standard of animal welfare and are compliant with legislation. The Policy will set out how operators of businesses and keepers of animals requiring a licence will be assessed as being suitable or "fit and proper" to keep these animals and operate this type of business.

In preparing this new Policy, Buckinghamshire Council has taken into account the latest statutory guidance produced by the Department for Environment, Food and Rural Affairs (DEFRA), guidance from other Government departments, the Local Government Association, best practice and the views of a wide range of stakeholders.

Examples of best practice and industry standards that the Council would consider include – guidance provided by the Local Government Animal Welfare Group, DEFRA codes of welfare, care guidance provided by animal welfare charities such as the RSPCA and advice provided by organisations such as British Equestrian, Ornamental Aquatic Trade Association or the Canine Feline Sector Group.

The Licensing Authority has consulted widely in the formulation of this Policy, including the following:

- Licensees holding a current LAIA Licence, DWA Licence or Zoo Licence
- Licensing Committee
- Ward Councillors
- Town Councils and Parish Councils
- Cabinet Member for Regulatory Services
- Thames Valley Police
- Neighbouring Local Authorities
- Local residents and businesses
- Buckinghamshire's Safeguarding Children Partnership
- Buckinghamshire and Surrey Trading Standards
- Local Government Animal Welfare Group
- Veterinary Inspectors authorised by Buckinghamshire Council

- Other stakeholders

There are many types of animal related businesses that do not currently require a licence – examples include animal rescue centres, livery yards, dog walkers, dog groomers and similar. For this reason they do not form part of this policy.

A review of the LAIA Regulations is currently underway and The Animal Welfare (Kept Animals) Bill is progressing through Parliament. It is anticipated that changes to existing legislation and the introduction of new legislation will bring a wider range of animal related activities into scope for requiring a licence. Significant changes to the licensing of zoos are expected, along with the introduction of a licence for private keepers of primates.

With this in mind and to ensure that the policy remains fit for purpose, it will be reviewed as legislative changes occur and updated accordingly, with a formal review being carried out at least every 5 years. We may make minor amendments to this policy, with the agreement of the Chairman of the Licensing Committee, Cabinet Member for Regulatory Services and the Head of Service.

1.7 Advice for Applicants

New applicants are advised to contact the Council's Commercial Licensing Team prior to making their application. This allows the officers to provide advice, as well as clarifying any areas of uncertainty. The team can be contacted on licensing@buckinghamshire.gov.uk

Applicants are advised to ensure that other legal requirements are in place such as those relating to planning and building control matters.

Those applying to renew their licence are advised to do so in a timely manner and where applicable in the timescale specified in the legislation that their licence is issued under. Failure to do so may result in a business having to close until a licence is granted or risk offences being committed by keeping animals without first holding an appropriate licence.

Where a renewal application is received after the expiry date of the previous licence, save in exceptional circumstances, it will be treated as a new application.

1.8 How to make an application

For all types of licence, applications must be made on the Council's prescribed application forms which are published on the Council's website

<https://www.buckinghamshire.gov.uk/business/business-licences-and-permits/animal-licences/>

Applicants are encouraged to submit applications, including accompanying documents, electronically by email to the licensing team at licensing@buckinghamshire.gov.uk or by online forms where these are available. The Council will also accept applications via post to Licensing Services, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

An application will not be considered valid until a completed application form has been received along with the correct application fee.

Applicants will also be asked to provide the necessary supporting paperwork that they are required to have as set out in legislation and guidance relevant to the type of licence they have applied for

Applicants will be required to provide evidence of a Disclosure and Barring Service (DBS) check (or “basic disclosure”), the certificate must be no more than one month old at the time of application.

1.9 Decision Making

Each application will be considered and determined on its own merits and on a case-by-case basis, having taken into consideration this Policy and any statutory requirements and other relevant information.

In accordance with the Council’s scheme of delegations, decisions relating to animal licensing are made by authorised officers with sufficient training to make those decisions. Inspections must be carried out prior to a decision being made on any animal related licence application, as required by legislation.

If an officer is considering refusing an application the applicant will usually be given an opportunity to discuss the Council’s concerns and to give their views before a final decision is made.

Any decision will be provided to the applicant in writing and will set out details of the relevant appeal process.

2.0 Safeguarding

The main aim of animal licensing legislation is to maintain and improve animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular surrounding the protection of children and vulnerable persons and the Council must consider these in light of the Children Act 2004 and the Care Act 2014.

The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a Riding Establishment, or entertaining at a children’s party with an exhibition of animals)

To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:

- Have a written safeguarding policy and provide training for staff
- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

The Council are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits. For information purposes, a number of charitable organisations such as NSPCC offer advice on safeguarding issues, including policies and staff recruitment, which applicants and licence holders may find helpful. There is also guidance available on the Gov.uk website <https://www.gov.uk/government/publications/keeping-children-safe-in-out-of-school-settings-code-of-practice/keeping-children-safe-during-community-activities-after-school-clubs-and-tuition-non-statutory-guidance-for-providers-running-out-of-school-settings#fn:10>

3.0 The Animal Welfare Act 2006

3.1 The Act

Under the Act reasonable animal welfare standards must be maintained and it is an offence to cause unnecessary suffering to any animal.

3.2 “The Five Needs”

The Act also contains a duty of care to animals. This means that anyone responsible for an animal must take reasonable steps to make sure the animal's welfare needs are met. These needs are often referred to as the “five needs” which are:

- **The need for a suitable environment** – this should include an appropriate shelter and a comfortable resting area.
- **The need for suitable diet** – providing free access, where appropriate, to fresh water and a diet to maintain full health.
- **The need to be able to exhibit normal behaviour patterns** – providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate.
- **Any need to be housed with, or apart from, other animals** – providing the company of an animal of its own kind, where appropriate.
- **The need to be protected from pain, suffering, injury and disease** – providing preventative treatment or urgent veterinary care where necessary and ensuring conditions and treatment which avoid mental suffering

4.0 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018/SI 486 (“LAIA”)

4.1 Licensable activities

The LAIA Regulations introduced a single animal activity licence that can include one or more of the following activities:

- Selling Animals as Pets

- Providing or arranging for the provision of boarding in catteries for cats
- Providing or arranging for the provision of boarding in kennels for dogs
- Providing or arranging for the provision of home boarding for dogs
- Providing or arranging for the provision of day care for dogs
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

4.2 Public Register

The Council keeps a public register of licences issued under these Regulations and this can be found here:

<https://www.buckinghamshire.gov.uk/business/business-licences-and-permits/animal-licences/public-register-of-licensed-animal-businesses/>

4.3 Licence Conditions

The Regulations include a schedule of general conditions which must be applied to all licences issued. The Regulations also include a number of schedules setting out specific conditions relating to each of the activities listed above. These specific conditions will also be applied to any licence granted for that activity.

Where multiple activities are held under one licence, for example for providing boarding in both a cattery and kennels, then the general conditions, along with the specific cattery and kennel conditions will all be listed on that licence.

The Council has no authority to remove or add conditions from a licence granted under these Regulations.

The general and specific conditions relating to these licences are listed in schedules within the LAIA Regulations and can be seen here:

<https://www.legislation.gov.uk/uksi/2018/486/contents>

4.4 Statutory Guidance

DEFRA have issued statutory procedural guidance for local authorities to follow and specific statutory guidance for each activity. Setting out how each licence condition must be demonstrated. This is available on the Gov.uk website:

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

The Council is required to have regard to this statutory guidance when carrying out their functions in relation to licences issued under the LAIA Regulations.

The Council has an expectation that applicants and existing LAIA licence holders will familiarise themselves with the latest guidance relating to the activities they are carrying out.

The statutory guidance and regulations are subject to periodic review. The Council expects licence holders to keep up to date with relevant changes to the guidance and regulations that affect their business area. Operators can subscribe to be notified of any changes that are made to the guidance via the link above .

4.5 Who requires a licence?

LAIA licences are issued to an operator defined in the Regulations as “an individual”. In the case of a business operated by more than one individual, for example a limited company or partnership, a single individual will need to take responsibility for applying for the licence

A licence is required if the operator is considered to be carrying out a commercial activity. In accordance with the guidance the Council will consider a variety of criteria when determining this, including whether the operator:

- Makes any sale or carries out the activity to make a profit
- Earns any commission or fee from the activity
- Has a trading income exceeding the HMRC Trading income allowance
<https://www.gov.uk/guidance/tax-free-allowances-on-property-and-trading-income#trade>
- Carries out an activity in a way that indicates they are operating as a business. The Council will take account of the HMRC’s 9 badges of trade in making this determination which include among other things evidence of frequent sales, or sales at high prices, advertising as a business, [HMRC’s 9 badges of trade](#),

4.6 Application process

In relation to LAIA licences, the applicant must complete the required sections of the application form for each activity they wish to be licensed for.

On receipt of a valid application, arrangements will be made for an inspection to be carried out by one (or more) of the Council’s appointed inspectors.

Applicants will be required to provide evidence of a Disclosure and Barring Service (DBS) check (or “basic disclosure”), the certificate must be no more than one month old at the time of application.

Where possible, officers will make a decision within 10 weeks of receiving a valid application . However, this timescale can be affected should further information be required from an applicant or if there are difficulties in arranging an inspection, for example when this requires a vet or the applicant is not available for the scheduled appointment.

4.7 Inspections

All new and renewal applications will require an inspection. Operators are also subject to an unannounced mid licence inspection. Additional inspections may also be carried out as appropriate, for example as part of a complaint investigation or an application to vary a

licence.

Most inspections are carried out by suitably qualified inspectors who are part of the licensing team. However, in accordance with the Regulations, new applications for dog breeding will require an appointed vet to carry out the inspection alongside the Council's appointed inspector.

For the activity of hiring out horses, listed vet will be appointed to carry out an inspection alongside the council appointed inspector for all new and renewal applications. The Council must also arrange for a listed vet to carry out an annual inspection of any premises offering the activity of hiring out horses if the licence is granted for more than one year.

The Council may choose to appoint a vet to carry out inspections on their own, where this is the case this will be reflected in the Council's scheme of delegations.

Applicants are advised that application/ renewal inspections can often take several hours, especially where significant evidence of noncompliance is found, or more than one activity is being inspected.

Inspections will often include checking temperatures and measurements of other environmental factors relating to the animal's welfare, for example water quality where fish are kept or dimensions of a cattery unit. Photographs will be taken as a record of what has been seen at the time of inspection. Inspectors may also check microchips in order to identify animals. There may also be cases where council inspectors feel it is necessary to have additional assistance from a vet during an inspection. For example, where exotic species are involved in the activity and specialist knowledge is needed, where there has been evidence of serious animal welfare concerns, or samples are required. In such cases the applicant will, where possible, be notified of the need to seek assistance from a vet beforehand as the applicant will be expected to pay any additional costs associated with the inspection.

It is an offence for the applicant to obstruct an inspector when carrying out their duties as set out in the LAIA Regulations. This includes reasonable requests to identify, examine or take a sample from an animal.

4.8 Suitability to hold a licence

In order to establish the suitability of applicants to be granted a licence the following factors will be taken into consideration:

- The applicant's understanding of the relevant legislation.
- The applicant's demonstrable experience caring for and working with the species involved in the activity they wish to be licensed for.
- The applicant's ability to comply with the licence conditions and safeguard the welfare of animals in their care. This would be assessed during the inspection process, taking into account the premises and documentation required under LAIA Regulations.

- Compliance history, either with this Council or another Local Authority (where known), for any type of licence
- Evidence of suitable management and staffing levels, with training arrangements in place for staff to ensure appropriate standards of care for animals
- Any history of relevant criminal or unacceptable behaviour - for example convictions for animal welfare offences, violence offences or those that raise safeguarding concerns
- Information provided by external stakeholders such as RSPCA, vet practices, The Kennel Club. Examples of this might be Kennel Club breeding records, veterinary records for the animals used for the activity or a history of animal welfare concerns.

This does not limit the scope of the fit and proper assessment and the Council may take into account other matters, should they be considered as relevant to the licensing process.

Schedule 8, of the Regulations sets out who cannot be granted a licence. In general terms these are individuals who have previously had a licence revoked or who are listed as a disqualified person under various animal related legislation including the AWA 2006.

4.9. Convictions

The Council will not normally grant a licence to a person with one (or more) conviction(s) for any offence that is related to animal cruelty or suffering. The primary purpose of the Regulations enforced by the Council is to ensure the welfare of animals and as such, these types of offences are considered highly relevant.

The Council also has wider obligations to prevent crime and disorder and safeguard both children and vulnerable adults. These obligations arise from the Crime and Disorder Act 1998; the Children Act 2004; and the Care Act 2014. As a result, the Council will not normally grant a licence to a person with one (or more) conviction for any of the following offences:

- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Offences involving dishonesty
- Offences involving drugs

4.10 Change of circumstances

The Council has an expectation that licence holders will inform them should there be significant changes to how their business operates. For example, where a licence holder decides to employ a manager who will have responsibility for the day to day operating of the business, where this was not the case at the time of application.

The Council must ensure that licence holders remain fit and proper during the life of a licence.

For this reason, licence holders must notify the Council, in writing, within 72 hours, if any of the following occurs :

- They have any type of animal licence suspended or revoked
- They are convicted or receive warnings or cautions for serious offences (see above);
- Are arrested or charged with a serious offence (see above);
- Are subject to bail conditions which may affect the licence holder's ability to operate their business.

Failing to notify the Council will raise serious questions for the Council as to the honesty of the licence holder.

4.11 Star ratings

With the exception of license issued for the keeping and training of animals for exhibition, all LAIA licences are issued with a star rating. The rating ranges from 1 star to 5 star. This star rating determines the length of time a licence is granted for, which can either be 1 year, 2 years or 3 years.

The star rating table, as set out in the DEFRA procedural guidance is shown here:

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities/animal-activity-licensing-process-statutory-guidance-for-local-authorities#granting-or-renewing-a-licence-star-ratings-and-licence-conditions>

When carrying out an inspection as part of new or renewal application, inspectors will use a risk based approach to determine a star rating. This involves taking into consideration the following:

- compliance history of an operator as an indication of whether they are high or low risk
- considering the animal welfare standards demonstrated by the operator and whether there is evidence of minor failings.
- if the operator meets the minimum standards or whether there is also evidence of the higher standards, as set out in the statutory guidance, being met.

The procedural guidance sets out a risk rating table to be used for renewal applications where compliance history is available, this is shown here:

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities/animal-activity-licensing-process-statutory-guidance-for-local-authorities#risk-scoring>

It should be noted that star ratings can also be reviewed by an inspector following other types of inspection such as a mid-licence check, for example where it is clear that the higher standards are no longer being met by an operator.

Where multiple activities are listed on a licence there will only be one star rating. In these circumstances each activity is risk rated separately and where it is found that the business is operating with different standards for different activities the star rating will be rounded down.

4.12 Review of Star rating

Should an operator wish to have their star rating reviewed they can request a reinspection. This applies where businesses with ratings of 1 to 4 have accepted their rating, but have subsequently made the improvements needed to address non-compliances identified during the previous inspection.

Operators are reminded that an inspector will not only check that the required improvements have been made but will also assess the ongoing standards. This means that the star rating could go up, down or remain the same as a result of a reinspection.

The cost of any reinspection in these circumstances is borne by the applicant.

4.13 Reinspection process

The guidance sets out how operators should apply for a reinspection to review their star rating.

They should provide in writing (either by email or post):

- An outline of the case for a reinspection
- An indication of what the business has done to improve the level of compliance or welfare since the inspection, including any actions recommended by their inspector
- supporting evidence, if appropriate, such as photographs or records

4.14 Star Rating Appeal Process

Operators can appeal the star rating they have been awarded should they feel that the star rating does not reflect the level of animal welfare standards and risk level at the time of inspection.

Operators are encouraged to discuss this informally with the inspecting officer as a starting point but must still ensure that any appeal is lodged in writing within 21 days of the date their licence was issued. This should be sent to the licensing service and can be by letter or email to licensing@buckinghamshire.gov.uk. In most circumstances the operator will be notified of their star rating when provided with the inspector's report and prior to the issuing of the licence. This enables the operator to seek clarification from the inspector before the licence is issued.

Where an appeal is received in writing, the following process will be followed:

- Receipt of the appeal will be acknowledged
- The inspecting officer will contact the operator to establish if any further explanation of their star rating/ risk scoring is wanted
- If this resolves the matter and the operator decides to withdraw their appeal they will be asked to do so in writing.
- If the operator wishes to proceed with their appeal, it will be dealt with by a senior officer authorised to determine LAIA star rating appeals under the Council's scheme of delegations. The senior officer determining the appeal will have had no involvement in the production of the rating or in the inspection on which the rating is based.
- The senior officer determining the appeal will decide if a further visit to the premises is required. This decision will be based on the information provided by the operator as part of their appeal, all records relating to the inspection, including report, photographs and correspondence and any past records of the business.
- Where it is considered necessary to carry out another visit in order to determine the appeal, the cost of this will be borne by the operator unless the appeal results in the star rating being increased.
- A decision will be provided to the operator in writing within 21 days of the date the appeal was received.
- If the applicant remains unhappy with the outcome of the appeal they can challenge the decision by way of judicial review or the Council's complaints procedure
<https://www.buckinghamshire.gov.uk/your-council/contact-and-complaints/complain-about-our-services/>

4.15 Variations, Suspensions and Revocations

Under the LAIA Regulations, the Council may vary a licence with or without the consent of the licence holder.

Examples of varying a licence with the consent of a licence holder would be where new horses are added to a licence for the activity of hiring out horses, a new species of animals added to a licence for selling animals as pets or a structural change to a premises enabling a greater number of animals to be covered by a licence. Examples of varying a licence without the consent of the licence holder would be the removal of certain species of animals, or reduction in the number of animals involved in the activity covered by the licence.

In most cases a star rating change, either following an inspection or at the request of the licence holder, will require a variation of licence to reflect changes to the expiry date.

The Council may also suspend or revoke a licence without the consent of the licence holder if:

- the licence conditions are not being complied with
- regulations are breached
- information supplied by the licence holder is false or misleading
- it is necessary to protect the welfare of an animal

It is an offence for the licence holder to breach any licence condition.

The process for varying, suspending or revoking a licence is set out in the statutory procedural guidance <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities/animal-activity-licensing-process-statutory-guidance-for-local-authorities>

In summary, if the Council intends to vary, suspend or revoke a licence without consent, the licence holder will be served with a written notification of this decision and given 7 working days to respond before the decision takes effect. If representations are made in that time frame then the Council must respond within 7 working days with their response and final decision.

The exception to this process would be where a decision was made in order to protect the welfare of an animal. In these instances, the decision can have immediate effect and a licence holder would be advised of this.

Licence holders have 28 days to appeal a decision to suspend, vary or revoke a licence from the date the decision took effect. Appeals are made to the first tier tribunal.

When considering whether to suspend, vary or revoke a licence the Council will have regard to the statutory guidance and the Council's own enforcement policy as set out in this document.

5.0 The Dangerous Wild Animals Act 1976 ("DWA Act")

5.1 What animals require a licence

The Dangerous Wild Animals Act 1976 (as amended) dictates that a licence is required where an individual or a business wishes to keep an animal included on the Schedule of Dangerous Wild Animals which forms part of the Act. It is an offence for a person to keep a dangerous wild animal without first obtaining a licence from the Council.

The DWA Act applies to business enterprises such as an ostrich farm, however, it does not apply to dangerous wild animals kept in a zoo. The legislation also applies to all individuals that wish to keep a dangerous wild animal at home.

The schedule of animals associated with this Act has been updated on a number of occasions via secondary legislation. The species of animals currently included on the schedule can be seen here:

<https://www.legislation.gov.uk/ukxi/2007/2465/schedule/made>

It is noted that The Wild Animals in Circuses Act 2019 banned the exhibition of wild animals or use of them in travelling circuses in England.

5.2 Length of Licence

In accordance with The Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2010, licences may be granted for a maximum two years.

5.3 Application process

Applications must be made by an individual. A form can be downloaded from the Council's website here:

<https://www.buckinghamshire.gov.uk/business/business-licences-and-permits/animal-licences/apply-for-a-dangerous-wild-animal-licence/>

Following receipt of a valid application, consisting of a completed and signed form and the required application fee, an independent veterinary inspection of the animals and premises is required. The vet will normally be accompanied by a Council inspector. The Council will authorise a vet who has suitable experience with dangerous wild animals.

The cost of any veterinary inspection will be the responsibility of the applicant/licence holder and charged in addition to the licence fee. If additional vet inspections are felt to be necessary they will also be carried out at the applicant/licence holder's expense. This will be discussed with the licence holder prior to any additional inspection taking place.

Applicants will also be required to provide evidence of a Disclosure and Barring Service (DBS) check (or "basic disclosure"), the certificate must be no more than one month old at the time of application.

5.4 Determining an application

In accordance with the DWA Act, the Council will not grant a licence unless it is satisfied that the applicant is a suitable person to hold a licence and that other specific criteria are met relating to public safety, animal welfare and public nuisance:

Applicants must demonstrate:

- That they both own and possess or intend to own and possess the animals the licence will relate to (unless the Council has determined that exceptional circumstances apply)
- That they have adequate knowledge and expertise with the species they intend to keep under the licence and can show how they will ensure that the animals needs will be met.
- That they can provide suitable accommodation for the animals kept under the licence, in line with any best practice guidance and recommendations from the inspecting vet's report.
- That they have suitable liability insurance in place, covering the keeper and any other person specified on the licence. This insurance must cover any damage caused by the species of animals specified on the licence.
- That risk assessments have been carried out and procedures put in place to protect animals covered by the licence from fire or any other emergency. This should include

how animals would be safely evacuated and actions taken to recover an animal should it escape from its enclosure, ensuring their safety and the safety of the public.

- That they have reasonable precautions in place to prevent and control the spread of infectious diseases.
- That they have consent from the property freeholder, if not the applicant, to keep the animals specified on the licence.
- That the appropriate planning permission is in place if necessary.
- Where venomous species are kept, that adequate steps have been taken to ensure suitable availability of antivenom (where applicable).
- That they are registered with a vet who can provide suitable veterinary care for the species of animals they intend to keep
- That they have not been disqualified under this Act from keeping any dangerous wild animal

A licence will not be issued where the veterinary surgeon recommends refusal.

Whilst licences are granted under the Dangerous Wild Animals Act 1976, the Council will also refer to the Animal Welfare Act 2006 and any best practice guidance relating to individual species to ensure compliance and good standards of animal welfare.

5.6 Licence conditions

All DWA licences will include standard conditions set by the Council, they may also include specific conditions relating to the premises where the animal(s) are usually kept or species of animals kept, meaning that licence conditions will vary between different premises.

The Council's standard DWA conditions are shown in Appendix 2

Offences are committed under the Act if

- A person keeps any dangerous wild animal without a licence.
- fails to comply with or contravene a licence condition, unless the licence holder can prove that they took all reasonable precautions and exercised all due diligence to avoid this happening.
- Wilfully delays or obstructs any person in the exercise of his right of entry or inspection.

The offences carry an unlimited fine in the magistrates court.

5.7 Appeals

Should an applicant wish to appeal the refusal to grant a licence or if they do not agree with a licence condition which has been imposed or varied or removed they may appeal to the magistrates court. Any appeal must be brought within 21 days from the date of service of the decision by the Council.

6.0 Zoo Licensing Act 1981 (as amended)

6.1 Premises requiring a licence

A licence is required for an establishment where wild animals are kept for exhibition to which members of the public have access, with or without charge for admission, on seven or more days in any period of twelve consecutive months. The wide scope of this definition means that licensed zoos can range from a traditional urban zoo or safari park to a small specialist collection such as an aviary or butterfly collection.

6.2 Guidance

Government guidance on the Act can be found on the Gov.uk website here:

<https://www.gov.uk/government/publications/zoo-licensing-act-1981-guide-to-the-act-s-provisions>

A licensed zoo must be able to demonstrate compliance with a broad range of issues, including but not limited to, feeding, environment, conservation/education and public safety.

How this can be achieved is set out in detail in the Secretary of States Standards of Modern Zoo practice, also available from the Gov.uk website:

<https://www.gov.uk/government/publications/secretary-of-state-s-standards-of-modern-zoo-practice>

6.3 Requirements for holding a zoo licence

The applicant must be able to demonstrate how the zoo will:

- help educate people about biodiversity
- be suitable for the types of animals you're keeping
- have a high standard of animal care
- do as much as possible to stop any animals escaping
- stop pests and vermin getting into the zoo

Applicants will also have to demonstrate how they are doing at least 1 of the following:

- conservation research or training
- sharing conservation information
- captive animal breeding
- helping repopulate or reintroduce species into the wild

6.4 Application process

Applications are made via the Gov.uk website which also gives guidance on the application process:

<https://www.gov.uk/zoo-licence>

Applications can be made by an individual or by a business or other organisation.

Applicants will be required to provide evidence of a Disclosure and Barring Service (DBS) check (or “basic disclosure”), the certificate must be no more than one month old at the time of application. Where an application is made by a business or other organisation, all business partners or directors will be required to provide a basic disclosure certificate.

New applications

Before applying for a new licence an applicant must, at least two months prior to the application, provide the Council with a notice of an intention to apply, providing the following information:

- The location of the zoo
- The types of animals and numbers of animals that will be kept
- How the animals will be housed and cared for
- staff numbers and what they’ll be doing
- expected visitor and vehicle numbers
- zoo entrance and exit points
- how conservation conditions will be met
- Provide confirmation of that planning permission has been granted for the establishment or continuance of the zoo. The applicant must also:
 - publish notice of intention to apply in at least 1 local and 1 national newspaper
 - display the notice at the planned zoo site
 - send a copy of the notice to the council

The Council will keep any notice of intention available at the main Council offices for public inspection, free of charge at any reasonable hour and on the Council website.

The Council will take into account any representations received from any off the following:

- The applicant
- Thames Valley Police
- APHA
- Any other local authority in which part of the zoo may be situated
- any person alleging that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo;
- Buckinghamshire Fire Service
- any other person whose representations might, in the opinion of the local authority, show grounds on which the authority has a power or duty to refuse to grant a licence which may include Environmental Health; the Local Ward Councillor or Town and Parish Councillors.

A “licence” inspection must be carried out before a licence is granted or refused. The process for arranging an inspection of a zoo as part of a new application is set out in the Government guidance to the Act.

The inspection will be carried out by one or more inspectors nominated by the APHA. The Council must take into consideration the inspection report and any recommendations for additional conditions to be added to the licence. Applicants are provided with a copy of the report and are given the opportunity to comment on it. Should the Council decide to grant the licence, the applicant will be consulted prior to additional conditions being added and the licence issued.

6.5 Renewals

The Council will aim to provide licence holders with 9 months notice of when their licence is due to expire but responsibility for applying for a renewal of a licence remains the responsibility of the licence holder. A completed application must be submitted at least 6 months before their licence expires.

6.6 Dispensation

Once a zoo licence has been granted, an application can be made to the APHA to issue a direction granting a zoo a dispensation under s.14(1)(b) or 14(2) of the Act if it is a small collection and the types of animals to be kept suggest that it may be eligible. Inspectors can recommend what type of dispensation would be appropriate on their inspection report.

The application process for a dispensation is set out in the guidance to the Act. In the case of a dispensation under s.14(1)(b) of the Act, this application is made by the Council on the zoo’s behalf, in the case of a 14(2) dispensation, the application is made by the zoo itself. In both instances the APHA will require a plan of the zoo, stock list, support in writing from the Council, any other supporting information and in the case of a 14(1)(b), a report from a vet (not used by

the zoo) confirming that the zoo appears to be run properly and that the animals properly cared for.

These dispensations ensure that inspections are kept at a reasonable level for the size of the establishment, without in any way weakening the establishment's obligation to achieve acceptable standards of animal welfare.

If granted, dispensation status will be reviewed from time to time to ensure it is still suitable.

In a small number of cases, the APHA may issue what is known as a 14(1)a direction stating that a particular premises is exempt from requiring a zoo licence. In these cases, the Council will apply on behalf of the zoo. The Council's letter will have to be supported by a letter from a vet (not used by the zoo) confirming that the zoo is run properly and the animals appear to be well cared for. The owners of the zoo will be required to pay for any vet inspection carried out in relation to this process.

6.7 Grounds for refusal

The Council may refuse a licence if:

- An inspector's report recommends that the application be refused
- Satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order
- Not satisfied that zoo operators are able to meet conditions to take forward the relevant conservation measures
- Not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo.
- They are not satisfied that planning permission has been granted for a zoo (or the granting of the licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted).
- Anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in Section 4(5) of the Act .

6.8 Length of licence

A new zoo licence, if granted, will have a duration period of four years. Upon renewal, the licence will run for a period of six years.

6.9 Appeals

If a licence is refused under the Zoo Licensing Act 1981, the applicant will have the right of appeal to the magistrates' court within 28 days of the decision notice.

6.10 Inspections

Any licensed zoo will be subject to a schedule of annual inspections broken down into periodical and informal inspections. The exact procedures relating to the arrangements of these inspections is set out in the guidance to the Act. Unless a dispensation is in place, the periodical inspections will be carried out by a team of inspectors, consisting of two Secretary of State inspectors and no more than three nominated by the local authority, one of whom must be a vet. Informal inspections are carried out by a Council inspector and must take place in any calendar year when a periodical inspection has not taken place.

Where a 14(1)(b) dispensation is in place, there will either be no requirement for periodical inspections and only annual informal inspections will take place, or for a 14(2) dispensation they will be carried out by the APHA nominated inspector(s), usually accompanied by a Council officer.

The APHA must select from the list of Secretary of State nominated inspectors to carry out any periodical inspection. The zoo is encouraged to carry out a prescribed audit prior to a periodical inspection which is provided to the nominated inspector. This will often help to reduce the time taken to carry out the inspection.

Applicants/ zoo operators will be given at least 28 days notice of an inspection taking place. They will be provided with a copy of the inspector's report and are given an opportunity to make comments on the report which will be recorded and returned to the inspector along with the signed report.

As set out in the guidance to the Act, "special" inspections can also be carried out at the discretion of the Council. An example of this might be as a result of an investigation into a complaint, or to check compliance with licence conditions that require improvements to be made within a specified period of time. These inspections can take place at any time but the Council must notify the zoo of the date and time. The local authority will appoint a suitably competent person to complete the inspection.

The cost of any inspection carried out by Secretary of State Inspectors will be the responsibility of the applicant/licence holder.

6.11 Licence Conditions

Any zoo licence issued by this Council will be subject to the licence conditions detailed in Appendix 3 of this Policy. These conditions have been based on the Secretary Of State's Standards of Modern Zoo Practice. All inspectors of zoos must have regard to these standards. Any licence issued will also contain any additional conditions to be added to the licence contained in the inspectors report as set out in paragraph 6.4 above.

Following a periodical inspection, a Secretary of State nominated inspector may require that additional conditions are attached to the licence. Zoo operators are given an opportunity to

comment on these conditions prior to their inclusion on their licence.

6.12 Noncompliance with licence conditions

Where it is found that conditions attached to the licence are not being complied with in relation to the zoo or any part of it, the guidance states that, having given a licence holder the opportunity to be heard, the local authority must make a direction setting out the following information:

- Specify which condition(s) have not been met.
- Specify whether this is relation to the whole zoo or a section of the zoo.
- The steps the licence holder must take to comply
- The time period within which this must be done (not exceeding two years).
- Whether the whole zoo or a section must be closed whilst the necessary steps are taken.

Directions issued by the Council can be varied to permit additional time for them to be completed (as set out in the government guidance) and will be revoked once the zoo has complied with the condition or conditions.

If a licence holder fails to complete a direction - the Council is required either to close down the zoo permanently or permanently to close the affected section of the zoo.

7.0 Enforcement

7.1 The Council's approach to enforcement

All enforcement against licensed and unlicensed operators will be carried out in accordance with the Council's enforcement policy https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/regulatory-services-enforcement-policy_1.pdf

Officers will seek to assist businesses and others in meeting their legal obligations through provision of reasonable assistance and advice, aiming to be clear, open and helpful in their approach to enforcement. However, officers will take robust action against those who knowingly contravene the law or act irresponsibly. Enforcement resources will be targeted at cases of highest risk to animal welfare and public safety.

7.2 Partnership working

Enforcement may be carried out in conjunction with other agencies such as the RSPCA, Trading Standards or Thames Valley Police. Where appropriate, officers from neighbouring authorities may also be authorised to carry out animal welfare enforcement within the council area and officers from the council's Licensing Service may be likewise authorised in other areas.

7.3 Powers under the Animal Welfare Act 2006 (AWA)

Officers carrying out inspections relating to animal licensing are also appointed inspectors under section 51 of the AWA. This provides them with additional powers under this Act, for example in relation to seizure of animals, power of entry and applying for warrants.

7.4 Enforcement Action and Information Sharing

Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently.

Interviews, whether informal or carried out under caution will normally be recorded to ensure an accurate record of the interview is kept.

Complaints received and warnings issued in relation to licence holders will generally be held on file and taken into consideration during the period of any licence or application or where there is a break in licence history. Where applicants are known to have operated, resided or been licensed by another local authority, officers may request details of any licence and compliance history to be taken into consideration as part of the application process.

7.5 Right to be heard

If we are considering suspending or revoking your licence you will usually be given an opportunity to discuss the Council's concerns and to give your views.

However, in certain circumstances, the Council is required to act with immediacy, for example where there is considered to be an imminent risk to animal welfare. In such circumstances, the Council must balance the right of an individual to be heard against the need to protect the animal.

7.6 Seizure of animals

Where it becomes necessary to take action to remove animals from a premises, as a result of the exercise by officers of their powers under the relevant legislation referred to in paragraph 1.5, in appropriate circumstances, the Council will seek to recover the costs incurred.

8.0 Fees

8.1 Current Fees

A list setting out the current animal licensing fees can be found on the Buckinghamshire Council website here:

<https://www.buckinghamshire.gov.uk/business/business-licences-and-permits/animal-licences/animal-licence-fees/>

8.2 Statutory Provisions to recover fees

The relevant statutory provisions that enable the local authority to set and recover fees for animal licensing activities are set out within the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, made under the Animal Welfare Act 2006, the Dangerous

Wild Animals Act 1976 and the Zoo Licensing Act 1981. DEFRA and the Local Government Animal Welfare Group also issue guidance to local authorities to support fee setting.

8.3 The Council's approach to fee setting

The Council has made reference to the document "Open for business: Local Government Association (LGA) guidance on locally set licence fees". The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly.

Buckinghamshire Council will take a reasonable and proportionate approach aiming to set a fee level that is sufficient to cover the cost, but not make a surplus, whilst providing value for money for the applicant. With this in mind vet fees are charged separately to allow for variation in size or complexity of the required inspection. In addition, some fees are listed in a tiered format to ensure fairness to smaller businesses where administration costs and inspection time are less.

8.4 Review of Fees

Generally, fees are subject to a full review every 3 years, however due to the relatively recent harmonisation of the animal licensing work activities of Buckinghamshire Council and the anticipated review of the LAIA Regulations at the end of 2023, fees will initially be reviewed annually to ensure these standards of fee setting are met.

Appendix 1 List of Definitions

APHA - Animal and Plant Health Agency, formerly known as the Animal Health and Veterinary Laboratories Agency, is part of the Department for Environment, Food and Rural Affairs. They are involved in safeguarding animal and plant health for the benefit of people, the environment and the economy

“Appointed” or “Authorised” inspectors and “appointed” or “Authorised” vets – The Council is required to select suitable inspectors and vets to act on their behalf with regard to carrying out inspections. Whether these are “appointed” or “authorised” comes down to the terminology used in each particular piece of legislation.

DEFRA - Department of Environment, Food and Rural Affairs. This is the ministerial department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities

DWA – Dangerous Wild Animal

Listed vet – A vet who is on the Royal College of Veterinary Surgeons/ British Veterinary Associations riding establishment inspectorate list

Livery yards - Stables where horse owners pay a fee to keep their horses.

“Suitably Qualified Inspector” – This is an inspector who meets the criteria specified in the statutory guidance for Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. A suitably qualified inspector must:

- have a Level 3 certificate (or equivalent) granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulation (Ofqual). Their certificate must apply to that particular type of activity to count as qualified. The training must cover the application of the licensing conditions for all licensable activities and must contain a practical element

OR

- have a formal veterinary qualification recognised by the Royal College of Veterinary Surgeons (RCVS), together with a relevant RCVS continuing professional development record

OR

- can show evidence of at least one year of experience in licensing and inspecting animal activities businesses - this person needs to be enrolled on a course leading to a Level 3 certificate qualification or equivalent to be completed by 1 October 2023 and granted by a body recognised and regulated by Ofqual

Appendix 2 Standard Conditions attached to Dangerous Wild Animal Licence

1. While any animal(s) is/are being kept under the authority of the Licence:-
 - (i) the animal(s) shall be kept by no person other than the person or persons specified;
 - (ii) the animal(s) shall normally be held at such premises as are specified;
 - (iii) the animal(s) shall not be moved from those premises except in the following circumstances, namely, transport for veterinary treatment, sale, or other activities agreed by the Council separately below.
 - (iv) the person to whom the Licence is granted shall hold a current insurance policy which insures them and any other person entitled to keep the animal under the authority of the Licence against liability for any damage which may be caused by the animal, the terms of such policy being satisfactory in the opinion of the authority.
2. The species and number of animals of each species, which may be kept under the authority of the Licence, shall be restricted to those specified in the Licence.
3. The person to whom the Licence is granted shall at all reasonable times make available a copy of the Licence to any persons entitled to keep any animal under the authority of the Licence.
4. No alteration shall be made to the premises in which the animals are kept without the prior consent of the Council. The animals to be kept only in the part(s) of the premises for which approval has been given.
5. The person to whom the licence is granted shall ensure that all reasonable precautions are taken;
 - a) to protect the safety of public; and
 - b) to ensure that no nuisance is caused to the public.
6. Any animal which is being kept under the authority of the Licence shall be:
 - a) held in accommodation with a double locking entry system which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage, cleanliness and which is suitable for the number of animals proposed to be held in the accommodation; and
 - b) supplied with adequate and suitable food, drink and bedding material. The animal(s) should be inspected by a competent person at least daily or as often as

specified in writing by the local authority authorised vet inspector. Any abnormal observations must be reported to the licence holder AND recorded in a daily diary.

- c) able to take adequate exercise and exhibit normal behaviour whilst in the accommodation at the premises in which they will normally be held
7. A written emergency protocol must be in place, setting out appropriate steps to be taken for the protection of animals in case of fire or other emergency. This must include measures to be taken for the evacuation of the animals should the accommodation become uninhabitable. The evacuation procedure must be clearly displayed on the premises and staff must be familiar with it.
 8. Suitable firefighting, prevention and detection equipment must be provided and maintained in good working order.
 9. Secure and lockable pet carriers must be available at all times for use when transporting animals for any reason, including emergency evacuation. These carriers must have a sign stating, "*dangerous wild animal*" and include the species common name. Where transport in a vehicle does occur, the carriers must remain locked and the vehicle must be secure and attended at all times.
 10. There must be a written escaped animal protocol that all staff are familiar with. This must be displayed in an easily accessible area so that it is visible to anyone working closely with the animals.
 11. All reasonable precautions will be taken to prevent and control the spread of infectious diseases.. There must be preventative healthcare programme in place according to veterinary advice. Records of any health checks should be made available to an authorised officer of the licensing authority if requested
 12. A preventative programme of pest control should be carried out to ensure no entry of rodent or bird vermin.
 13. Any breeding of animals must be planned and must be within the limits on number of animals of the species permitted on the licence. Breeding control methods must be in place where needed. The local authority must be notified within 48h of animals being born unless other dispensation is provided by the Council.
 14. At all times, the animal(s) shall be in the charge of a suitably experienced person, capable of controlling them. That person shall not be less than 18 years of age.
 15. The licence holder and his agent(s) shall comply with any reasonable instructions in respect of an animal, given by an authorised officer of this Council or the Council in whose area that animal is, and shall provide a copy of this Licence for the information of the said authorised officer.

16. Copies should be retained of all DWA licences for a period of at least six years.

Optional condition if permitting animals to travel to other sites under this licence

The movement of any animal shall be notified to the Licensing Authority in advance where possible, but at least within 72 hours. This need not be in writing but must include:

- a) the destination;
- b) the local authority of the destination;
- c) the anticipated duration of stay;
- d) the transportation method and vehicles; and
- e) species and numbers of animals involved.

NOTES

1. Where:-

- (a) a person is aggrieved by the refusal of a local authority to grant a licence under this Act, or
- (b) a person to whom such a licence has been granted is aggrieved by a condition of the licence (whether specified at the time the licence is granted or later) or by the variation or revocation of any condition of the licence

he may appeal to a Magistrates' Court; and the court may on such appeal give such directions with respect to the grant of a licence or, as the case may be, with respect to the conditions of the licence as it thinks proper, having regard to the provisions of this Act.

2. Any person guilty of an offence under any provision of this Act shall be liable on summary conviction to a fine not exceeding £5,000.

Appendix 3 Standard Zoo Licence Conditions

Mandatory conditions taken from section 1A of the Zoo Licensing Act 1981 (as amended)

The operator of the Zoo must ensure that the following measures are implemented in the Zoo:

1. Promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;
2. Accommodating and keeping the animals in a manner which meets the standards set out in the Secretary of State's Standards of Modern Zoo Practice. Conditions must satisfy the biological and conservation requirements of the species to which they belong. This should include :
 - (i) providing each animal with an environment well-adapted to meet the physical, psychological and social needs of the species to which it belongs; and
 - (ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition.
3. Preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals.
4. Preventing the intrusion of pests and vermin into the zoo premises.
5. Keeping up-to-date records of the zoo's collection, including records of the numbers of different animals; acquisitions, births, deaths, disposals and escapes of animals; the causes of any such deaths; and the health of the animals.
6. Participating in at least one of the following:
 - (i) research from which conservation benefits accrue to species of wild animals;
 - (ii) training in relevant conservation skills;
 - (iii) the exchange of information relating to the conservation of species of wild animals;

- (iv) where appropriate, breeding of wild animals in captivity; and
- (v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals.

Information must be kept to show how this has been complied with.

Additional conditions

1. Insurance

A copy of the zoo's current public liability insurance policy and subsequent renewals of this policy must be sent to the licensing authority.

2. Escapes

In the event of any non-domestic animal escaping from the confines of the zoo, notification shall be made to the licensing authority as soon as possible, and, in any case, not later than 24 hours following the escape.

3. Stock Records

An annual stock list of all animals must be kept and a copy must be forwarded to the local authority no later than 1 April of the year following that to which it relates and the stock list must include the information and in the format indicated in the Secretary of State's Standards of Modern Zoo Practice.

Note 1. These conditions are attached to the licence without prejudice to the application, where relevant, of the Secretary of State's Standards of Modern Zoo Practice specified in accordance powers conferred under section 9 of the Zoo Licensing Act 1981 (as amended).

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