



## Licensing Committee agenda

Date: Tuesday 7 November 2023

Time: 6.30 pm

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

### Membership:

A Baughan, J Baum, D Dhillon, P Gomm, T Green, P Griffin, W Raja, J Rush, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace (Chairman) and A Wood (Vice-Chairman)

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### Agenda Item

### Page No

- 1 Apologies for absence
- 2 Declarations of interest

- 3 Minutes of the previous meeting 3 - 8**  
To approve as a correct record the Minutes of the meeting held on 5 September 2023.

**Part A - Statutory Functions**

None

**Part B - Other Licensing Functions**

- 4 Buckinghamshire Council Draft Animal Licensing Policy 9 - 72**
- 5 Hackney Carriage Fare Review 73 - 90**
- 6 Hackney Carriage and Private Hire Licensing Annual Review 91 - 108**
- 7 Date of next meeting**  
Tuesday 28 November 2023 at 6.30pm

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For further information please contact: Elly Cook [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)  
01895 837319



Agenda Item 3  
**Buckinghamshire Council**  
**Licensing Committee**

## Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON TUESDAY 5 SEPTEMBER 2023 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.47 PM**

### MEMBERS PRESENT

A Baughan, J Baum, D Dhillon, P Gomm, T Green, W Raja, J Rush, B Stanier Bt, J Towns, G Wadhwa and H Wallace

### OTHERS IN ATTENDANCE

S Gallacher, A Thomlinson, E Cook, L Hornby and C Crelling

### Agenda Item

#### 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Griffin, Nick Southworth and Andrew Wood.

#### 2 DECLARATIONS OF INTEREST

Councillor Tony Green declared a prejudicial interest in item 5 (Draft Charitable Collections Policy) as he is a member of the Royal British Legion for the High Wycombe area and arranges collections during the poppy appeal period. Councillor Green left the room prior to the commencement of the debate on this item and did not return or take part in the vote on this item.

#### 3 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 14 June 2023 were agreed as a correct record.

#### 4 BUCKINGHAMSHIRE COUNCIL DRAFT SCRAP METAL LICENSING POLICY

The Committee received a report on the new draft Scrap Metal Licensing Policy following a six-week public consultation. The purpose of the report was to provide a summary of the consultation responses, to comment on these and to identify and recommend any changes to the draft policy in response to the consultation.

On the 14 June 2023, the Licensing Committee approved a new draft Scrap Metal Licensing Policy for public consultation. A six-week public consultation on the draft Policy was carried out, primarily by way of a survey published on Your Voice Bucks. The consultation process ran from 03 July 2023 up to and including 13 August 2023. In total, there were only 6 responses during the consultation period. 5 people responded to the survey and an additional 1 response was

received by email. The summary of survey responses was attached at Appendix 1 of the report. The free text comments provided via the survey were shown in Appendix 2 of the report. An email response was received from Bucks Fire and Rescue Service and was attached as Appendix 3 of the report. The Environment Agency were also asked to comment on the proposed policy but advised that they did not have sufficient resource to do so. All those that responded either strongly agreed or agreed with the proposals within the draft policy.

There were no proposed changes to the draft policy following public consultation, the reasons for which were set out section 2 of the report. If recommended for approval by the Licensing Committee, the policy, which was attached at Appendix 4 of the report, would go forward for Key Decision by the Leader of the Council with a proposed implementation date of 1 February 2024, taking into consideration any practicalities such as updating Council webpages, application forms and back-office processes.

Members were invited to ask questions of officers. In response to a question regarding fees, officers explained that fees were set on a cost recovery basis and that once the new Policy had been adopted a review of scrap metal licence fees would be carried out and any changes proposed would be brought before the Licensing Committee. This would most likely happen in February 2024 when the Council would be in a better position to calculate how much it was costing to provide the Service under the new Policy.

A Member, having expressed concern that there were only 6 responses to the consultation, asked how many scrap metal licence holders there were in Buckinghamshire and how the consultation had been undertaken. In response officers advised that the Council currently licenced 15 scrap metal dealers, broken down into 8 site licences and 7 mobile collector licences. Officers explained that they had carried out a comprehensive consultation process following a consultation plan which had been created in conjunction with the Council's consultation team. Consultation was principally by way of a survey published on Your Voice Bucks. Links to the survey were sent to all relevant stakeholders, including affected licence holders, Ward, Town and Parish Councillors, Community Boards, Thames Valley Police, Buckinghamshire Fire and Rescue Service, British Transport Police, Environment Agency and National Infrastructure Crime Reduction Partnership. The survey was also publicised through the Council's media channels. It was also publicised in the Town and Parish Councils Newsletter on 8 August 2023. Officers explained that the small number of respondents could be because there were only 15 scrap metal licence holders in Buckinghamshire and because the subject matter was very prescriptive based on the legislation which already applied to businesses.

A Member raised a concern that the Environment Agency didn't provide any feedback as part of the consultation process as they did not have the resources and asked whether the Council could rely on the Environment Agency for any support if it was required. In response, the officers advised that they did not have any experience of needing support from the Environment Agency and were unable to answer this until such time as support was required. Officers went on to explain that it was more likely that the Council would look for support from the British Transport Police and Thames Valley Police for assistance with inspections and contact the National Crime Reduction Partnership for guidance. The public register was published by the Environment Agency and the Environment Agency was responsible for maintaining this register.

Following a question regarding why a dealer could only hold one type of licence in any one council authority area, it was noted that this was what was prescribed in the legislation. Officers advised that they did not know the reasons for why this was prescribed in legislation, but they would contact the relevant Government department to ask what the reason for this was and would report back to the Licensing Committee.

A Member welcomed the new Policy and praised officers for the work they had carried out. The Member commented that the only other thing they would have liked for the Policy to have covered in more detail was the issue of metal being taken from skips in the early hours of the morning.

In response to a question regarding the justification for the creation of the new Policy, officers advised that whilst there was no statutory requirement for a policy under the legislation, it was now considered appropriate to produce a single policy for Buckinghamshire Council which sets out a clear and consistent framework for the Council's approach to scrap metal 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. The Policy would ensure consistency of approach and it was considered that the Council would be far less likely to be open to legal challenge if a policy was adopted, which clearly sets out how applications would be considered, reasons for refusal and the approach to enforcement. Furthermore, the Policy would also give the Council an opportunity to set out how it would implement the Local Government Association's recommendations for good practice in relation to scrap metal licensing, such as carrying out compliance visits, partnership working with other agencies and intelligence sharing.

On a vote being taken the recommendation was proposed by Cllr Dhillon and seconded by Cllr Stanier and:-

**RESOLVED:-**

- 1) That following the consultation, the Scrap Metal Licensing Policy with a proposed implementation date of 1st February 2024 be agreed.**
- 2) That the Policy be recommended for approval as a Key Decision by the Leader of the Council.**
- 3) That the Head of Service for Licensing, in consultation with the Cabinet Member for Homelessness & Regulatory Services and Chairman of the Licensing Committee, be authorised to amend the implementation date of the Policy if required.**

**5 DRAFT CHARITABLE COLLECTIONS POLICY**

The Committee received a report on the draft Charitable Collections Policy. The report provided the feedback following a 6-week public consultation exercise, together with a number of recommended amendments to the original draft Policy.

On 1 February 2023, the Licensing Committee approved a draft Charitable Collections Policy, "Policy", for consultation. The Policy set out both the legal framework and a proposed approach to authorising charitable collections in public areas and by way of calling house to house. Following the meeting on 1 February 2023, a 6-week public consultation exercise took place between 9 May and 20 June 2023. Consultation was principally by way of a survey published on Your Voice Bucks. Links to the survey were sent to Ward Councillors, Town and Parish Councils, Community Boards, umbrella charity organisations (National Council for Voluntary Organisations, Community Impact Bucks, Association of Chief Executives of Voluntary Organisations, Thames Valley Police, Buckinghamshire Council Community Safety and town centre management teams. The survey was also publicised through the Council's media channels. 55 responses were received by way of the survey and 6 additional written responses were received. Appendix 1 provided a summary of the consultation responses and Appendix 2 contained a transcript of the typed responses from the survey. Appendix 3 contained the 6 additional written submissions.

Section 3 of the report set out the reasons why either amendments were being suggested or no change was being suggested in response to the consultation. It was noted that in paragraph 3.19 of the report, the recommendation being referred to was in paragraph 3.16 of the report and not paragraph 3.21 as was stated.

In summary, the following amendments to the Policy were being recommended:

- The Policy had been amended to allow applicants to apply for house-to-house collections to take place over a period of up to 28 days during the pre-Christmas period. (see Policy 2.8).
- The Policy has been amended to allow applicants to apply for house-to-house collections to take place until 8pm, with a discretion to apply for later hours during the pre-Christmas period. (see Policy 2.10).
- The Policy had been amended so that street collections are limited to town and village centres and other commercial areas. (see policy 3.24).
- The Policy had been amended to provide clarification that charities can still apply to collect in more than one ward/location under the same licence/permit. (see policy 2.5 and 3.9).

The draft Policy, with these amendments, was attached at Appendix 4 of the report.

Currently, the Council was able to regulate street collections because of historical adoptions of the model regulations by the legacy Buckinghamshire district councils and the transitional arrangements governing the formation of Buckinghamshire Council. Should the Licensing Committee be minded to agree to the ongoing control of charitable street collections, it was recommended that Full Council be asked to pass a new resolution to adopt the model regulations for Buckinghamshire Council.

Members were invited to ask questions of officers. In response to a question regarding whether consultees had been informed of the proposed amendments, officers advised that the draft Policy, including the recommended amendments, had been published on the Council's website as part of this meeting's agenda pack. Furthermore, should the Licensing Committee be minded to approve the recommended amendments, the final policy, which would include those amendments, would be sent out to those who responded to the consultation for information.

Following a question regarding the need for the Policy, officers explained that applications for charitable collections were currently being considered and determined according to the practices of the legacy district council areas or policies where these are in force. This had resulted in inconsistency and possibly perceived unfairness across the council area and a lack of effectiveness or efficiency for those processing the applications. Although there was no statutory requirement for a policy covering charitable collections, it was considered desirable and necessary to implement one so that Buckinghamshire Council would be seen to be transparent, consistent, fair and open when considering and determining applications for this activity.

On a vote being taken the recommendation was proposed by Cllr Dhillon and seconded by Cllr Gomm and:-

**RESOLVED:-**

- 1) That the recommended amendments to the draft Charitable Collections Policy as set out in the report be agreed.**
- 2) That the final version of the Charitable Collections Policy, set out at appendix 4 of the report, with an implementation date of 1st February 2024 be agreed.**

- 3) That Full Council be requested to pass a resolution adopting the model street collection regulations as set out in the 'Charitable Collections (Transitional Provisions) Order 1974 (SI 1974/140) (Model Street Collections Regulations).
- 4) That the Head of Service for Licensing, in consultation with the Cabinet Member for Regulatory Services and Chairman of the Licensing Committee, be authorised to amend the implementation date of the Policy if necessary.

Councillor Tony Green, having declared a prejudicial interest, left the room prior to the commencement of the debate on this item and did not return or take part in the vote on this item.

## **6 DATE OF NEXT MEETING**

It was noted that the date of the next meeting was 7 November 2023 at 6.30pm.

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## Report to Licensing (Regulatory) Committee

<b>Date:</b>	7th November 2023
<b>Title:</b>	Buckinghamshire Council draft Animal Licensing Policy
<b>Cabinet Member(s):</b>	Cllr Mark Winn, Cabinet Member for Homelessness & Regulatory Services
<b>Contact officer:</b>	Catriona Crelling, Senior Licensing Officer
<b>Ward(s) affected:</b>	none specific
<b>Recommendations:</b>	<b>To agree the final draft of the Animal Licensing Policy with an implementation date to be agreed with the Chairman of the Licensing Committee and Head of Licensing Service.</b>
<b>Reason for decision:</b>	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 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 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 “fit and proper” in terms of their ability to comply with licence conditions and to be an operator for that type of activity. 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, 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.
- 1.5 On the 11<sup>th</sup> April 2023 the Licensing Committee approved a new draft Animal Licensing policy to be put out for consultation. The report provided to members at this meeting can be viewed here:  
<https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=349&MId=17574&Ver=4>
- 1.6 The policy has now been subject to a full consultation process which ran from 20<sup>th</sup> April 2023 to 31<sup>st</sup> May 2023. The purpose of this report is to provide feedback on the responses received as part of the consultation and to identify any changes to be made to the draft policy in response to the consultation.

## **2. Main content of report**

- 2.1 In total there were 26 responses to the consultation survey. 25 were received via the online consultation through Your Voice Bucks and one response was posted to the council. The summary of these responses is attached as Appendix 1. The comments provided with responses are shown in Appendix 2.
- 2.2 Following this consultation process and as set out in this report, the draft policy, with our proposed amendments is attached to this report as Appendix 3.
- 2.3 80% of those that responded to the survey were residents of Buckinghamshire and 84% responded as individuals rather than on behalf of an organisation. The vast majority had been emailed the consultation directly as consultees or had seen the link to the consultation via social media. 8 of the 26 that responded to the consultation stated that they were existing licence holders.

- 2.4 A clear majority of those who responded to the survey agreed that applicants should provide evidence of a Disclosure and Barring Service (DBS) check to hold a licence, with 61.5% voting yes, and 26.9% voting no. A further 11.5% answered “don’t know”. Comments such as “it is important for my clients to know that their dog is being looked after by an honest and trustworthy person or team” and “ this then provides information in relation to recent previous criminal history to ensure that applicants and operators are fit and proper, therefore more likely than not to adhere to regulations in relation to any licenses” were received.
- 2.5 Comments from those that did not agree with the requirement for a DBS check indicate that they felt it was irrelevant to their business, for example “This should only apply...to applicants and licence holders whose activities involved contact with children or vulnerable persons” also that this was potentially over regulation and beyond the remit of the legislation the licences are issued under. One responder has stated "There is no requirement for this within the legislation. This has been raised with Defra and they agree where there are children / vulnerable adults such as for exhibit and in riding schools but it is not a reason for refusing a licence and Defra do not think this is appropriate legislation to require a DPS (sic DBS) and are talking to other departments. it has been raised during the PIR. In regards to Animal health and welfare a DBS check will not show any convictions undertaken by the RSPCA or LA"
- 2.6 We have contacted Department for the Environment, Food and Rural Affairs (DEFRA) directly and also two local authorities who already require a Disclosure and Barring Service (DBS) check as part of their animal licensing application process. None were aware of any legal challenge to this requirement.
- 2.7 DEFRA have also acknowledged that consideration of non-animal welfare related convictions may be relevant as part of the ‘fit and proper person’ test in particular circumstances.
- 2.8 Although there is no specific requirement to provide a DBS in the legislation under which these licences are issued, the legislation is clear that the Council must be satisfied that an applicant is suitable and with regard to Licensing of Activities Involving Animals (LAIA) licences, that the applicant provide whatever information the local authority has required as part of the application process.
- 2.9 There is currently no central database to record animal welfare offences or disqualifications relating to animals. In addition, there is a recognition that other types of offences may need to be taken into consideration if they indicate that an individual is not suitable to be granted a licence, to operate that type of business or unlikely to be compliant with licence conditions.

- 2.10 For these reasons, it is still felt appropriate to include this requirement in the Policy and is considered a proportionate requirement to be made of applicants in order to assist in satisfying the Council that it is granting licences to people who are suitable.
- 2.11 To ensure clarity on the Council's approach to applications and how it will deal with evidence of convictions when determining applications (e.g. that convictions will only be considered if they are relevant, that each case will be dealt with on its own merits and on a case by case basis), the draft policy has been restructured and some wording changed so that there is a new section early in the policy setting out an overview of the application process for all three animal licence types and removed from the section on LAIA licences. This new section can be seen as section 2 of the amended draft policy attached as Appendix 3 of my report.
- 2.12 Another concern raised during the consultation was the practicality of the requirement of the DBS to be no more than one month old. Other areas of licensing, for example an application for a personal licence under the Licensing Act 2003, do require a DBS to be no more than one month old, however it is proposed that the draft policy be amended to a requirement for the DBS to be no more than two months old to avoid any logistical issues whilst this new policy is implemented. Should the Policy be approved, this can always be reviewed at a later date.
- 2.13 The requirement for applicants and licence holders whose activities involve contact with children and vulnerable people to be required to have a safeguarding policy and provide staff training was strongly supported, with 80.7% voting yes for this requirement. Only 7.6% voted "no" and a further 11.5% voted "I don't know". The voting figures were the same in relation to having a procedure for vetting staff who had unsupervised contact with young/ vulnerable persons. Comments from those voting "yes" include "To ensure staff are prepared to deal with the safeguarding needs of children and vulnerable people and to reassure the public about the integrity and capability of licence holders." And "by having a policy the applicant / business is covering aspects of Due Diligence and if by some means that a policy isn't working it can be amended to provide the cover required" and "This is a good idea as all organisations and clubs already have this sort of thing"
- 2.14 76.9% of those that responded to the question "How easy is the draft Buckinghamshire Council Animal Licensing Policy to understand?" found the policy either "very easy" or "somewhat easy" to understand. 19.2% found the policy "not very easy" to understand. The Policy is a complex document due to the nature of Animal Licensing with a number of different pieces of legislation and types of licence to be covered in one document. It is therefore pleasing to see this level of positive feedback from those that responded. However, as set out in this report, following feedback from our legal department it is proposed that some elements of the draft policy are restructured or rephrased to make it clearer for the reader. (Appendix 3 sec 2, sec 8 of amended draft policy are examples)

2.15 Of those that stated that the Policy was “not very easy” to understand one person has commented “Provide examples of correctly written documents that are needed together with the application eg operation procedures or safety procedures manual so applicants can easily find what is needed to submit applications. (I had to find examples on websites of other councils in the UK for my application). Have an advisor available over the phone or on line that understands the process and can advise applicants on correct paperwork and procedures.” The Licensing Service are happy to provide applicants with advice over the phone and by email. The Council’s website also provides basic guidance on the application process, including what documents are required and a link to the statutory guidance which clearly sets out the licence conditions and criteria to meet each condition. It is felt inappropriate to repeat this information in the policy as the statutory guidance may change and businesses vary greatly in their scale and way of operating. Applicants are required to demonstrate their understanding of the legislation through the production of operating procedures and appropriate paperwork in support of their application. Templates for some elements of required paperwork such as preventative healthcare plans are available on industry websites and applicants are signposted to these.

2.16 Officers working within animal licensing have also provided valuable feedback and as a result of this the following recommended amendments have been made to the draft policy:

- It has been clarified that existing licence holders will be required to complete a DBS check when they next complete a renewal application. (App 3 sec 2, para 2.2)
- A slightly more detailed outline of the AWA 2006 has been provided in section of 4 of the amended draft policy, to more accurately summarise what is set out in the Act. ( App 3, sec 4 para 4.1)
- The draft policy has been updated to reflect that as of 1<sup>st</sup> October all inspectors carrying out LAIA licence inspections must be suitably qualified and no longer have any grandfather rights. ( App 3, sec 5 para 5.7)
- A new section has been created setting out the Council’s expectation that all licence holders will update the licensing service of any significant changes in circumstances, incidents relating to their licence, arrests, cautions or convictions for animal welfare offences as it was felt that this applied to all licence types, not just LAIA licences. Licence holders must also notify the licensing service of any bail conditions which may affect how they are able to operate their business.( see Appendix 3, sec 8)
- Appendix 3 of the draft policy “Standard Zoo Licence Conditions” has been updated to reflect the most current APHA’s recommended wording for

licence conditions which have been provided by a state appointed inspector during a recent periodical zoo inspection.

### **3. Next steps and review**

- 3.1 If approved by Committee, an implementation date for the new Animal Licensing Policy will be agreed between the Chairman of the Licensing Committee and the Head of the Licensing Service, taking into consideration any practicalities such as updating the Council's webpages, application forms and processes.

### **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 LAIA Regulations have been reviewed by DEFRA and in the light of the Government scrapping the Animal Welfare (Kept Animals Bill), the Council could choose to wait to see what smaller pieces of legislation will be introduced to address areas such as keeping primates as pets and the licensing of zoos. However, this will undoubtedly cause a significant delay in the introduction of a policy.

### **5. Legal and financial implications**

- 5.1 The legal implications were set out in the report presented to committee on 11<sup>th</sup> April 2023 prior to the approval of a draft policy. In summary, 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 is considered proportionate and acceptable. 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.

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## Buckinghamshire Council Animal Licensing Policy consultation: Summary report

This report was created on Thursday 29 June 2023 at 14:51 and includes **26** responses.

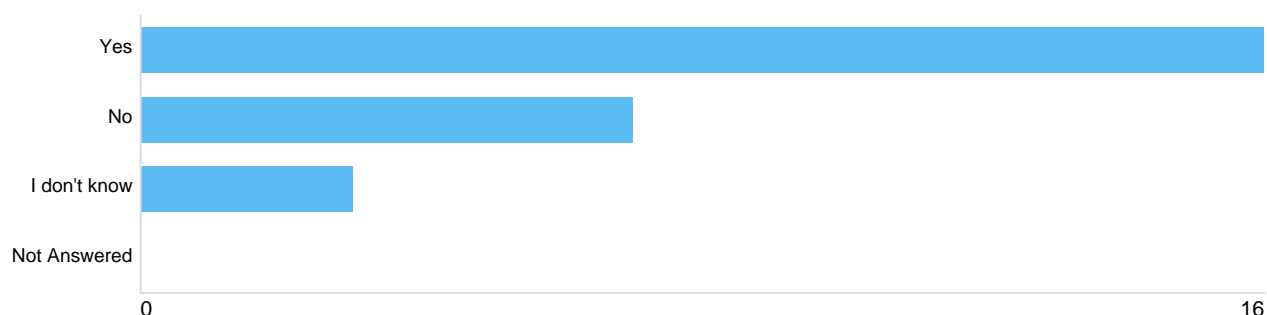
The activity ran from 20/04/2023 to 31/05/2023.

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Do you agree that applicants should provide evidence of a Disclosure and Barring Service (DBS) check to hold a licence?	1
DBS check	1
Reasons	2
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Safeguarding - a written safeguarding policy and provide training for staff	2
Safeguarding - a procedure for vetting staff who have unsupervised contact with young / vulnerable persons	2
Reasons	2
How easy is the draft Buckinghamshire Council Animal Licensing Policy to understand?	3
Understand	3
Make easier	3
If you have any other comments about the draft Buckinghamshire Council Animal Licensing Policy, please tell us here:	3
Other comments	3
What animal licence(s) do you currently hold? (Select all that apply)	3
Animal licence(s)	3
Which of the following describe you? (Select all that apply)	4
Capacity	4
Other	5
Are you responding as an individual or on behalf of an organisation (e.g. a business or a voluntary group)?	5
Individual or organisation	5
How did you find out about this consultation? (Select all that apply)	6
Find out	6
Other	7
Please provide the following details:	7
Name of organisation:	7
Your job title:	7
What is your age?	7
Age	7
Are you:	8
Are you	8
Do you consider yourself to have a disability / disabilities, impairment(s) or long term health condition(s)? (Select all that apply)	8
Disability / impairment / long term health condition	8
How would you describe your ethnicity?	9
Ethnicity	9
Other	10

### Do you agree that applicants should provide evidence of a Disclosure and Barring Service (DBS) check to hold a licence?

#### DBS check



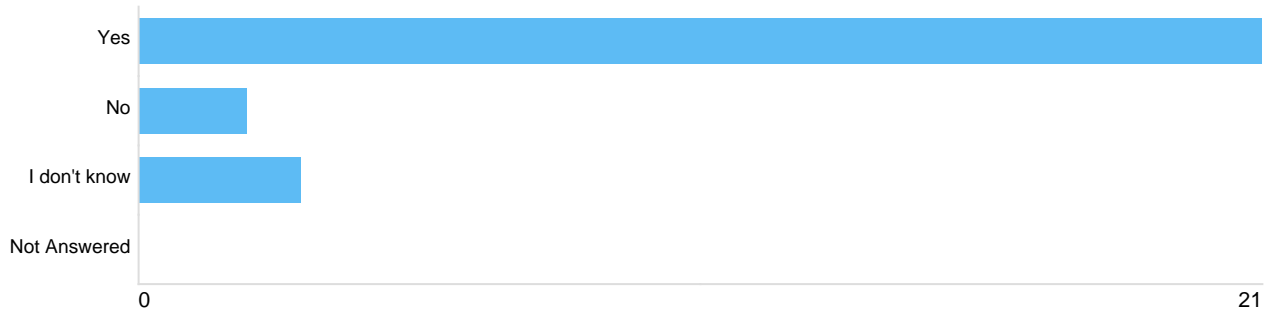
Option	Total	Percent
Yes	16	61.54%
No	7	26.92%
I don't know	3	11.54%
Not Answered	0	0.00%

**Reasons**

There were **19** responses to this part of the question.

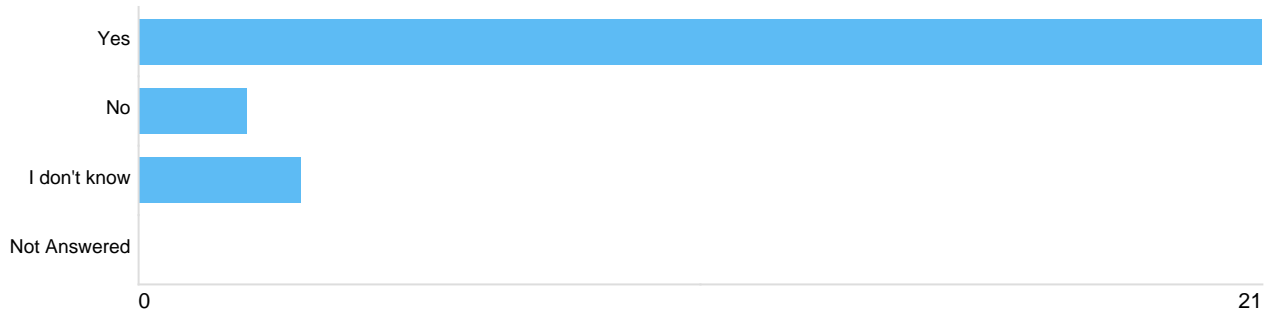
**Do you agree that applicants and licence holders whose activities involve contact with children or vulnerable people have:**

***Safeguarding - a written safeguarding policy and provide training for staff***



Option	Total	Percent
Yes	21	80.77%
No	2	7.69%
I don't know	3	11.54%
Not Answered	0	0.00%

***Safeguarding - a procedure for vetting staff who have unsupervised contact with young / vulnerable persons***



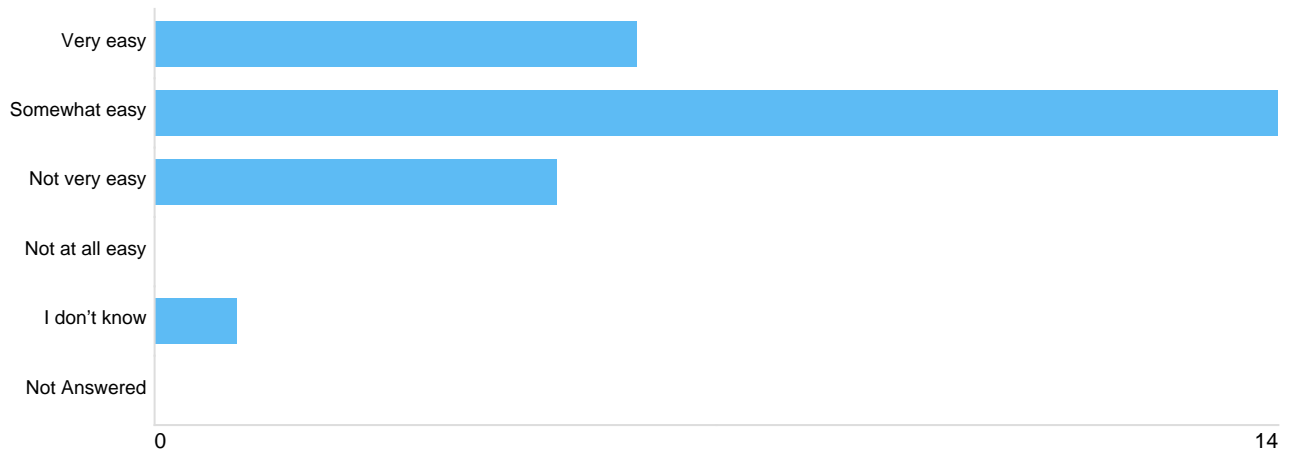
Option	Total	Percent
Yes	21	80.77%
No	2	7.69%
I don't know	3	11.54%
Not Answered	0	0.00%

**Reasons**

There were **12** responses to this part of the question.

## How easy is the draft Buckinghamshire Council Animal Licensing Policy to understand?

### Understand



Option	Total	Percent
Very easy	6	23.08%
Somewhat easy	14	53.85%
Not very easy	5	19.23%
Not at all easy	0	0.00%
I don't know	1	3.85%
Not Answered	0	0.00%

### Make easier

There were 9 responses to this part of the question.

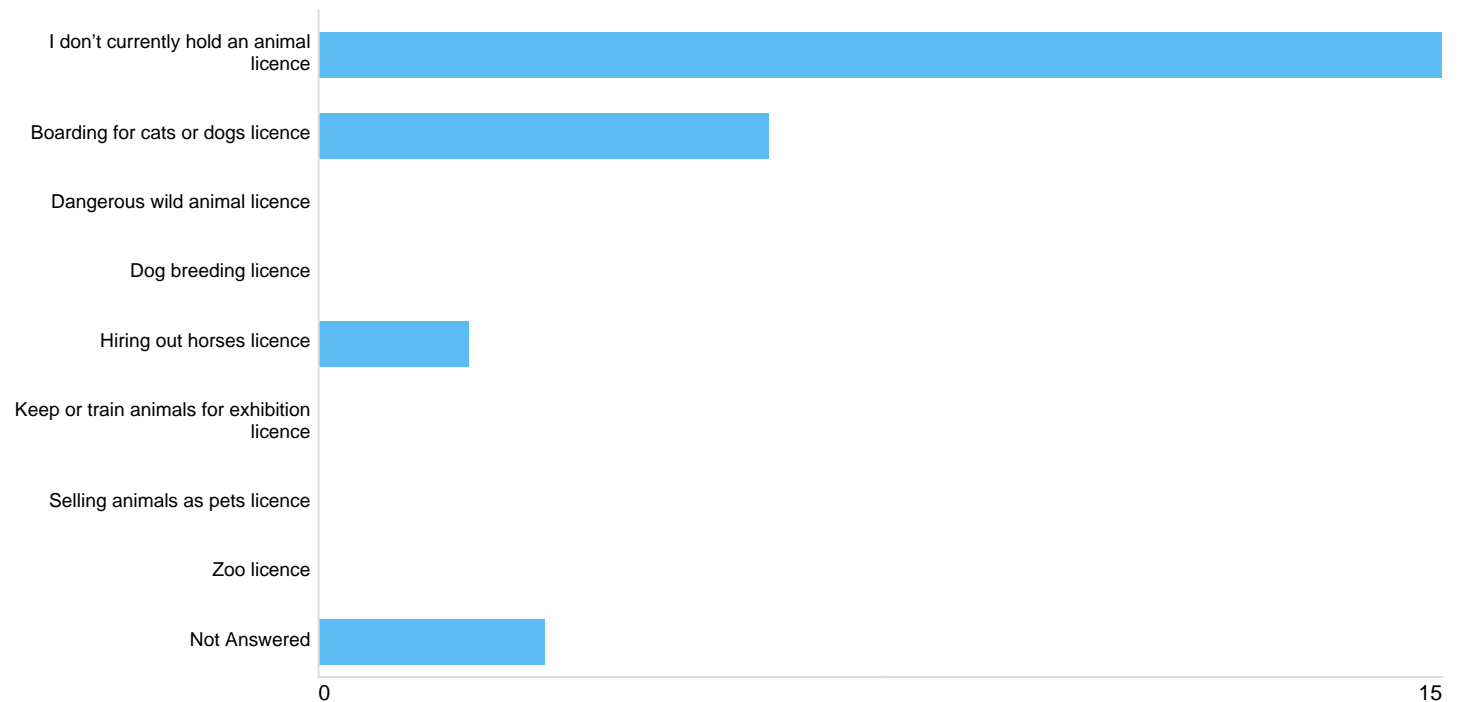
**If you have any other comments about the draft Buckinghamshire Council Animal Licensing Policy, please tell us here:**

### Other comments

There were 6 responses to this part of the question.

## What animal licence(s) do you currently hold? (Select all that apply)

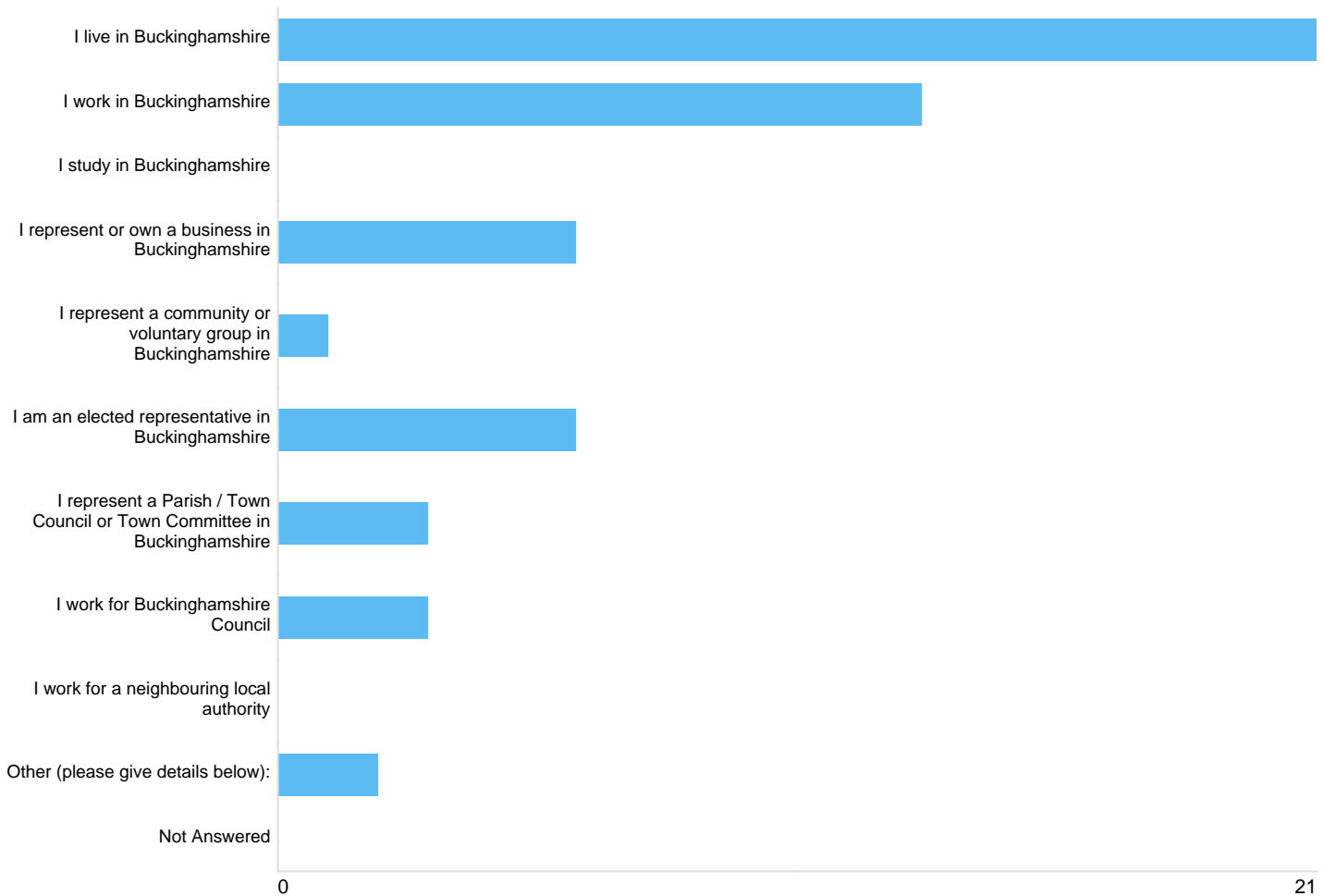
### Animal licence(s)



Option	Total	Percent
I don't currently hold an animal licence	15	57.69%
Boarding for cats or dogs licence	6	23.08%
Dangerous wild animal licence	0	0.00%
Dog breeding licence	0	0.00%
Hiring out horses licence	2	7.69%
Keep or train animals for exhibition licence	0	0.00%
Selling animals as pets licence	0	0.00%
Zoo licence	0	0.00%
Not Answered	3	11.54%

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

**Capacity**



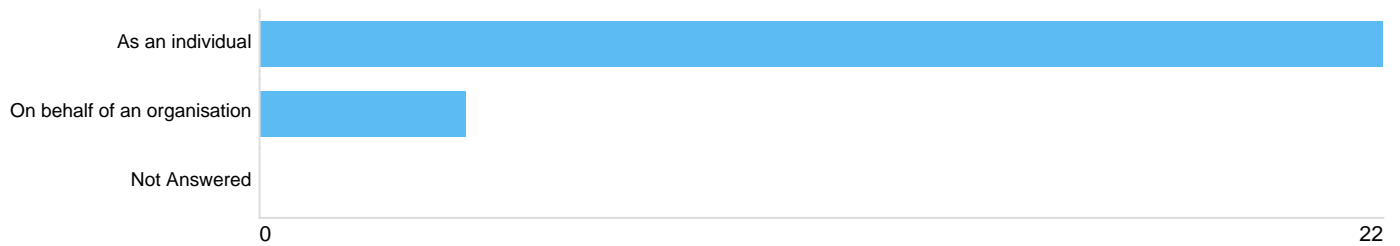
Option	Total	Percent
I live in Buckinghamshire	21	80.77%
I work in Buckinghamshire	13	50.00%
I study in Buckinghamshire	0	0.00%
I represent or own a business in Buckinghamshire	6	23.08%
I represent a community or voluntary group in Buckinghamshire	1	3.85%
I am an elected representative in Buckinghamshire	6	23.08%
I represent a Parish / Town Council or Town Committee in Buckinghamshire	3	11.54%
I work for Buckinghamshire Council	3	11.54%
I work for a neighbouring local authority	0	0.00%
Other (please give details below):	2	7.69%
Not Answered	0	0.00%

**Other**

There were 3 responses to this part of the question.

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

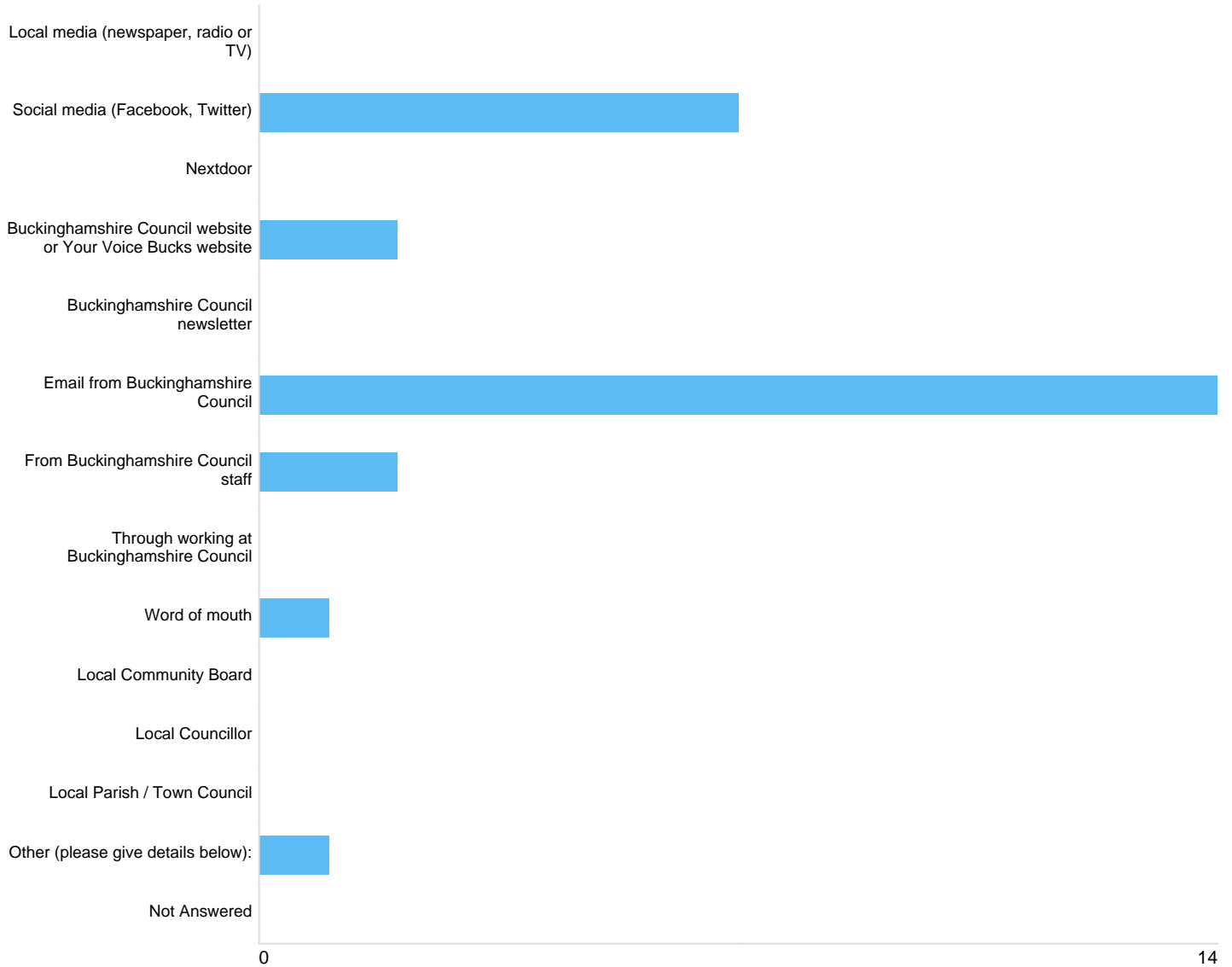
**Individual or organisation**



Option	Total	Percent
As an individual	22	84.62%
On behalf of an organisation	4	15.38%
Not Answered	0	0.00%

**How did you find out about this consultation? (Select all that apply)**

**Find out**



Option	Total	Percent
Local media (newspaper, radio or TV)	0	0.00%
Social media (Facebook, Twitter)	7	26.92%
Nextdoor	0	0.00%
Buckinghamshire Council website or Your Voice Bucks website	2	7.69%
Buckinghamshire Council newsletter	0	0.00%
Email from Buckinghamshire Council	14	53.85%
From Buckinghamshire Council staff	2	7.69%
Through working at Buckinghamshire Council	0	0.00%
Word of mouth	1	3.85%
Local Community Board	0	0.00%
Local Councillor	0	0.00%
Local Parish / Town Council	0	0.00%
Other (please give details below):	1	3.85%
Not Answered	0	0.00%

**Other**

There was 1 response to this part of the question.

**Please provide the following details:**

**Name of organisation:**

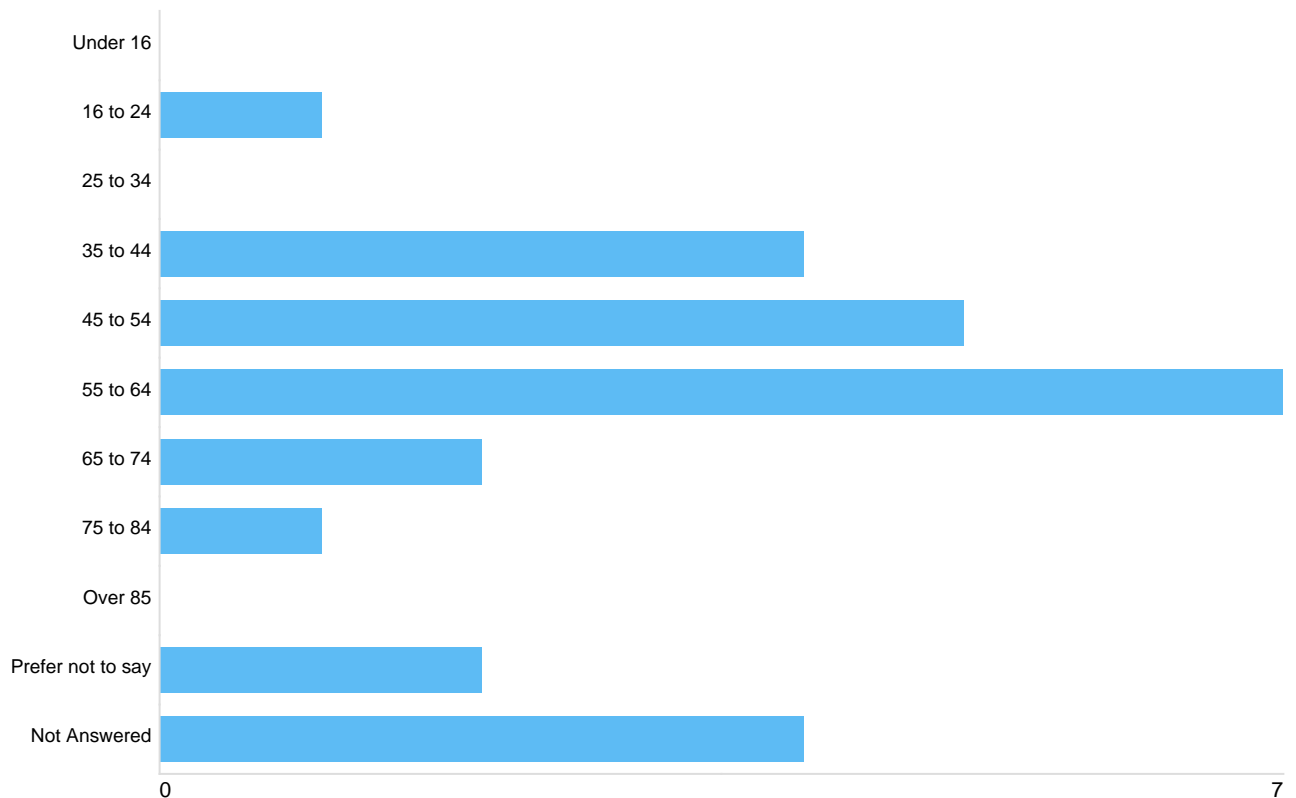
There were 4 responses to this part of the question.

**Your job title:**

There were 4 responses to this part of the question.

**What is your age?**

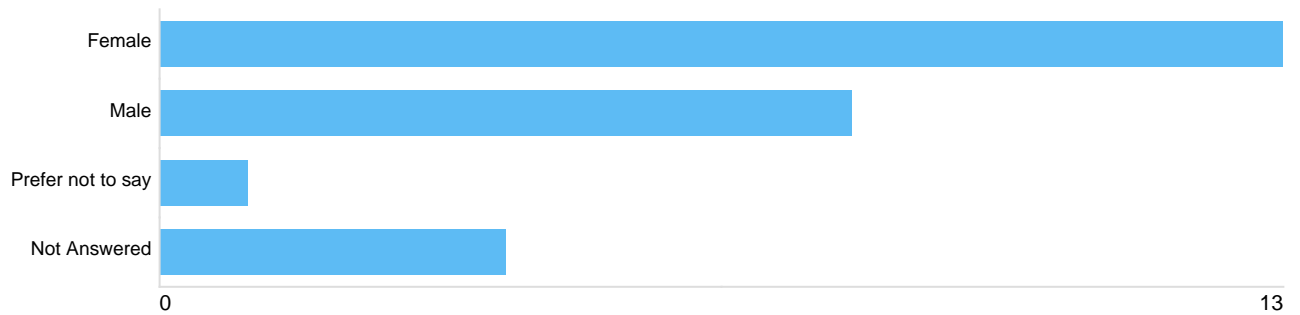
**Age**



Option	Total	Percent
Under 16	0	0.00%
16 to 24	1	3.85%
25 to 34	0	0.00%
35 to 44	4	15.38%
45 to 54	5	19.23%
55 to 64	7	26.92%
65 to 74	2	7.69%
75 to 84	1	3.85%
Over 85	0	0.00%
Prefer not to say	2	7.69%
Not Answered	4	15.38%

**Are you:**

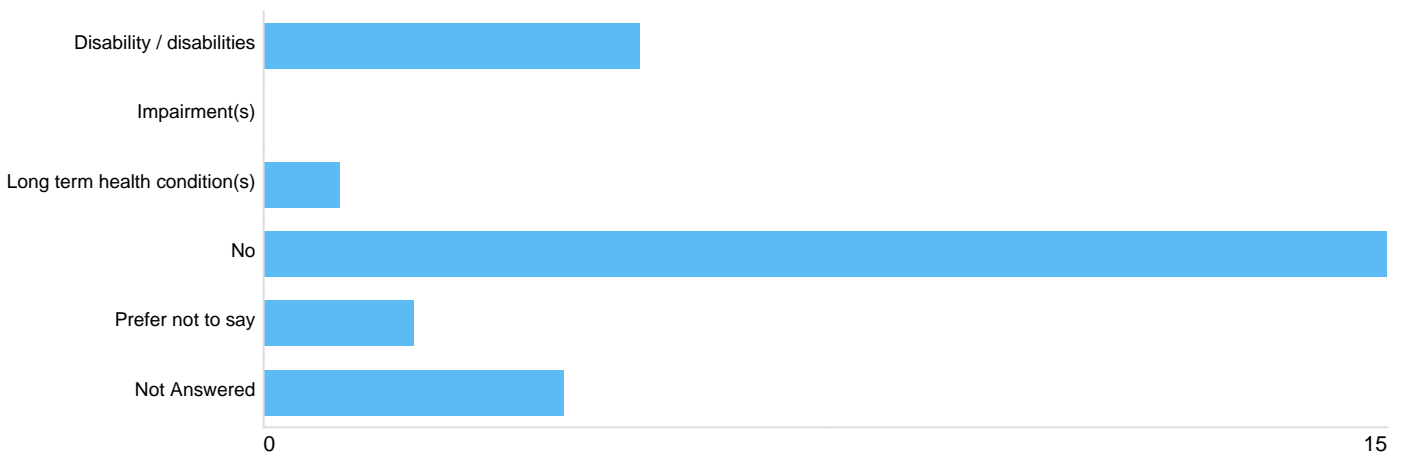
**Are you**



Option	Total	Percent
Female	13	50.00%
Male	8	30.77%
Prefer not to say	1	3.85%
Not Answered	4	15.38%

**Do you consider yourself to have a disability / disabilities, impairment(s) or long term health condition(s)? (Select all that apply)**

**Disability / impairment / long term health condition**

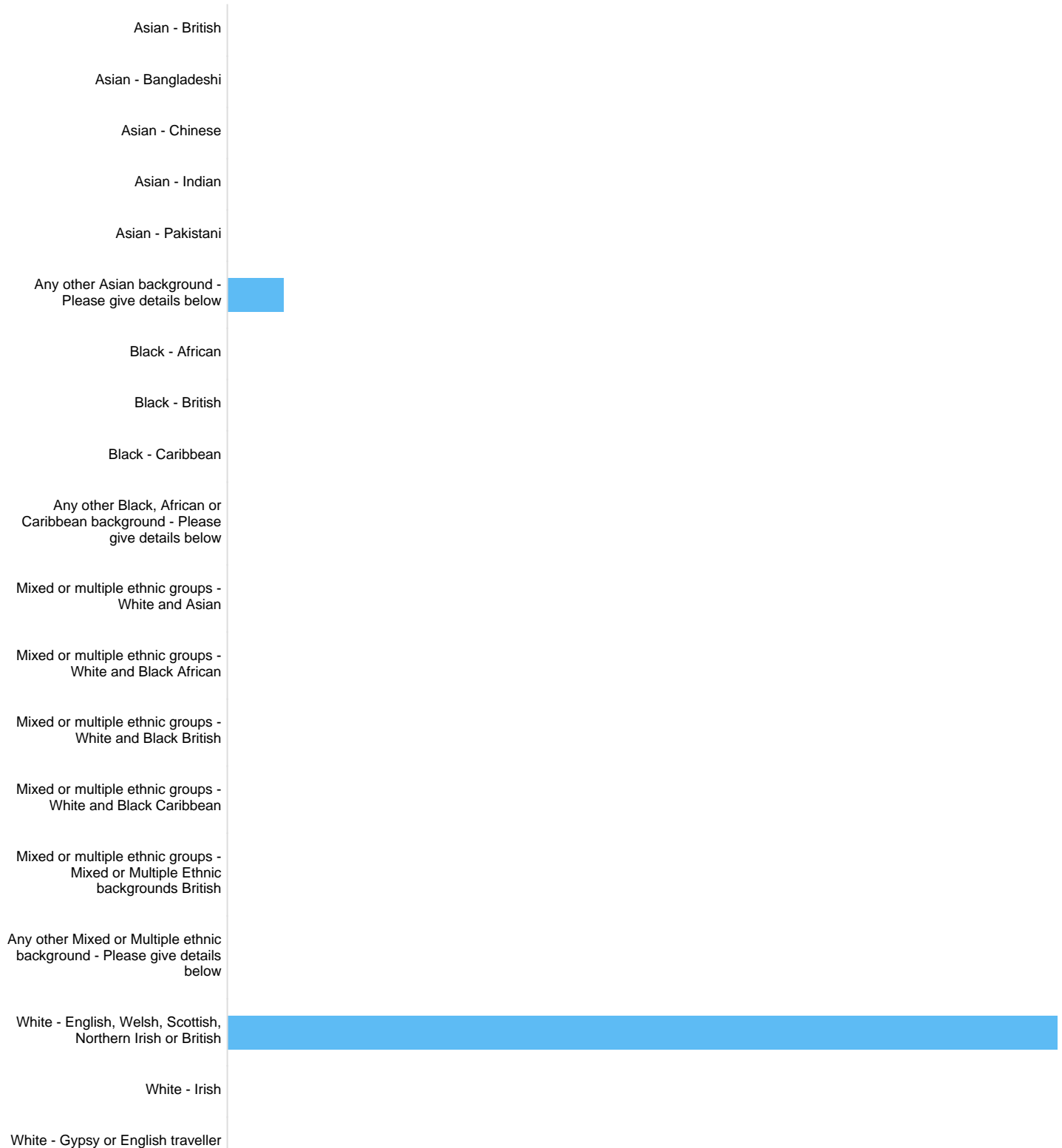


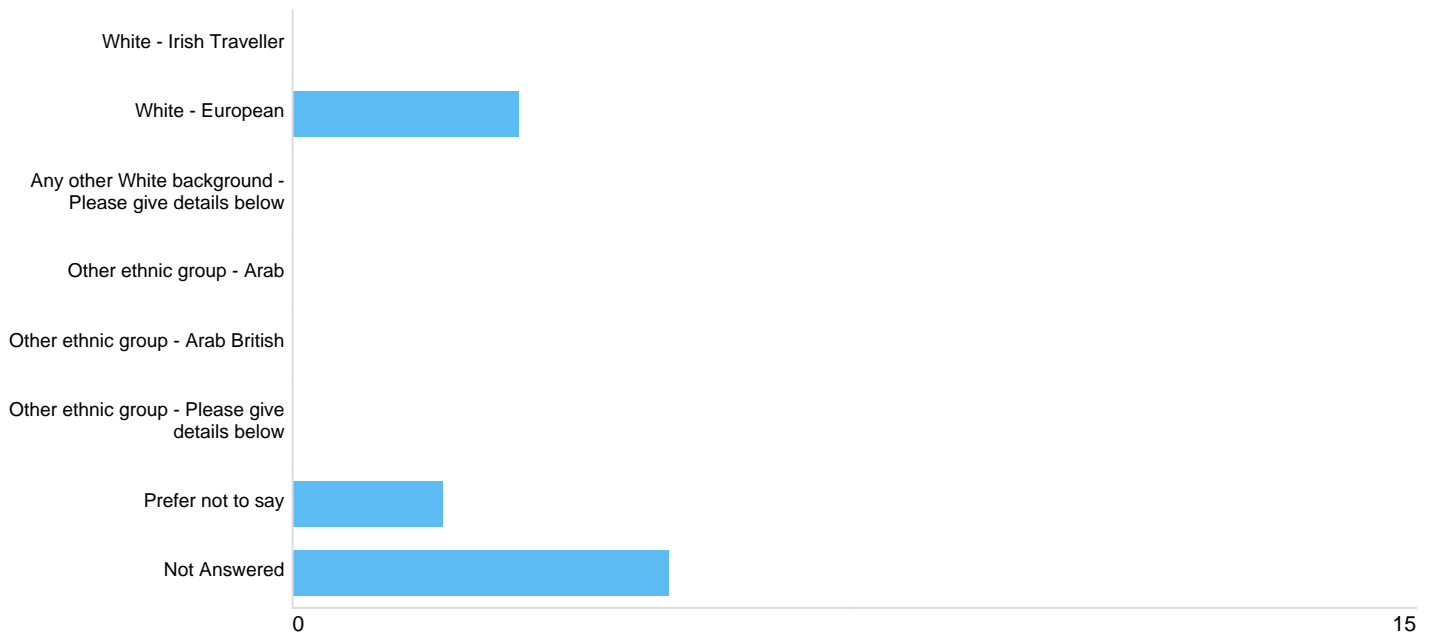


Option	Total	Percent
Disability / disabilities	5	19.23%
Impairment(s)	0	0.00%
Long term health condition(s)	1	3.85%
No	15	57.69%
Prefer not to say	2	7.69%
Not Answered	4	15.38%

## How would you describe your ethnicity?

### Ethnicity





Option	Total	Percent
Asian - British	0	0.00%
Asian - Bangladeshi	0	0.00%
Asian - Chinese	0	0.00%
Asian - Indian	0	0.00%
Asian - Pakistani	0	0.00%
Any other Asian background - Please give details below	1	3.85%
Black - African	0	0.00%
Black - British	0	0.00%
Black - Caribbean	0	0.00%
Any other Black, African or Caribbean background - Please give details below	0	0.00%
Mixed or multiple ethnic groups - White and Asian	0	0.00%
Mixed or multiple ethnic groups - White and Black African	0	0.00%
Mixed or multiple ethnic groups - White and Black British	0	0.00%
Mixed or multiple ethnic groups - White and Black Caribbean	0	0.00%
Mixed or multiple ethnic groups - Mixed or Multiple Ethnic backgrounds British	0	0.00%
Any other Mixed or Multiple ethnic background - Please give details below	0	0.00%
White - English, Welsh, Scottish, Northern Irish or British	15	57.69%
White - Irish	0	0.00%
White - Gypsy or English traveller	0	0.00%
White - Irish Traveller	0	0.00%
White - European	3	11.54%
Any other White background - Please give details below	0	0.00%
Other ethnic group - Arab	0	0.00%
Other ethnic group - Arab British	0	0.00%
Other ethnic group - Please give details below	0	0.00%
Prefer not to say	2	7.69%
Not Answered	5	19.23%

**Other**

There was 1 response to this part of the question.



*Wed 31/2023*

## Buckinghamshire Council Animal Licensing Policy consultation

**Open date:** 20 April 2023

**Close date:** 31 May 2023

**Name:** Licensing Team

**Phone:** 01296 585605

**Email:** [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)



### Overview

**We want to hear your views on our draft Animal Licensing Policy for Buckinghamshire Council.**

As the Licensing Authority, we have legal responsibilities for the licensing of several activities relating to the welfare of animals. This includes licensing:

- operators of businesses:
  - breeding dogs
  - hiring out horses
  - keeping or training animals for exhibition
  - providing or arranging for the provision of boarding for cats or dogs
  - selling animals as pets
- keepers of dangerous wild animals
- zoos

This policy will cover the Buckinghamshire Council area and replace any animal licensing policies from the previous district councils.

A single Buckinghamshire Council Animal Licensing Policy will set out a clear and consistent framework for applicants, licence holders and others affected by it.

## **Draft Buckinghamshire Council Animal Licensing Policy**

The draft policy sets out:

- our role in animal welfare and relevant legislation
- guidance on application processes
- what we consider when deciding licence applications
- our approach to enforcement
- our approach to animal licensing fees

The draft policy aims to ensure:

- there is fairness and consistency for operators of animal related businesses
- that anyone responsible for the management of animal welfare follow standards of good practice
- residents feel confident that licensed businesses offer a good standard of animal welfare and comply with legislation

Our draft policy has been developed in accordance with all animal licensing legislation and statutory guidance. In addition, we are proposing further safeguarding measures.

### **Disclosure and Barring Service (DBS) check for applicants proposal**

Under this policy, applicants will be required to provide evidence of a Disclosure and Barring Service (DBS) check (or “basic disclosure”). This is a check of someone’s criminal record.

The DBS certificate must be no more than one month old at the time of the application.

Existing licence holders will be required to provide evidence of a DBS check on renewal.

### **Safeguarding for activities involving children or vulnerable people proposal**

The main aim of animal licensing is to maintain and improve animal welfare standards. We are aware that some licensable activities may involve unsupervised contact with children and / or vulnerable persons.

We 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

We are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits.

### **How the draft policy has been developed**

The draft policy follows statutory guidance produced by the Department for Environment, Food and Rural Affairs (DEFRA) and guidance from other relevant organisations.

We have also engaged with current licence holders and other relevant stakeholders to develop this draft.

For more information about its development, see the draft Buckinghamshire Council Animal Licensing Policy.

### **What is not covered by the draft policy**

There are types of animal related businesses that do not currently require a licence. These include:

- animal rescue centres
- livery yards
- dog walkers
- dog groomers and similar

Some areas of animal health are dealt with by Buckinghamshire and Surrey Trading standards. There are cases where there may be overlap of responsibilities.

### **Related documents**

Before you respond to this consultation, please have a look at the following document. This is available online at <https://yourvoicebucks.citizenspace.com/>

- Draft Buckinghamshire Council Animal Licensing Policy

## How to have your say

You can tell us your views in one of the following ways:

- complete the online survey at <https://yourvoicebucks.citizenspace.com/>
- complete, and return, a printed version of the survey below
- email us at [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)
- write to us at Animal Licensing Policy consultation, Licensing Services, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

If you have any questions about this consultation, please email us at [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk) or phone us on 01296 585605.

**Please tell us your views by midnight on Wednesday 31 May 2023.**

## What happens next

We will use your responses to develop the final draft of the Buckinghamshire Council Animal Licensing Policy.

The policy will then be presented to our Licensing Committee for approval and adoption in Summer 2023.

We will review the policy to reflect any changes in animal licensing legislation. We will carry out a formal review at least every 5 years.

## Privacy

We will use the information you provide here only for this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details. For more information about data and privacy, please see our [Privacy Policy](#).

If you have questions about data and privacy, please email us on [dataprotection@buckinghamshire.gov.uk](mailto:dataprotection@buckinghamshire.gov.uk). Or write to our Data Protection Officer at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF.

## Printed consultation survey

### Disclosure and Barring Service (DBS) check for applicants

Under this policy, applicants will be required to provide evidence of a Disclosure and Barring Service (DBS) check (or “basic disclosure”). This is a check of someone’s criminal record.

The DBS certificate must be no more than one month old at the time of the application.

#### 1. Do you agree that applicants should provide evidence of a Disclosure and Barring Service (DBS) check to hold a licence?

Please tick (✓) one option

- Yes  
 No  
 I don't know

Please tell us the reasons for your answer:

It is important that all applicants must provide a DBS Form.

### Safeguarding for activities involving children or vulnerable people

Under this policy, we 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

We are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits.

**2. Do you agree that applicants and licence holders whose activities involve contact with children or vulnerable people have:**

Please tick (✓) one option per statement

	Yes	No	I don't know
a written safeguarding policy and provide training for staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a procedure for vetting staff who have unsupervised contact with young / vulnerable persons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Please tell us the reasons for your answers:**

**Other comments**

**3. How easy is the draft Buckinghamshire Council Animal Licensing Policy to understand?**

Please tick (✓) one option

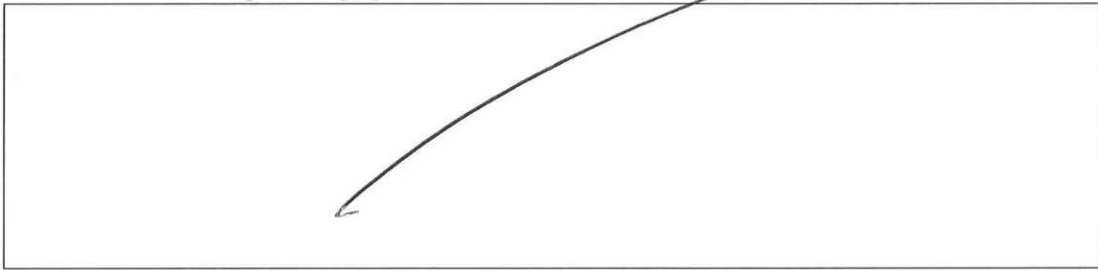
- Very easy
- Somewhat easy
- Not very easy
- Not at all easy
- I don't know

**If you think we could make the Buckinghamshire Council Animal Licensing Policy easier to understand, please tell us how:**

use DBS and Animal Licensing policy to make things easier



**4. If you have any other comments about the draft Buckinghamshire Council Animal Licensing Policy, please tell us here:**



**About you**

We will use the information you provide here only for the purpose of this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details.

**5. What animal licence(s) do you currently hold?**

Please tick (✓) all that apply

- I don't currently hold an animal licence
- Boarding for cats or dogs licence
- Dangerous wild animal licence
- Dog breeding licence
- Hiring out horses licence
- Keep or train animals for exhibition licence
- Selling animals as pets licence
- Zoo licence

**6. Which of the following describe you?**

Please tick (✓) all that apply

- I live in Buckinghamshire
- I work in Buckinghamshire
- I study in Buckinghamshire
- I represent or own a business in Buckinghamshire
- I represent a community or voluntary group in Buckinghamshire
- I am an elected representative in Buckinghamshire
- I represent a Parish / Town Council or Town Committee in Buckinghamshire
- I work for Buckinghamshire Council

- I work for a neighbouring local authority
- Other (please give details below):

**7. How did you find out about this consultation?**

Please tick (✓) all that apply

- Local media (newspaper, radio or TV)
- Social media (Facebook, Twitter)
- Nextdoor
- Buckinghamshire Council website or Your Voice Bucks website
- Buckinghamshire Council newsletter
- Email from Buckinghamshire Council
- From Buckinghamshire Council staff
- Through working at Buckinghamshire Council
- Word of mouth
- Local Community Board
- Local Councillor
- Local Parish / Town Council
- Other (please give details below):

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

Please tick (✓) one option

- As an individual (go to question 10)
- On behalf of an organisation

## On behalf of an organisation

### 9. Please provide the following details:

Name of organisation:

Your job title:

**End of survey if responding on behalf of an organisation**

## More about you

We want to hear from as many people as possible to understand the views and needs across Buckinghamshire. The following questions help us see if the communities we serve have had the opportunity to be heard through this activity.

All questions are optional. You can skip any questions you do not wish to answer.

### 10. What is your age?

**Why we ask this:** We want to understand the experiences and views of different age groups.

Please tick (✓) one option

Under 16

16 to 24

25 to 34

35 to 44

45 to 54

55 to 64

65 to 74

75 to 84

Over 85

Prefer not to say

**11. Do you consider yourself to have a disability / disabilities, impairment(s) or long term health condition(s)?**

**Why we ask this:** We want to understand the experiences and views of disabled people, people with impairments and people with long term health conditions.

Please tick (✓) all that apply

- Disability / disabilities (CAMHSM)
- Impairment(s)
- Long term health condition(s)
- No
- Prefer not to say

**12. Are you:**

**Why we ask this:** We want to understand the experiences and views of different sexes.

Please tick (✓) one option

- Female
- Male
- Prefer not to say

**13. How would you describe your ethnicity?**

**Why we ask this:** We want to understand the experiences and views of different ethnicities.

Please tick (✓) one option

- Asian - British
- Asian - Bangladeshi
- Asian - Chinese
- Asian - Indian
- Asian - Pakistani
- Any other Asian background - Please give details below
- Black - African
- Black - British
- Black - Caribbean

- Any other Black, African or Caribbean background - Please give details below
- Mixed or multiple ethnic groups - White and Asian
- Mixed or multiple ethnic groups - White and Black African
- Mixed or multiple ethnic groups - White and Black British
- Mixed or multiple ethnic groups - White and Black Caribbean
- Mixed or multiple ethnic groups - Mixed or Multiple Ethnic backgrounds British
- Any other Mixed or Multiple ethnic background - Please give details below
- White - English, Welsh, Scottish, Northern Irish or British
- White - Irish
- White - Gypsy or English traveller
- White - Irish Traveller
- White - European
- Any other White background - Please give details below
- Other ethnic group - Arab
- Other ethnic group - Arab British
- Other ethnic group - Please give details below
- Prefer not to say

Please give other details here:

Sri Lanka -

### End of the survey

**Thank you for taking the time to complete this survey.**

Please return your completed survey by midnight on **Wednesday 31 May 2023**. You can:

- email it to [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)
- post it to Animal Licensing Policy consultation, Licensing Services, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

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# Draft Animal Licensing Policy

- 1. Introduction**
- 2. Overview of Application Process**
- 3. Safeguarding**
- 4. The Animal Welfare Act 2006**
- 5. Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**
- 6. The Dangerous Wild Animals Act 1976**
- 7. Zoo Licensing Act 1981**
- 8. Change of Circumstances and Incident Reporting**
- 9. Enforcement**
- 10. Fees**
  
- Appendix 1      List of Definitions**
- Appendix 2      Standard Conditions attached to Dangerous Wild Animal Licence**
- Appendix 3      Standard Zoo Licence Conditions**

<b>Version No</b>	<b>Initial</b>	<b>Date</b>	<b>Changes Made</b>
<b>V1.0</b>			



## **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](mailto: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.

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. A review of the LAIA Regulations is currently underway and it is anticipated that new regulations will be introduced under the AWA 2006, for example in relation to the private keeping of primates. Significant changes to the licensing of zoos are also expected.

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.

## **2.0 Overview of Application process**

### **2.1 Advice for applicants**

New applicants for all types of animal licence 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](mailto: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.

### **2.2 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](mailto: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 two months old at the time of application.

Those whose licence is in force at the time that this policy comes into effect will be required to complete a Disclosure and Barring Service (DBS) check at the time of their next renewal application.

### **2.3 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.

### **2.4 Convictions**

Where applications are received from individuals whose basic disclosure reveals convictions, the Council will consider if the convictions are relevant in determining the suitability of the applicant to hold the type of licence they have applied for. The Council will also consider if the type of offences are an indication that an applicant is unlikely to comply with licence conditions, for example convictions for:

- Licensing offences
- Offences involving dishonesty or fraud

In each instance, the application will be considered on its own merits, with applicants given an opportunity to make representations prior to the Council determining the application.

The Council will not normally grant a licence to a person with one (or more) conviction(s) for any offence relating to animal welfare. The primary purpose of the animal licensing legislation enforced by the Council is to ensure the welfare of animals and as such, these types of offences

are considered highly relevant.

### **3.0 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). In these circumstances convictions for offences involving the following will be considered particularly relevant when determining an application:

- violence,
- sex and indecency
- drugs

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 evidence of a suitable vetting process for 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>

## **4.0 The Animal Welfare Act 2006**

### **4.1 The Act**

This Act brought together and updated legislation that promoted the welfare of vertebrate animals, other than those in the wild. Licence types covered by this Policy involve what are considered "protected animals" under the Act. A "protected animal" is defined as an animal commonly domesticated in the British Isles, is under the control of man whether on a permanent basis or temporary basis, or if it is not living in a wild state.

Under the Act reasonable welfare standards must be maintained and a number of offences are set out including failing to ensure the welfare of animals that someone owns or is responsible for and another for causing unnecessary suffering to any protected animal.

#### **4.2 “The Five Needs”**

The Act 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.

### **5.0 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“LAIA”)**

#### **5.1 Licensable activities**

The LAIA Regulations, which fall under the AWA 2006 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

#### **5.2 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/>

### **5.3 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>

### **5.4 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 .

### **5.5 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](#),

## 5.6 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 two months 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.

## 5.7 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.

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, a 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, without the need to be accompanied by a Council inspector, 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 where the inspection covers more than one activity.

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. Examples of this would be 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.

### **5.8 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 ability to provide adequate welfare standards for the animals in their care. This will 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.
- 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.

## **5.9 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.

## **5.10 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.

### **5.11 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

### **5.12 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](mailto: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/>

### **5.13 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.

## **6.0 The Dangerous Wild Animals Act 1976 ("DWA Act")**

### **6.1 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.

### **6.2 Length of Licence**

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

### **6.3 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 two months old at the time of application.

#### **6.4 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.

### **6.6 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.

### **6.7 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.



## **7.0 Zoo Licensing Act 1981 (as amended)**

### **7.1 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.

### **7.2 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>

### **7.3 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

### **7.4 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 two months 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.

### **7.5 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.

### **7.6 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.

### **7.7 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 .

### **7.8 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.

### **7.9 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.

### **7.10 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.

### **7.11 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.

### **7.12 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.

## **8.0 Change of Circumstances and Incident Reporting**

### **8.1 Change of Circumstances**

The Council has an expectation that licence holders will inform them should there be significant changes to how their business operates or how the animals will be kept. 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, or where significant changes are made to the facilities where the animals are kept.

The Council must also 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 any animal welfare offence;
- They are disqualified under the Animal Welfare Act 2006, Dangerous Wild Animals Act 1976, or any other legislation as specified in Schedule 8 of the Animal Welfare (Activities Involving Animals) (England) Regulations 2018
- Are subject to bail conditions which may affect the licence holder's ability to operate their business.

## **8.2 Incident Reporting**

Licence holders must also notify the Council within 2 working days if any significant incident happens whilst operating their business. Examples of this would be an animal escaping, an animal injuring a member of staff, a dog on dog attack or similar.

### **8.3 Notify the Council**

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

## **9.0 Enforcement**

### **9.1 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](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.

### **9.2 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.

### **9.3 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.

### **9.4 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.

### **9.5 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.

### **9.6 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.

## **10.0 Fees**

### **10.1 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/>

### **10.2 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.

### **10.3 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.

#### **10.4 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

## **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. A sufficient number of 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 7 days 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)**

#### **1A. The following are conservation measures to be implemented in zoos in accordance with this Act-**

- (a) 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;
- (b) 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;
- (c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including-
  - (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;
- (d) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
- (e) preventing the intrusion of pests and vermin into the zoo premises; and

- (f) keeping up-to-date records of the zoo's collection, including records of- (i) the numbers of different animals;
- (ii) acquisitions, births, deaths, disposals and escapes of animals;
- (iii) the causes of any such deaths; and
- (iv) the health of the animals.

**Additional conditions to ensure the proper conduct of the Zoo in all other respects, during the period of the licence:**

**Insurance**

1. Zoo operators must have insurance cover which covers them and every other person under a contract of service or acting on their behalf, against liability for any damage or injury which may be caused by any of the animals or by other factors, whether inside or outside the zoo, including during transportation to other premises. Any upper limit on the sum insured must be set at an adequate but realistic level.
2. Within one month of the date of the licence and one month of the date of renewal of the policy, a copy of the Zoo's current public liability insurance policy, and of subsequent renewals thereof, to be sent to the licensing authority.

**Hazardous Animals**

3. The licensing authority to be notified in writing, at least one month in advance, of the proposed addition of any animal listed in category one of the Hazardous Animal Categorisation (see Appendix 12 of the Secretary of State's Standards of Modern Zoo Practice - 2012), which is from a taxonomic family of which category one species have not previously been kept in the Zoo.
4. The licensee/s to notify the licensing authority before the temporary removal from the Zoo (other than for veterinary attention or inter-zoo movements) of any animals listed in category 1 of the Hazardous Animal Categorisation of the Secretary of State's Standards of Modern Zoo Practice. Such notification should be given as early as possible and, in any case, no later than 12 hours before the removal, unless the Zoo operator and licensing authority

mutually agree a shorter period. The notification should include details of the destination, the method of transportation of the animal, the arrangements for its well-being and the arrangements for the safety of the public whilst it is away from the Zoo.

### **Escapes**

5. 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.
  
6. The licensee must ensure that all members of staff are familiar with emergency procedures when animals escape. In particular, emergency animal escape drills must be carried out at least four times a year, recorded and regularly reviewed, this should include at least two drills involving the escape of a category one species (where present) as stipulated in Appendix 12 of the current Secretary of State's Standards of Modern Zoo Practice.

### **Stock Records**

7. An annual stocklist of all animals must be kept and a copy must be forwarded to the local authority before the 1<sup>st</sup> April of the year following that to which it relates. This must be in, or similar to, the format stipulated in Section 9.5 & 9.6 of the current Secretary of State's Standards of Modern Zoo Practice (2012), or those that are produced by ZIMS and cover the period from the 1<sup>st</sup> January until the 31<sup>st</sup> December.

*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).*





## Report to Licensing (Regulatory) Committee

<b>Date:</b>	7 <sup>th</sup> November 2023
<b>Title:</b>	Hackney Carriage Fare Review
<b>Cabinet Member(s):</b>	Cllr Mark Winn, Cabinet Member for Homelessness & Regulatory Services
<b>Authors:</b>	Simon Gallacher, Principal Licensing Officer
<b>Ward(s) affected:</b>	None specific

### Recommendation:

1. **That the Committee, in advance of a Cabinet Member Key Decision, note and comment on the proposal to restructure and increase Hackney Carriage fares (tariffs) for the Buckinghamshire Council area in light of significant increases in costs and further to requests from the licensed hackney carriage trade.**
2. **Background**
  - 2.1 Where tariffs are set by the local authority, drivers of hackney carriage vehicles (taxis) cannot charge more than the maximum specified fare apart from in certain exceptional circumstances, although they can charge less. Local authorities have no powers in relation to setting the fares charged for the use of private hire vehicles. Buckinghamshire Council currently licences approximately 340 hackney carriage vehicles and 2025 private hire vehicles.
  - 2.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the process and requirements for the fixing of fares for hackney carriage, which includes the requirement for advertising and a statutory 14 day consultation period.
  - 2.3 There is no prescribed methodology for calculating maximum fares and each local authority adopts its own approach to devising local rates. Common methods include a consideration of changes to inflation, associated vehicle running costs, comparisons with other licensing authorities and the views from the trade.
  - 2.4 Buckinghamshire Council first introduced a single set of hackney carriage tariffs in September 2021. It was intended that an annual review of fares would take place

each April, starting 2023, taking into account any rise in CPI figures along with local and national benchmarking. However, significant increases in fuel prices and other costs faced by the trade in 2021/22 led to this review being brought forward and a revised schedule of fares was introduced in August 2022.

- 2.5 The service has received a further request from the hackney trade representatives to review the fares once again. The licensing service has met with trade representatives on a number of occasions to discuss this request and representatives have produced a number of reasons and supporting information to justify the request for a review. The basis for the review is on two grounds, firstly in response to significant increases in costs impacting the trade and secondly because it has been identified that there are anomalies with the fare structure introduced last August 2022 that the trade would like to see rectified.
- 2.6 The licensing service has also conducted its own research, reviewing changes to CPI and other influencing factors such as fuel prices and motor insurance premiums. An analysis of fares charged nationally and locally in neighbouring local authority areas has been conducted. Of particular interest is the finding that nationally average hackney carriage fares have increased by 16% since fares were last reviewed by Buckinghamshire Council in August 2022.
- 2.7 Arising from the trade meetings, the hackney trade representatives have put forward a new fare structure that they would like Buckinghamshire Council to adopt. The new structure is simpler to understand and implement and provides greater clarity for the trade and customers, with a clear distinction between higher tariffs. The proposal includes an increase in the minimum fare to ensure drivers are appropriately recompensed for waiting times between fares and short journeys. The proposal also includes a request to increase fares across the board, to compensate for increased running maintenance costs and greater “dead” mileage as a result of working in a larger authority area. A significant increase is proposed to tariffs 2 and 3 to reflect the unsociable hours and encourage drivers to make themselves available at these times.
- 2.8 The new structure if approved will more readily lend itself to CPI increases as percentage increases can be simply applied to all tariffs proportionately.
- 2.9 The setting and approval of taxi tariffs is an executive, rather than a non-executive function. This report is provided to the Committee for information purposes and to update the Committee on the proposal to change the fare structure and increase the fares generally. The views of the Committee will be fed back to the Cabinet Member and Leader to be taken into consideration when making a final key decision.

### 3. **Main content of report**

- 3.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives local authorities the power to fix maximum fares or rates for taxis for both time and distance travelled. Local authorities can also set charges for any additional matters such as the collection of passengers away from a taxi rank or the soiling of a vehicle.
- 3.2 Once a tariff of fares has been set, the driver cannot charge more to the passenger than the charge shown on the meter apart from in certain exceptional circumstances, such as where a journey ends outside of the council area and a fee has been agreed in advance.
- 3.3 There are no prescribed methodology or national guidance for the setting of fares and each local authority uses different methods and information in order to produce their local rates. However, it is accepted that any proposed tariff of fares should provide the driver with an acceptable income, whilst also providing an affordable transport option for the passenger(s).
- 3.4 Fares should be simple to understand, not able to be bypassed and set at a level which is competitive with the local private hire trade to avoid effectively pricing the taxi service out of the local market. With regard to the latter point, the main competition to the hackney trade is private hire vehicles and private hire operators are not obliged to publish their rate of fares. Accordingly, there is no means of comparison between the two styles of operation and the council is therefore reliant, to a large extent, on the hackney carriage trade itself to act as a barometer on appropriate fare levels. There is clearly no advantage to the hackney trade in proposing or supporting a schedule of fares that is either too low or too high and risks having a detrimental impact on the trades' earning potential. Despite this the licensing service also engages in research and a review of independent information to assist with decision making on appropriate fare levels.
- 3.5 Local authorities are not required by law to set fares for taxis but the Office for Fair Trading conducted a market study in 2003 which found that passengers are in a relatively weak position to compare offers and negotiate prices when hailing taxis or using their services at a rank. The report further stated that this finding reinforced the need for fare regulation of taxis and so it is considered good practice to set fares. It is worth noting that in the 20 years since that report was published, the availability of ride hailing apps through smart-phone technology is much more prevalent and does mean that passengers can more readily chose to order a private hire vehicle at relatively short notice as an alternate means of transport meaning that passengers are arguably not in such a weak position now. However, there are still those that either choose or need to use hackney carriage vehicles for various reasons and these passengers should be afforded some assurance that they are not going to be liable for unreasonably high fares.

- 3.6 The Department for Transport's (DfT) Best Practice Guidance 2010 specifies that it is good practice not only to set fares, but also for local authorities to carry out a regular review of fares and to adopt a simple formula for deciding any fare revisions.
- 3.7 The DfT's revised draft Best Practice Guidance, the final version of which is still awaiting publication, states that "authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed".
- 3.8 It is important to make a distinction between the role of hackney carriage and private hire vehicles. Hackney carriages are generally considered to be part of the public transport system and are expected to be readily available for hire at key locations and are generally obliged to take passengers on demand, regardless of distance, for no more than the maximum rate of fares. This contrasts with private hire operations, where operators generally have discretion whether or not to accept bookings and negotiate the fare charged, providing that they do not act in a discriminatory way. It is therefore important that hackney carriage fares are set at a level which fully compensates the driver for their time, not only when carrying passengers, but also considers the time that a driver may spend waiting on a rank or travelling back to the rank after dropping a passenger off.
- 3.9 "Dead" mileage refers to the element of the journey a driver takes when they are not effectively charging customers. Generally hackney drivers are required to use their vehicle's meter, which is set no higher than the maximum tariff of fares, and can only be engaged once a passenger is onboard and must be stopped when the passenger reaches their destination. Drivers are usually not able to charge more than the amount recorded on the meter. To compensate for this, the legislation allows drivers to negotiate higher fares with the customer if, and only if, part of the journey involves travelling outside of their usual licensed authority area so the driver can add a surcharge to cover their return journey. As a consequence of unitary, and removal of the former district council areas, journeys have to be considerably longer before a driver finds themselves outside of Buckinghamshire Council's controlled area. This means drivers are less able to negotiate higher fares when carrying out longer journeys and thereby likely to be incurring increased dead mileage on return journeys. It was anticipated that with the removal of the former zone, drivers would have greater scope to collect new passengers on return journeys, however trade representatives have reported that in practice this very rarely happens.
- 3.10 Consideration should also be given to working during unsociable hours, such as bank holidays, late at night and early mornings, when fares should be at an appropriate level to incentivise drivers to make themselves available for hire.

3.11 Buckinghamshire Council introduced a single set of hackney carriage tariffs in September 2021. It was intended that an annual review of fares would take place each April, starting 2023, taking into account any rise in CPI figures along with local and national benchmarking. However, following significant increases in fuel prices in 2021/22 the review was brought forward, and a revised schedule of fares was introduced in August 2022. The current schedule of fares is shown as Appendix 1.

#### **Hackney Carriage Trade Proposal**

3.12 The licensing service have received a request from the hackney trade representatives to review the fares. The trade representatives have cited significant increases in the cost of living and operational running costs as the primary basis for the request. It has also been found that the new tariffs introduced in August 2022 contain an anomaly in the fare structure for tariff 2 journeys which had not been foreseen. For a journey of 1468 yards on tariff 1 the price is currently £4.90 but on tariff 2 (after 11pm) the price is less at £4.80. Tariff 2 more generally has been found to be too close to tariff 1, particularly for shorter journeys, and the trade feel there needs to be a significant difference between the two to ensure drivers working unsociable hours are adequately rewarded.

3.13 A number of meetings have taken place between trade representatives and the licensing service. The purpose of these meetings has been to explore the cost issues affecting the trade, reach consensus on an appropriate fare structure and for the trade representatives to produce a revised schedule of fares for consideration by the council.

3.14 The following information has been presented by the hackney carriage trade representatives as examples of areas where the trade have faced increasing costs:

- Motor insurance premiums have risen by as much as 48%.
- Service Parts on Mercedes have increased by 28%.
- Council Tax has increased by 5%.
- Significant increases in taxi licence fees in the last year. Hackney carriage annual vehicle fees increased by 60% and 3 year driver licence fees increased by 19%.
- Home Insurance has increased by 26%.
- Vehicle tyres have gone up by 18%.
- Road tax was increased in the Budget 2023. The standard rate increased by 9% and rate for alternate fuel vehicles increased by 10% (for vehicles registered since April 2017).
- Local garages have increased their hourly charges.
- Cost of living has gone up.

- Second hand car market has increased by 30% in the last 3 yrs.
- Drivers are having to work longer hours to make ends meet.
- Fuel prices have dropped, but everything else in terms of labour charges and parts for vehicle maintenance has increased. For example:
  - A vehicle service is £120 and was £70.
  - Linkage for wav vehicles was £20 and now £70.
  - Knox sensors were £196 and now £400.
  - Motor oil and tyre price increase.
- Charging for use of card payment was not considered in the previous fares. Many customers are now paying by card and the driver has to cover the cost of this.
- Fares need to take account of waiting time when the driver is not getting paid but making themselves available for hire on the rank. A driver may wait an hour for a job which may only be half a mile.
- Hackney carriage drivers provide a public service but do not receive any subsidies.
- Hackney carriages can only charge the maximum fare, unless the journey takes place or ends outside the district. Since unitary the council's area is much bigger which means drivers have less ability to agree higher fares.
- Low fares make it less attractive for new drivers to enter the trade.

3.15 On the basis of the information provided it is proposed that the fare structure be revised to a simpler increment rate of 1/10<sup>th</sup> of a mile or 176 yards for all tiers. It is further proposed that for all tiers the minimum charge is for a ½ mile journey to ensure drivers are adequately compensated for waiting time on the rank and that all three tiers of tariff remain in place subject to the following:

<b>Tariff Number</b>	<b>When tariff applies</b>	<b>Distance for minimum charge</b>	<b>% increase of Tariff 1</b>
<b>Tariff 1</b>	<b>Monday to Saturday 6am – 11pm</b>		<b>N/A</b>
<b>Tariff 2</b>	<ul style="list-style-type: none"> <li>• <b>Monday to Saturday 11pm – 6am</b></li> </ul>		<b>50%</b>

	<ul style="list-style-type: none"> <li>• <b>Sundays or Bank Holidays</b></li> <li>• <b>Christmas and New Years Eve 4pm to Midnight</b></li> <li>• <b>Tariff 1 journeys with 4 or more passengers</b></li> </ul>	<b>½ mile journey</b>	
<b>Tariff 3</b>	<ul style="list-style-type: none"> <li>• <b>Christmas, Boxing and New Years Day</b></li> <li>• <b>Tariff 2 journeys with 5 or more passengers</b></li> </ul>		<b>100%</b>

3.16 To ensure drivers are adequately compensated for the increased costs the following is proposed:

<b>Tariff number</b>	<b>Minimum fare</b>	<b>Increase for 1/10<sup>th</sup> of a mile</b>	<b>1 mile journey</b>	<b>2 mile journey</b>
<b>Tariff 1</b>	<b>£5.00</b>	<b>20p</b>	<b>£6.00</b>	<b>£8.00</b>
<b>Tariff 2</b>	<b>£7.50</b>	<b>30p</b>	<b>£9.00</b>	<b>£12.00</b>
<b>Tariff 3</b>	<b>£10.00</b>	<b>40p</b>	<b>£12.00</b>	<b>£16.00</b>

3.17 It is proposed that the current maximum soiling charge be increased from £50 to £100. Drivers may charge a customer soiling charge if the vehicle requires cleaning because of a passenger's conduct during the journey. The current maximum charge of £50 is not considered adequate to cover the cost of valeting the vehicle and time that the driver may be off the road while the vehicle is cleaned. The proposed £100 charge is a maximum and can be scaled accordingly.

3.18 The proposed new tariff of maximum fares is shown as Appendix 2.

#### **Licensing service observations**

3.19 There is no recognised methodology for calculating an appropriate level of maximum fares and this is reflected in the huge variance in fare structures adopted by councils across the country. Typical methods used involve making a comparison of fares charged in other areas and a consideration of recognised indicators of change of costs such as inflation, insurance premiums and vehicle maintenance costs.

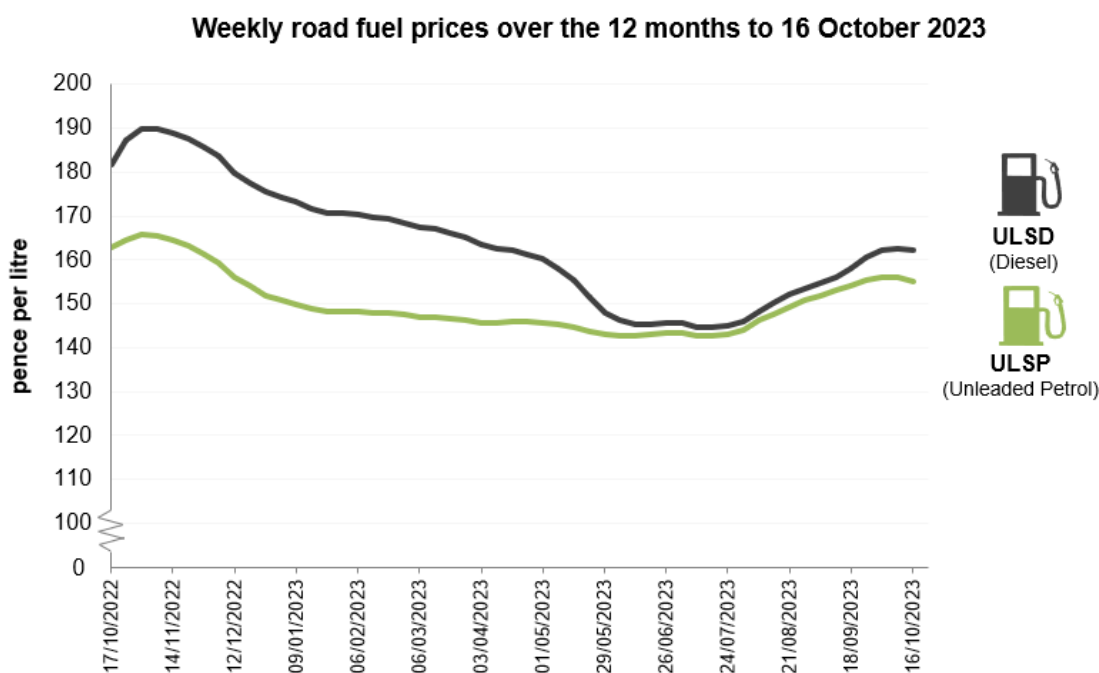
- 3.20 The Private Hire Trade Monthly publication publishes a table each month to show a comparison of hackney carriage fares across the country for a 2-mile journey. A 2-mile journey is used as a yard stick as this is reportedly the average length of a typical journey in a hackney carriage. Under the current fares on tariff 1, a 2-mile journey costs approximately £7.10 in Buckinghamshire Council's area. This equates to around 150<sup>th</sup> on the table of 340 areas, or top 44%. The proposed increase to £8 for a mile journey would place the council at around 50<sup>th</sup> on the list, or in the top 15%. The council does not record driver income information however national data shows that the average income in 2022 for Buckinghamshire Council's residents was £727.88 per week. According to ONS (Office of National Statistics) this equates to the 49 highest out of 340 for weekly earnings by council area across England, this position would equate very closely to the latest national rankings for fares if the proposed 2-mile fare of £8 were introduced.
- 3.21 The increase from £7.10 to £8.00 for a 2-mile journey represents a 12% increase. According to PHTM figures, since the £7.10 fare was proposed in Buckinghamshire in June 2022, the average national fare has increased by 16%, rising from £6.20 in June 2022 to £7.18 in October 2023. Accordingly, the proposed increase to tariff 1 for a 2-mile journey would be less than the national trend seen since the summer of 2022.
- 3.22 Comparison with neighbouring boroughs is complex as no two authorities use the same method for calculating the fare due. A simplified table has been produced for comparative purposes for 9 of the neighbouring authorities. The table is shown as Appendix 3. Comparisons are shown of approximate fares for half mile, 1 mile, 2 mile, 5 mile and 10 mile journeys for each authority on tariffs 1, 2 and 3 (there is some variance of criteria between authorities in determining which tariff applies). It is important to emphasise that none of the other authorities appear to have adopted new fares since at least 2022.
- 3.23 For tariff 1 journeys the average fare is lower for ½ mile, 1 mile and 2 mile journeys compared to the proposed fares but is higher for 5 and 10 mile journeys. Were the neighbouring boroughs to apply an increase of 16% which has been seen nationally over the last year then the average fares for all journeys beyond a mile would be more expensive than the proposed fares.
- 3.24 For tariff 2 and tariff 3 journeys the local fare average is considerably lower for journeys up to 5 miles than the proposed fares, with gap narrowing the further the distance travelled. It is noted that when fares were approved last year, the tariff 2 fares for Buckinghamshire Council were kept at near the same level as those adopted in September 2021, increasing by only 30 pence per journey, and tariff 3 was not changed at all.
- 3.25 The nearest local authority, other than TfL, which has introduced new fares this year appears to be West Berkshire. West Berkshire introduced a new schedule of fares in



June 2023 and these fares are very similar to proposal under consideration up to 2 miles and then increase considerable for longer journeys. The comparison is reproduced below:

		<b>0.5 mile</b>	<b>1 mile</b>	<b>2 miles</b>	<b>5 miles</b>	<b>10 miles</b>
<b>T1</b>	<b>West Berks</b>	<b>£5</b>	<b>£5.80</b>	<b>£8.58</b>	<b>£17.24</b>	<b>£31.92</b>
	<b>BC Proposal</b>	<b>£5</b>	<b>£6</b>	<b>£8</b>	<b>£14</b>	<b>£24</b>
<b>T2</b>	<b>West Berks</b>	<b>£7.50</b>	<b>£8.70</b>	<b>£12.90</b>	<b>£25.90</b>	<b>£47.90</b>
	<b>BC Proposal</b>	<b>£7.50</b>	<b>£9</b>	<b>£12</b>	<b>£21</b>	<b>£36</b>
<b>T3</b>	<b>West Berks</b>	<b>£10</b>	<b>£11.60</b>	<b>£17.20</b>	<b>£34.50</b>	<b>£63.80</b>
	<b>BC Proposal</b>	<b>£10</b>	<b>£12</b>	<b>£16</b>	<b>£28</b>	<b>£48</b>

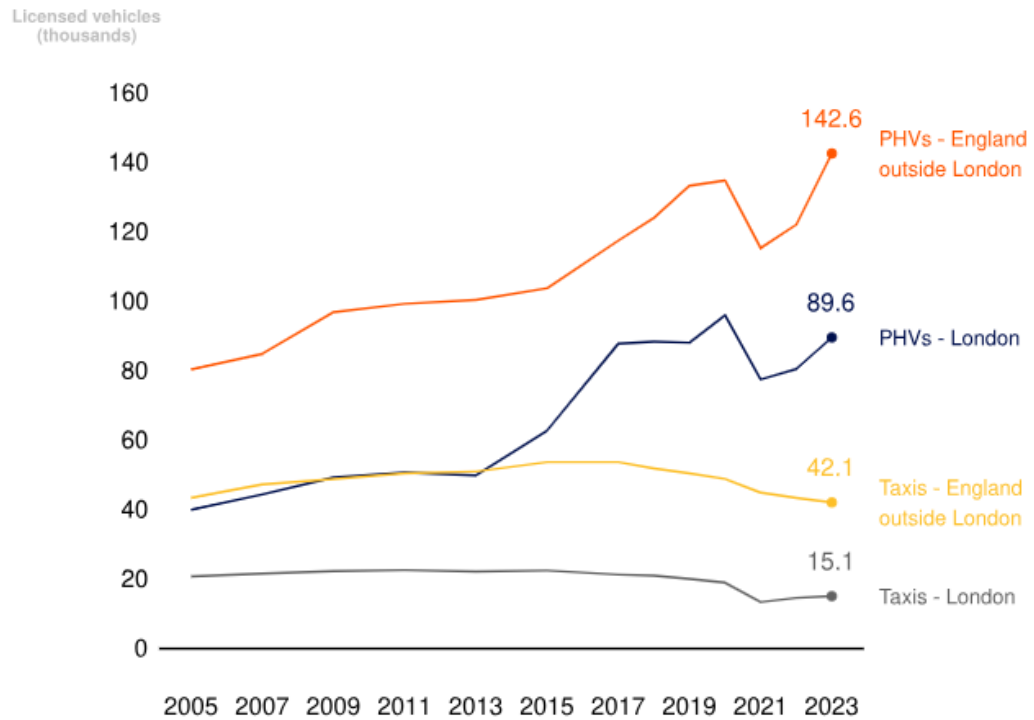
3.26 The licensing service has continued to monitor fuel cost changes as this was one of the main considerations driving the last fare review. It was hoped that if a significant fall in fuel prices occurred a further review of fares could take place with a view to reducing fares. Fuel prices have decreased since the current tariff of fares was introduced in August 2022. Between 18th August 2022 and 16th October 2023 petrol prices have on average decreased by 11% and average diesel prices have decreased by 22.9%. However, whilst overall fuel costs for petrol and diesel have fallen over the last 12 months, prices have fluctuated and the position on fuel prices remains unclear going forward. As an indication, the table shows fluctuations in weekly average diesel and petrol prices over the last 12 months.



Source: [www.gov.uk/government/statistics/weekly-road-fuel-prices](https://www.gov.uk/government/statistics/weekly-road-fuel-prices)

- 3.27 In terms of inflationary influence over the intervening period, high inflation has resulted in considerable price increases. Latest figures published by the Office for National Statistics (18<sup>th</sup> October 2023) show that prices have risen just over 10% between June 2022, when the current fare tariff was drawn up, and September 2023.
- 3.28 In terms of motor insurance, according to ABI (Association of British Insurers) the average motor insurance premium has risen by 21% between mid 2022 and mid 2023.
- 3.29 Nationally the number of licensed hackney carriage vehicles has been declining year on year since 2017, conversely the number of licensed private hire vehicles continues to rise (save during the covid-19 lockdown period), as shown in the table below provide by the Department for Transport (Taxi and private hire vehicle statistics, England: 2023). This provides a clear indication that drivers are preferring to enter the private hire trade rather than the hackney carriage trade. Within Buckinghamshire Council’s area the number of licensed hackney carriages has remained fairly static, there were 334 on 1<sup>st</sup> April 2022 and 335 on 1<sup>st</sup> April 2022, whereas the number of licensed private hire vehicles has increased from 1724 to 1854 over the same period, which appears to reflect the national picture. Whilst there is no conclusive evidence, one possible reason for the clear preference by drivers for the private hire trade is profitability.

**Chart 3: Licensed vehicles by type and area: England, since 2005 - [TAXI0101](#)**



3.30 Any tariff used must be able to be programmed into hackney carriage vehicle meters and so the setting of tariffs is usually carried out in conjunction with representatives of the companies who produce, programme and update meters. The two local companies responsible for setting hackney carriage meters have confirmed that the proposed fares are workable.

**4. Next steps and review**


4.1 Once finalised, the proposed new tariffs will be advertised locally, as required by the relevant legislation and on Buckinghamshire Council’s website.

4.2 Following the statutory 14-day consultation period, a key decision report will be submitted to the Cabinet Member which will include the views of this committee and any consultation responses. A decision on this issue is currently scheduled on the forward plan to be made on or after the 15<sup>th</sup> November 2023.

4.3 If approved, the amended tariffs would be implemented as soon as possible following the decision, depending upon the availability of the meter companies to reprogramme taximeters.

## 5. **Financial implications**

5.1 This paper covers the financial implications from the proposals. These implications impact Hackney Carriage providers only and not Buckinghamshire Council. There are therefore no financial implications on the council's budgets or MTFP.

<b>BUCKINGHAMSHIRE COUNCIL</b> <b>HACKNEY CARRIAGE MAXIMUM AUTHORISED</b> <b>FARES AND CHARGES</b> <b>From 18<sup>th</sup> August 2022</b>		
<b>Tariff 1: 06:00 – 23:00 Monday to Saturday</b> <b>(i) At any time when Hackney Carriage is carrying five or more passengers use Tariff 2</b> <i>By Distance:</i> For the first 124 yds (113.4.1 metres) or part thereof: £3.50 For every other 192 yds (175.6 metres) or part thereof: .20 Waiting time. For every 40 seconds or part thereof: .20	<b>EXTRA CHARGES</b> Hiring commencing away from Hackney Carriage Rank/Stand: £1.00  Soiling of vehicle: £50.00 (not shown on taximeter)	
<b>Tariff 2: 23:00 – 06:00 Monday to Saturday plus:</b> <b>(i) Any hiring on a Sunday or on a Bank Holiday (other than those specified elsewhere)</b> <b>(ii) Any hiring between the hours 16:00 and midnight on Christmas Eve and New Year's Eve</b>  <i>By Distance:</i> For the first 1170 yds (1070 metres) or part thereof: £4.50 For every other 160 yds (146.3 metres) or part thereof: .30 Waiting time. For every 40 seconds or part thereof: .30		
<b>Tariff 3:</b> <b>(i) Any hiring on Christmas Day, Boxing Day and New Year's Day</b>  <i>By Distance:</i> For the first 700 yds (640.1 metres) or part thereof: £7.00 For every other 192 yds (175.6 metres) or part thereof: .40 Waiting time. For every 40 seconds or part thereof: .40		
<b>Rates will change between tariff bands at relevant times or dates as specified above</b>		
<b>If you have any complaints or comments about this vehicle or driver please contact the Licensing team at <a href="mailto:taxilicensing@buckinghamshire.gov.uk">taxilicensing@buckinghamshire.gov.uk</a></b>		

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## Proposed new tariff of maximum hackney carriage fares 2023

**Tariff 1: 06:00 – 23:00 Monday to Saturday**

- (i) **At any time when Hackney Carriage is carrying five or more passengers use Tarriff 2**

*By Distance:*

For the first 880 yds (804.67 metres) or part thereof:	£5.00
For every other 176 yards (160.93 metres) or part thereof	.20
Waiting time. For every 40 seconds or part thereof:	.20

**Tariff 2: 23:00 – 06:00 Monday to Saturday plus:**

- (i) **Any hiring on a Sunday or on a Bank Holiday (other than those specified elsewhere)**
- (ii) **Any hiring between the hours of 16:00 and midnight on Christmas Eve and New Years Eve**
- (iii) **At any time when Hackney Carriage is carrying five or more passengers use Tariff 3**

*By Distance:*

For the first 880 yds (804.67 metres) or part thereof:	£7.50
For every other 176 yards (160.93 metres) or part thereof	.30
Waiting time. For every 40 seconds or part thereof:	.30

**Tariff 3:**

- (i) **Any hiring on Christmas Day, Boxing Day and New Years Day**

*By Distance:*

For the first 880 yds (804.67 metres) or part thereof:	£10.00
For every other 176 yards (160.93 metres) or part thereof	.40
Waiting time. For every 40 seconds or part thereof:	.40

**Extra charges**

Hiring commencing away from Rank	£1.00
Soiling of vehicle (maximum charge)	£100.00

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Tariff 1	Approximate hackney carriage fares £s					Tariff 2 50% T1	Approximate hackney carriage fares £s					Tariff 3 50% T2	Approximate hackney carriage fares £s				
	0.5 mile	1 mile	2 mile	5 mile	10 mile		0.5 mile	1 mile	2 mile	5 mile	10 mile		0.5 mile	1 mile	2 mile	5 mile	10 mile
<b>Buckinghamshire Council</b> (August 2022)	4.3	5.3	7.1	12.7	21.9	11pm to 6am Sun & Bank hol 4pm to mid Christmas Eve and NYE	4.5	5.6	8.9	18.8	35.3	Christmas, Boxing and NY Day.	7.4	9.2	12.88	23.88	42.2
Proposal	5	6	8	14	24		7.5	9	12	21	36		10	12	16	28	48
% change	16%	13%	13%	10%	10%		67%	61%	35%	12%	2%		35%	30%	24%	17%	14%
<b>Cherwell</b> (Nov 2022)	3.6	4.8	7.2	14.4	26.4	10pm to 6am Sun & Bank hols	4.14	5.42	7.98	15.66	28.46	Christmas Eve 9pm to 6am 27 Dec NYE 9pm to 6am 2 Jan	5	7	11	23	43
% difference to BC proposal	-28%	-20%	-10%	3%	10%		-45%	-40%	-34%	-25%	-21%		-50%	-42%	-31%	-18%	-10%
<b>West Norhants</b> (17 Oct 2022)	2.4	4.8	7.2	14.4	26.4	11pm to 5am Sun & Bank hols	3.6	6.6	9.6	18.6	33.6	6pm 24 Dec to 5am 27 Dec. 8pm NYE to 5am 2 Jan.	4.8	9.6	14.4	28.8	52.8
% difference to BC proposal	-52%	-20%	-10%	3%	10%		-52%	-27%	-20%	-11%	-7%		-52%	-20%	-10%	3%	10%
<b>South and Vale</b> (1st Oct 2022)	5.4	5.4	8.1	16.2	29.7	11pm to 2am Sun & Bank Hols 8pm to mid Christmas and NY Eve.	6.7	6.7	10.2	20.7	38.2	2am to 6am Christmas, Boxing and NY Day.	7.25	7.25	11.25	23.25	43.25
% difference to BC proposal	8%	-10%	1%	16%	24%		-11%	-26%	-15%	-1%	6%		-28%	-40%	-30%	-17%	-10%
<b>South Oxfordshire</b> (1st Oct 2022)	5.4	5.4	8.1	16.2	29.7	11pm to 2am Sun & Bank Hols 8pm to mid Christmas and NY Eve.	6.7	6.7	10.2	20.7	38.2	2am to 6am Christmas, Boxing and NY Day.	7.25	7.25	11.25	23.25	43.25
% difference to BC proposal	8%	-10%	1%	16%	24%		-11%	-26%	-15%	-1%	6%		-28%	-40%	-30%	-17%	-10%
<b>Milton Keynes</b> (August 2022)	4.32	5.28	7.2	14.4	26.4	10pm to 6am Sun & Bank hols	5.28	6.38	8.58	16.54	29.8	Christmas eve 10pm to 6am 27 Dec. NYE 10pm to 6am	7.92	9.68	13.2	23.04	39.45
% difference to BC proposal	-14%	-12%	-10%	3%	10%		-30%	-29%	-29%	-21%	-17%		-21%	-19%	-18%	-18%	-18%
<b>Three Rivers</b> (25 July 2022) NB proposed changes pending	3	3.66	6.53	16.31	32.61	9.30pm to 6am Bank hols	3.5	4.16	7.03	16.51	33.1	NYD, NYE from 8pm and Boxing Day 50% increase (Christmas day double fare)	5.25	6.24	10.55	24.77	49.65
% difference to BC proposal	-40%	-39%	-18%	17%	36%		-53%	-54%	-41%	-21%	-8%		-48%	-48%	-34%	-12%	3%

<b>Dacorum</b> (31 May 2022)	<b>4.1</b>	<b>5.3</b>	<b>7.7</b>	<b>14.9</b>	<b>26.9</b>	11pm to 7am Sun & Bank hols 6pm to mid Christmas and NY Eve	<b>4.94</b>	<b>6.42</b>	<b>9.38</b>	<b>18.26</b>	<b>33.06</b>	Christmas, Boxing and NY Days	<b>6.6</b>	<b>8.6</b>	<b>12.6</b>	<b>24.6</b>	<b>44.6</b>
% difference to BC proposal	-18%	-12%	-4%	6%	12%		-34%	-29%	-22%	-13%	-8%		-34%	-28%	-21%	-12%	-7%
<b>Wokingham</b> (4 April 2022)	<b>3.4</b>	<b>5.2</b>	<b>8.13</b>	<b>16.93</b>	<b>31.6</b>	10.30pm to 6am Bank hols Christmas and NYE 6pm to 10.30pm	<b>5.1</b>	<b>7.8</b>	<b>12.2</b>	<b>25.4</b>	<b>47.4</b>	Christmas Eve and NYE after 22:30. Christmas day and NYD. Boxing Day until 6am 27 Dec.	<b>6.8</b>	<b>10.4</b>	<b>16.26</b>	<b>33.86</b>	<b>63.2</b>
% difference to BC proposal	-32%	-13%	2%	21%	32%		-32%	-13%	2%	21%	32%		-32%	-13%	2%	21%	32%
<b>Windsor &amp; Maidenhead</b>	<b>6</b>	<b>6</b>	<b>6.63</b>	<b>13.36</b>	<b>24.58</b>	11pm to 6am Bank Hols	<b>9</b>	<b>9</b>	<b>9.95</b>	<b>20.04</b>	<b>36.87</b>	N/a					
% difference to BC proposal	20%	0%	-17%	-5%	2%		20%	0%	-17%	-5%	2%						
<b>Local average excluding BC</b>	<b>4.18</b>	<b>5.09</b>	<b>7.42</b>	<b>15.23</b>	<b>28.25</b>		<b>5.44</b>	<b>6.58</b>	<b>9.46</b>	<b>19.16</b>	<b>35.41</b>		<b>6.36</b>	<b>8.25</b>	<b>12.56</b>	<b>25.57</b>	<b>47.40</b>
% difference to BC proposal	-16%	-15%	-7%	9%	18%		-27%	-27%	-21%	-9%	-2%		-36%	-31%	-21%	-9%	-1%

It is important to note that none of the other authorities appear to have adopted new fares since at least 2022.



## Report to Licensing Committee

**Date:** 7<sup>th</sup> November 2023

**Title:** Hackney carriage and private hire licensing annual review

**Author(s):** Simon Gallacher, Principal Licensing Officer

### Recommendations:

1. To note the contents of this report.

### 1. Background

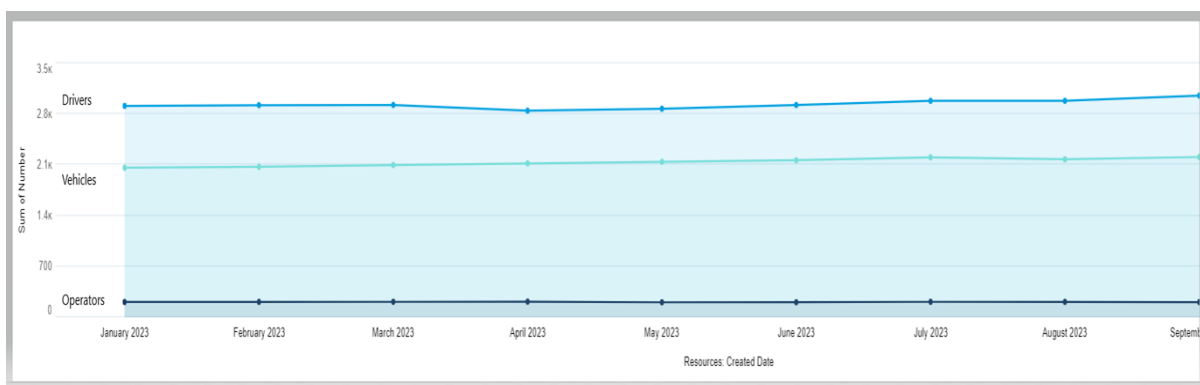
- 1.1 Prior to service alignment and the implementation of the Council's new hackney carriage and private hire licensing policy, (the "Policy"), the Licensing Service committed to providing reports to the Licensing Committee related to service delivery and Policy impact. This is the second annual report, focusing on the period 1 October 2022 through to 30 September 2023.
- 1.2 The report provides 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.
- 1.3 The report also contains an overview of hackney carriage and private hire related matters on the horizon that are likely to impact the service and the trade over the coming year.
- 1.4 Financial considerations such as income, expenditure and other budgetary matters have been excluded from the report. A separate report is being prepared for consideration by the Licensing Committee later in the year and this information will form the basis for licence fee review.

### 2. Main content of report

#### Licence applications

- 2.1 The number of licences in place has remained fairly constant over the last year for drivers, vehicles and operators. The graph below shows the number of granted

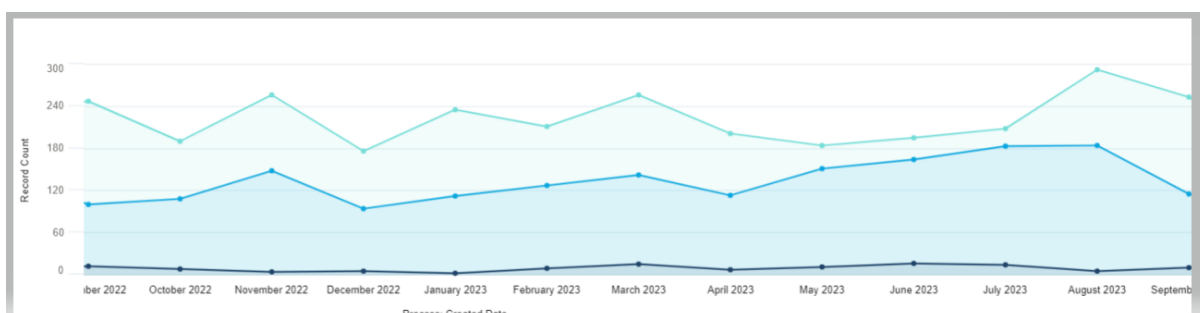
licences in effect over time from January 2023 through to the end of September 2023.



2.2 On 30<sup>th</sup> September 2023 Buckinghamshire Council had:

- 3053 licensed drivers
- 2208 licensed vehicles:
  - 335 hackney carriage
  - 1734 private hire and
  - 139 private hire executive
- 209 licensed private hire operators.

2.3 The number of application received each month fluctuates with the highest peak of applications in August. Most applications are received for vehicles, which are granted for one year, drivers, which are usually granted for 3 years and operators, which are granted for 5 years. The table below shows the fluctuations in applications received per month for the 12-month period starting October 2022.



2.4 Appendix 1 shows details of vehicle, driver and operator driver applications outcomes by month for the reporting period.

### Vehicles

2.5 The Council granted a total of 2348 hackney carriage and private hire vehicle licences during the period, compared to 2162 for the same period last year, an increase of 9%. Just over half of the applications received were from applicants renewing their vehicle licence, 54%.

- 2.6 31 vehicles were refused compared to 45 for the same period last year. The service is receiving less applications for vehicles with category S insurance write off status which is likely to be one reason for the reduction in refusals. Also, the minor amendment to the policy to allow greater discretion on tinted windows is also likely to have reduced the need to refuse as many vehicle licence applications. The number of rejected vehicle licence applications has fallen considerably, 137 compared to 321 last year. This is in a large part due to refinement of the online application process which helps support applicants to submit the correct documents first time. 33 applications were later withdrawn which is comparable to 37 in the previous year.
- 2.7 In accordance with the Council's Cabinet performance reporting requirements, the Licensing Service aims to process vehicle applications and issue the licence and plates within 10 working days from the date a valid application is received. This excludes incomplete applications where documents are missing or applications that require further investigation before a decision can be made. Over the reporting period the average processing time has been 5 working days (5.25).

#### **Drivers**

- 2.8 The Council granted a total of 1283 applications for hackney carriage and private hire driver licences during the reporting period, an increase of 27% from the same period last year where 1013 applications were granted. The majority of applications are received from drivers applying for new licences, around 66%, although this figure will also include previous drivers who have allowed their licence to lapse before reapplying for a new licence.
- 2.9 16 driver applications were refused, the same as the previous year, the grounds for which are summarised in the table shown as Appendix 2. 172 applications were rejected, an increase from 120 the previous year. As reported back in June, this appears to be mostly attributable to applicants failing to pay the application fee at the end of the online application process. Applicants who fail to make payment are given 48 hours to make payment, with an automatic reminder sent to them after 24 hours. If the application fee remains unpaid the application is automatically rejected. As the process is now fully automated through the Council's online and back-office application system, there is no intervention required by officers in the process. 36 were withdrawn compared to 11 for the same period last year.
- 2.10 Whilst there is no formal performance indicator set for driver applications, the Licensing Service aims to process all valid applications within 10 working days, unless the application needs to be passed to an officer for investigation and a decision. Over the reporting period the average processing time has been 5 working days (4.78 days).

## **Operators**

- 2.11 The Council granted a total of 51 applications, a decrease of 26% from the 69 granted for same period last year. 75% of applications received were from operators applying for new licences. A significant number of applications were rejected, 47, similar to the figure of 46 rejected for same period last year. This is mainly attributable to applicants abandoning the online application which shows as a rejected application. 3 applications were withdrawn, and 2 applications were refused on the grounds summarised below.
- 2.12 In March 2023 an applicant was refused an operator licence on the basis that they had been dishonest with officers during the application process and failed to demonstrate a suitable level of maturity and responsibility to be considered fit and proper to hold a licence. A second applicant was refused an operator licence in August 2023 on historical grounds and an extensive history of poor behaviour when previously licensed with one of the legacy Buckinghamshire District Councils.
- 2.13 The Licensing Service does not currently have a specified period to determine operator applications. Operator applications are considerably more complex than vehicle and driver applications and generally require a site visit and additional enquiries before an application can be granted so the determination period is usually longer than for vehicles and drivers.

## **Enforcement overview**

- 2.14 In addition to determining applications, the Licensing Service regulates taxi and private hire operations through reactive and proactive activity. Reactive work is usually in response to incident reports and complaints received from members of the public, other agencies within and external to the Council, and from members of the taxi and private hire trade. Proactive work is typically pre-arranged activities, often based on intelligence, and may involve targeting locations and/or activities such as large events, areas used by the potentially vulnerable such as schools, or specific operations such as “plying for hire” and multi-agency visits.
- 2.15 Complaints received are recorded in various categories. Since the previous reporting period the number of categories has increased to provide a more comprehensive overview of the nature of complaints being received. The additional categories now include accidents, discrimination, fare disputes and public health. 335 complaints were received by the Licensing Service during the reference period in relation to hackney carriage and private hire matters. A summary of complaints received by category are as follows:

Category	Number of complaints
Accident	17
Behaviour	69
Discrimination	7
Driving standards	91
Fare disputes	29
Licensing issue	11
Parking	65
Public health	7
Safeguarding	12
Vehicle condition	27

2.16 The licence service also records investigations, which are recorded separately to complaints. These are matters of concern that are not reported as complaints but warrant further investigation by Council officers. Investigations are typically instigated because of:

- Concerns identified during the application process.
- Licence holders self-reporting, such as convictions and accidents.
- Pro-active enforcement by Council officers.
- Reports received by various sources of intelligence such as the police and other Council departments.

2.17 In the reporting period, 116 investigations had been instigated in respect of drivers, vehicles and operators (less than the 144 instigated for the same period last year). Of the 116 total investigations instigated, 81 were in respect of drivers and 25 related to operators and 10 related to vehicles. 97 of these investigation have been completed and 19 remain open pending further enquiries.

2.18 For the current reporting period 20 drivers had their licences revoked , a summary of the grounds for revocation is provided in Appendix 3.

2.19 During the reporting period, officers from the Licensing Service have continued to conduct reactive and proactive enforcement visits. Officers have:

- Conducted regular vehicle checks at school premises during drop-off/pick up times, working with colleagues from the Client Transport team.

- Undertaken pro-active high visibility “walkabouts” in town centre areas and performed observations at hackney carriage ranks across the county.
- Engaged in joint enforcement activities at the British Grand Prix at Silverstone, working with colleagues from West Northants and Milton Keynes councils.
- Worked with colleagues from Milton Keynes, conducting checks on vehicles and drivers working in the Milton Keynes area.
- Joined colleagues from Thames Valley Roads Policing on at least 5 occasions, conducting compliance and safety spot checks on over licensed 50 vehicles.
- Monitored taxi and private hire activity at Penn Fest and Oktoberfest.

### **Appeals**

- 2.20 Further to the enforcement report of 14<sup>th</sup> June 2022, which detailed 3 appeal hearings heard during the reference period, a further 3 appeals have been determined during the period 1<sup>st</sup> April to 30<sup>th</sup> September 2022.
- 2.21 On 24<sup>th</sup> April 2023, the Magistrates dismissed a driver’s appeal against the revocation of his licence on the basis of a conviction for driving without insurance and failure to inform Buckinghamshire Council of his conviction. The Council were awarded £2000 towards costs.
- 2.22 In June 2023, Buckinghamshire Council agreed to allow a driver’s appeal by way of Consent Order against the refusal of his application on the basis of a previous conviction for a motoring mobile use offence. The exceptional circumstances of the case merited a departure from the Council’s usual policy and officers were satisfied that the driver did not represent a risk.
- 2.23 On 7<sup>th</sup> June 2023, the Magistrates dismissed an appeal against the revocation of a vehicle licence as a result of the driver failing to comply with court directions. The licence had been revoked on the basis that the licence holder was under investigation for serious offences. The Council were awarded costs £1238.11.
- 2.24 Additionally, a driver who was previously reported as losing his appeal on 27<sup>th</sup> February 2023 but had lodged an appeal to the Crown Court has now withdrawn his appeal to the Crown Court and the matter is concluded save for an application for the Council’s legal costs.

### **Service improvements and updates**

- 2.25 During the reporting period, the Licensing Service have made some important changes to working practices to improve service delivery as set out below.



### **Vehicle testing centres**

- 2.26 In March 2023, a second garage in High Wycombe was approved to conduct vehicle compliance checks on before of Buckinghamshire Council and there are now 6 approved garages across the county.

### **Online DBS applications**

- 2.27 In September 2023, further changes were made to the DBS application procedure to allow the whole process to continue to take place fully online. In response to the Covid-19 pandemic the Home Office had relaxed ID checking rules, allowing these checks to take place online. This meant that drivers have been able to make their Enhanced DBS application online without having to produce supporting documents in person. The Disclosure and Barring Service have since confirmed that ID checking should return to the pre-Covid-19 arrangement. However, in other developments, Government approved organisations can now verify ID documents digitally on behalf of organisations submitting DBS applications. Consequently, this means that drivers can continue to apply fully online through the Council's service provider without the need to attend a document checking appointment.

### **Single application form**

- 2.28 In August 2023, a new streamlined taxi/private hire driver online application form was introduced. The new single application process replaces the previous 2-part application process. The 2-part process was introduced primarily to facilitate face-2-face DBS appointments, ensuring applicants submitted all the required documents to allow an enhanced DBS application to be made, before moving to the formal application stage at part 2. Since moving to online DBS applications last year, the application process has become far more efficient and the use of automated renewal reminders has significantly helped ensure applicants submit compliant applications from the outset. As a consequence, the service felt confident that a simplified single online application approach could be introduced. Since being introduced, the single application approach has proved successful, improving efficiency for both the trade and the licensing service.

### **Communication with the trade**

- 2.29 A new "[important information](#)" web page has been added to the council's licensing pages to alert taxi and private hire trade to important changes. Trade members are sent a text alert and link to the page, available here. This approach allows the service to convey important information to the trade efficiently, whilst not being restricted to character limits of usual text messages. The service also continues to distribute regular trade newsletters.
- 2.30 The [Taxi Working Group](#) continues to meet on a quarterly basis, involving trade representatives from the hackney carriage and private hire trade, council officers,

and other organisations such as the police. The group discusses a wide range of trade related issues, with a focus on working collaboratively to address those issues. Officers have also recently set up a new working group focusing specifically on how local taxi and private licensing arrangements can best provide for those with specific transport needs, such as wheelchair users.

### **Safeguard training**

- 2.31 Arrangements for booking mandatory safeguarding and disability awareness training have been handed over to the Council's chosen training provider. The course provider's booking page is integrated with the Council's website so drivers can see what dates and times are available in real time and book and pay accordingly. The course provider is able to monitor bookings directly so if need additional sessions can be arranged as and when needed to keep up with demand. Requiring drivers to pay directly to the supplier, rather than incorporating course fees into the licence fee, has led to a dramatic increase in attendance rates and significantly reduced waiting times for drivers needing to attend one of the sessions.

### **English language**

- 2.32 Since 6 September 2022, all drivers, including existing drivers applying to renew their licence, are required to evidence that they meet the Council's criteria for English language proficiency. Drivers are only required to demonstrate this once, either via attending an assessment with the Licensing Service's approved assessors, or by way of documentary evidence. A list of alternate qualifications is provided on the Council's [website](#).
- 2.33 An analysis of the first 6 months, September 2022 to February 2023, shows that 30% of applicants used the Council's approved assessment provider to demonstrate their English language proficiency. The remainder provided qualification certificates provided by other sources which the service has considered acceptable, the most popular being the grade 5, entry level ESOL speaking and listening qualification. All alternative qualification certificates are checked and verified by officers.

### **Legal changes**

- 2.34 **The Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022**

The mandatory use of the National Register of Refusals, Revocations and Suspensions (NR3S) took effect from April 2023. All licensing authorities are now required to actively use this database to search for drivers when an application is made and to record when a driver is refused, revoked or suspended. Previously, there was a non-mandatory database, which most licensing authorities, including Buckinghamshire, used to search for and record instances when a driver was refused an application or has a licence revoked. The new requirement will make this mandatory and also include instances when drivers are suspended.

## **Uber vs Sefton**

- 2.35 In July 2023, the High Court gave its judgment in the case of Uber Britannia Limited v Sefton Borough Council [2023] EWHC 1975 (KB) and held that an operator who accepts a private hire booking is required to enter as principal into a contractual obligation with the passenger to provide the journey which is the subject of the booking. This follows on from a decision of the Divisional Court, which considered the position in London. The High Court judgment looks at the different statutory framework applicable outside London. It is anticipated that the judgment will have far-reaching implications for PHV workers' rights and the business models of private hire operators in England, including liability for VAT and potential increases in fares. A response is expected from the private hire trade and potential legislative changes may follow as a result of this decision. One immediate response from the trade has been a call for private hire fares to be subject to zero-rated VAT as with other forms of public transport.

## **Horizon**

- 2.36 There are a number of matters that are likely to impact the licensed trade over the coming 12 months and these are briefly high-lighted below:

### **Fee review**

- 2.37 A separate report is being prepared for consideration by the Licensing Committee later in the year with an update on the financial position of the taxi licensing service and this information will form the basis of any recommendation to changes to licence fee levels.

### **Fares**

- 2.38 A schedule of maximum hackney carriage fares was last agreed by the Council in August 2022. Hackney trade representatives are asking for a further increase to the maximum fares and this request is subject to a separate report to be presented to the Licensing Committee.

### **Best practice guidance and policy review**

- 2.39 An updated version of the Department for Transport's "Taxi and private hire vehicle licensing: best practice guidance" is still awaiting publication following widespread consultation on its content in early 2022. The draft version is significantly longer than the previous version published in 2010, and contains several significant suggestions, including:

- All licensing authorities should develop and maintain an Inclusive Service Plan.
- No upper age limit for vehicles (with potentially more frequent testing).
- To allow factory fitted tinted windows.

- Minimal livery for private hire vehicles (to distinguish them from hackney carriages).

Whilst the guidance is non-statutory, it would be appropriate for the Council to consider its own Policy content in light of the revised guidance and determine whether changes are necessary. However, given the ongoing uncertainty when the final version will be published the service is now considering whether it may be more appropriate to instigate a review of the Policy regardless of publication of the final version of the Best Practice Guidance.

#### **Taxi rank review**

- 2.40 The Licensing Service has continued to review rank provision across the county but is not currently outsourcing this work to an external third party. The work is being carried out by officers, working with trade representatives and passenger user groups to identify how rank location and provision can best serve the travelling needs of local community.

### **3. Next steps and review**

- 3.1 The Licensing Service will continue to provide update reports to the Licensing Committee in a format and at a frequency agreed by Committee Members.

### **4. Other options considered**

None.

### **5. Legal and financial implications**

- 5.1 Legal services have had the opportunity to review, comment and contribute to reports as appropriate.
- 5.2 The preparation of this report presents no additional costs to the Council.

### **6. Corporate implications**

- 6.1 Protecting the vulnerable – protecting the vulnerable and passenger safety are key aims of the taxi and private hire licensing regime. Reporting of information relating to the regulation of hackney carriage and private hire operations to the Licensing Committee, provides an opportunity for additional scrutiny to ensure the protection of the vulnerable is at the centre of Council decision making.

6.2 Property – N/A

6.3 HR – N/A

6.4 Climate change – N/A

6.5 Sustainability – N/A

6.6 Data – N/A

6.7 Value for money – the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum whilst also ensuring that the provision of the service is cost neutral.

**Key documents:**

Buckinghamshire Council's [Hackney Carriage and Private Hire Licensing Policy](#).

Department for Transport, [Statutory Taxi & Private Hire Vehicle Standards](#)

Licensing Committee report 1<sup>st</sup> February 2023, [Hackney Carriage and Private Hire Annual Review](#)

Licensing Committee report 14<sup>th</sup> June 2023, [Hackney Carriage and Private Hire Enforcement update](#).

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Taxi New/Renewal Outcomes Oct 2022 - Sept 2023

Completed Date ↑	Grouped Status → Licence Record Type ↑	Granted	Refused	Rejected	Withdrawn	Other	Total
		Record Count	Record Count	Record Count	Record Count	Record Count	Record Count
October 2022	Taxi Driver Licence	37	1	1	2	0	41
	Taxi Operator Licence	3	0	0	0	0	3
	Taxi Vehicle Licence	62	0	2	0	0	64
November 2022	Taxi Driver Licence	120	2	19	2	1	144
	Taxi Operator Licence	9	0	2	0	0	11
	Taxi Vehicle Licence	238	0	17	5	1	261
December 2022	Taxi Driver Licence	116	0	4	3	0	123
	Taxi Operator Licence	3	0	3	0	0	6
	Taxi Vehicle Licence	186	4	11	3	0	204
January 2023	Taxi Driver Licence	91	0	7	4	0	102
	Taxi Operator Licence	4	0	0	1	0	5
	Taxi Vehicle Licence	213	8	22	2	0	245
February 2023	Taxi Driver Licence	100	2	10	3	0	115
	Taxi Operator Licence	3	0	2	0	0	5
	Taxi Vehicle Licence	168	4	6	1	0	179
March 2023	Taxi Driver Licence	104	0	21	6	1	132
	Taxi Operator Licence	2	1	7	0	1	11
	Taxi Vehicle Licence	232	2	12	7	0	253
April 2023	Taxi Driver Licence	88	0	8	0	0	96
	Taxi Operator Licence	3	0	4	0	0	7
	Taxi Vehicle Licence	177	3	11	2	1	194
May 2023	Taxi Driver Licence	114	0	13	4	0	131
	Taxi Operator Licence	1	0	6	0	0	7
	Taxi Vehicle Licence	225	3	7	3	0	238
June 2023	Taxi Driver Licence	139	1	23	3	2	168
	Taxi Operator Licence	6	0	8	2	0	16
	Taxi Vehicle Licence	204	0	11	2	0	217
July 2023	Taxi Driver Licence	115	2	20	3	0	140
	Taxi Operator Licence	2	0	8	0	0	10
	Taxi Vehicle Licence	122	2	12	4	0	140
August 2023	Taxi Driver Licence	140	5	26	3	1	175
	Taxi Operator Licence	4	1	1	0	0	6
	Taxi Vehicle Licence	223	2	13	1	0	239
September 2023	Taxi Driver Licence	119	3	20	3	0	145
	Taxi Operator Licence	11	0	6	0	0	17
	Taxi Vehicle Licence	298	3	13	3	1	318
<b>Total</b>		<b>3682</b>	<b>49</b>	<b>356</b>	<b>72</b>	<b>9</b>	<b>4168</b>
<b>Totals</b>							
	Drivers	1283	16	172	36	5	1512
	Operators	51	2	47	3	1	104
	Vehicles	2348	31	137	33	3	2552

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## Appendix 2 – drivers refused licence between October 2022 and September 2023

<b>Driver 1 Oct 2022</b>	Renewal driver refused licence with ABH conviction. Failed to disclose arrest. Previous history of various motoring offences.
<b>Driver 2 Nov 2022</b>	New licence refused. Convictions for possession of class A drugs with intent to supply.
<b>Driver 3 Nov 2022</b>	New licence refused. Conviction for Battery. Failed to disclose offence on application.
<b>Driver 4 Feb 2023</b>	Renewal licence refused. Applicant failed to meet Group 2 medical standards.
<b>Driver 5 Feb 2023</b>	New licence refused. Multiple historic offences involving violence, theft and dishonesty.
<b>Driver 6 June 2023</b>	New licence refused. Conviction and caution for Battery. Failed to disclose on application.
<b>Driver 7 July 2023</b>	Renewal licence refused. Conviction for motor insurance offence, involving licensed vehicle. Failed to disclose conviction. Dishonesty.
<b>Driver 8 July 2023</b>	Renewal application refused. Medical condition. Driver prohibited from driving under Group 2 medical standards.
<b>Driver 9 August 2023</b>	Renewal application refused. Convictions for plying for hire, accepting booking without operator licence and using motor vehicle without third party insurance. Failed to notify convictions at the time or on renewal application.
<b>Driver 10 August 2023</b>	New application refused. Offences for outraging public decency and under Public Order Act. Revocation of licence with another authority for sexual offences involving a passenger. Previous warning for breach of licence condition. Failed to disclose information on application.
<b>Driver 11 August 2023</b>	New application refused. Motoring offence diving without motor insurance.
<b>Driver 12 August 2023</b>	New application refused. Motoring offences driving without a licence (licence had been revoked for previous offences), using a vehicle without insurance, and failure to provide identity of driver (MS9).
<b>Driver 13 August 2023</b>	New application refused. Convictions for assault by beating an emergency worker and using threatening abusive words/behaviour or disorderly behaviour likely to cause harm and distress. Motoring offence using vehicle without third party insurance.
<b>Driver 14 Sept 2023</b>	New application refused. Multiple motoring offences: use of mobile phone while driving and speeding.
<b>Driver 15 Sept 2023</b>	New application refused. Motoring offence, mobile phone use while driving.
<b>Driver 16 Sept 2023</b>	New application refused. Various convictions: failed to stop vehicle for an officer, possession of illegal drug. Totting up offence, 12 DVLA points. Failed to disclose offences.

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Appendix 3 – drivers revoked for the period 1<sup>st</sup> October 2022 to 30 September 2023

1	IN10 conviction, driving without the appropriate insurance. Council policy stipulates a rehabilitation period of 7 years for insurance offences.
2	Medical condition. Driver prohibited from driving under Group 2 medical standards. Revoked with immediate effect.
3	Motoring offence: CU80, (mobile phone use). Failed to disclose offence at time. Previous CU80 offence in 2017. Previous warning and 4 penalty points issued by licensing for dangerous driving in 2018.
4	Motoring offences: accumulation of 9 DVLA penalty points, SP30 (speeding, 59mph in 30 mph zone) and MW10 (Contravention of special road regulations, stopped to take a non-emergency phone call on the motorway hard shoulder). Failed to declare offences.
5	Motoring offences: accumulation of 9 DVLA penalty points. ID10 (Driving without due care and attention points), crossed path of oncoming vehicle resulting in injury to member of the public. Previous SP30 (speeding offence) in 2021. Licence revoked with immediate effect.
6	Careless driving - vehicles damaged and people injured. Immediate Revocation -
7	Motoring offences. 9 DVLA points. SP30 – driving at 59mph in 30mph zone (6 points). MW10 – illegally stopped on motorway. Failed to notify.
8	Under arrest and under investigation for serious offences (sexual offences and money laundering). Licence revoked with immediate.
9	Driver used taxi to inflict injury on another driver and drove recklessly damaging another licensed vehicle. Revoked with immediate effect.
10	Driver took passenger to wrong destination and used threatening language and aggressive behaviour. Previous complaint of poor driving and aggressive behaviour. Responsible for instigating violence and aggression at a taxi rank which resulted in another driver being seriously injured. Failed to notify on arrest. Revoked with immediate effect.
11	Complaint of rude behaviour, overcharging and unsafe driving. Found to be driving unlicensed vehicle. Previous history of various motoring offences. Failed to notify to two other recent speeding offences.
12	Arrested for possession of indecent image of a child. Failed to notify of arrest in time. Revoked with immediate effect.
13	Conviction for illegal plying for hire. Two previous advisory letters for alleged poor driving and failing to wear badge.
14	Conviction for mobile use offence while in control of a vehicle. Failed to notify within 48 hours.
15	Conviction for mobile use offence while in control of a vehicle.
16	Accumulation of 9 DVLA points. Three SP30 offences in 2 years. Warned after second offence. Failed to notify of third offence.
17	Not medically fit to drive due to heart condition. Revoked with immediate effect.
18	Accumulation of 9 DVLA points. Three SP30 offences in 6 months. Under investigation for a fourth speeding offence. Previously warned about speeding and driving conduct.

19	Conviction for driving motor vehicle without insurance. Failed to notify of offence. Previous history of warnings related to driving and failure to notify of motoring offences.
20	Driver's DVLA licence was surrendered following an accident. No longer authorised to drive. Licence revoked with immediate effect.