

6 June 2018

Committee	Licensing
Date	Thursday, 14 June 2018
Time of Meeting	2:30 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



Item	Page(s)
3. DECLARATIONS OF INTEREST	
<p>Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.</p>	
4. MINUTES	1 - 4
<p>To approve the Minutes of the meetings held on 8 February and 15 May 2018.</p>	
5. REVIEW OF HACKNEY CARRIAGE TARIFF	5 - 9
<p>To approve the renewal of the current hackney carriage tariff until 31 July 2019.</p>	
6. LICENSING GENERAL UPDATE	10 - 13
<p>To consider the progress made regarding reviews of existing licensing policies and recent changes to licensing legislation that is likely to have a significant impact on Council resources.</p>	

DATE OF NEXT MEETING
THURSDAY, 18 OCTOBER 2018
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: K J Berry, G F Blackwell, G J Bocking, J E Day, A J Evans, R Furolo, R E Garnham (Chair), P A Godwin, J Greening (Vice-Chair), R M Hatton, A Hollaway, A S Reece, H A E Turbyfield, M J Williams and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 8 February 2018 commencing at
2:30 pm**

Present:

Chair
Vice Chair

Councillor R E Garnham
Councillor J Greening

and Councillors:

K J Berry, G F Blackwell, A J Evans, R Furolo, P A Godwin, R M Hatton, A Hollaway,
A S Reece, H A E Turbyfield, M J Williams and P N Workman

LIC.9 ANNOUNCEMENTS

9.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

10.1 Apologies for absence were received from Councillors G J Bocking and J E Day.
There were no substitutions on this occasion.

LIC.11 DECLARATIONS OF INTEREST

11.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of
Conduct which was adopted by the Council on 26 June 2012 and took effect from
1 July 2012.

11.2 There were no declarations made on this occasion.

LIC.12 MINUTES

12.1 The Minutes of the Licensing Committee meeting held on 15 June 2017, the
Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting
held on 25 July 2017 and the Licensing Sub-Committee (Street Trading and
Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held
on 21 July, 26 October and 16 November 2017, copies of which had been
circulated, were approved as correct records and signed by the Chair.

LIC.13 REVIEW OF STREET TRADING POLICY

13.1 Attention was drawn to the report of the Licensing Officer, circulated at Pages No.
27-53, which asked Members to approve a minor amendment to the Street Trading
Policy.

13.2 Members were informed that the Local Government (Miscellaneous Provisions) Act
1982 allowed local authorities to adopt provisions to control street trading in their
areas. Tewkesbury Borough Council had adopted provisions to designate a
number of streets in the Borough as "prohibited streets" where street trading could

not take place; all other streets in the Borough had been designated as “consent streets”. The Council’s Street Trading Policy provided guidance to applicants, Officers, Members and the general public on the way in which the Council controlled street trading in the borough. It also aimed to ensure consistency and fairness in the Council’s decision-making process. It was good practice for all policies to be subject to periodic review to ensure they remained relevant and appropriate; as the Street Trading Policy had been adopted in 2011 it was considered prudent that it be reviewed. The Licensing Officer explained that only one amendment was proposed in relation to the inclusion of a definition of “Prime Sites”. The definition had been taken from the Street Trading Consent Fees 2013 document and was highlighted at Paragraph 2.3 of the Policy, attached at Appendix 1 to the report. Members were asked to approve the minor amendment.

- 13.3 A Member drew attention to the street trading consent application form, attached at Pages No. 43-48 of the report. She was very surprised there was no requirement for applicants to undergo background checks given that they could be in regular contact with children e.g. street traders selling ice cream / hot dogs etc. The Licensing Officer clarified that there was no statutory requirement for street trading applicants to undergo a Disclosure and Barring Service (DBS) check, although some licensing authorities did require a basic DBS disclosure. He undertook to carry out some research with a view to incorporating this into the policy for applicants depending on their likely contact with children. The Head of Community Services pointed out that any further amendments would be subject to public consultation and, in response to a Member query, he confirmed there was no reason this could not be done in advance of the next Committee meeting.

- 13.4 It was subsequently

RESOLVED

1. That the minor amendment to the Street Trading Policy at Paragraph 2.3 be **APPROVED**.
2. That consideration be given as to whether it would be appropriate to require applicants to undergo a basic Disclosure and Barring Service (DBS) check, depending on their likely contact with children, and that a report be brought back to the Licensing Committee meeting in June.

LIC.14 LICENSING AUDIT ACTION PLAN

- 14.1 The report of the Environmental Health Manager, circulated at Pages No. 54-67, provided an update on the internal audit of the Council’s licensing function. Members were asked to consider the action plan to address the issues identified in the audit.
- 14.2 The Environmental Health Manager advised that an internal audit of the Council’s licensing functions had been carried out in October 2017. The internal audit report had made a number of recommendations, attached at Appendix A to the report, predominantly relating to procedural improvements to the administration of the various licensing regimes. An action plan had subsequently been put in place to deliver the recommendations and this was attached at Appendix B to the report. Members were advised that the majority of issues were administrative e.g. how software programmes such as Uniform were used to record data. One of the issues related to Lifting Operations and Lifting Equipment Regulations (LOLER) which required a range of equipment to undergo a certification process to ensure that things could be lifted safely. This applied to licensed vehicles that were adapted to lift disabled access vehicles; currently, there was no requirement in the Hackney Carriage and Private Hire Licensing Policy for LOLER certificates to be submitted so this was a recommendation of the internal audit and had been included in the action plan.

14.3 In response to a query, the Head of Community Services advised that, historically, a reactive approach had been taken in terms of responding to complaints about licensed premises; however, it was good practice to have a programme of inspections to ensure they were complying with conditions. It was intended to visit all licenced premises in the borough over the course of one year and assign them a risk rating. The majority of premises were expected to be low or medium risk – an example of a high risk premises was a nightclub which could accommodate 2,000-3,000 people who would potentially all be leaving at the same time in the early hours of the morning and there was nothing like this within Tewkesbury Borough. A programme of inspections would be compiled based on the risk ratings which would ensure that premises were visited at least once every two to three years. It was noted that the Environmental Health team already visited premises to carry out food inspections but it was important that they were also assessed from a licensing perspective.

14.4 A Member indicated that the action plans received by the Overview and Scrutiny Committee used a smiley face system to give a visual indication as to how they were progressing and she asked that something similar be used in these reports going forward. It was subsequently,

- RESOLVED**
1. That the action plan to address the issues identified by the licensing internal audit be **NOTED**.
 2. That the action plan be amended to incorporate a smiley face system to give a visual indication of progress and that updates be brought to the Licensing Committee going forward.

LIC.15 SEPARATE BUSINESS

15.1 On a proposal from the Chair, it was

- RESOLVED** That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.16 SEPARATE MINUTES

16.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 21 July, 26 October and 16 November 2017, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 2:55 pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 15 May 2018 commencing at 6:15 pm**

Present:

Chair
Vice Chair

Councillor R E Garnham
Councillor J Greening

and Councillors:

K J Berry, G F Blackwell, J E Day, R Furolo, P A Godwin, R M Hatton, A Hollaway, A S Reece,
H A E Turbyfield and P N Workman

LIC.1 ELECTION OF CHAIR

1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.

1.2 It was proposed and seconded that Councillor R E Garnham be nominated as Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor R E Garnham be elected as Chair of the Licensing Committee for the ensuing Municipal Year.

LIC.2 APPOINTMENT OF VICE-CHAIR

2.1 Councillor R E Garnham took the chair and invited nominations for Vice-Chair of the Committee.

2.2 It was proposed and seconded that Councillor J Greening be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor J Greening be appointed as Vice-Chair of the Licensing Committee for the ensuing Municipal Year.

The meeting closed at 6:20 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	14 June 2018
Subject:	Review of Hackney Carriage Tariff
Report of:	Gordon Buchanan, Environmental Health Manager
Corporate Lead:	Peter Tonge, Head of Community Services
Lead Member:	Cllr J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

The current hackney carriage tariff was set by the Licensing Committee on 15 June 2017 and came into effect on the 31 July 2017.

The Licensing Committee has resolved that a review of the hackney carriage tariff be carried out on an annual basis. The hackney carriage tariff is therefore due to be reviewed.

Recommendation:

To APPROVE the renewal of the current hackney carriage tariff until 31 July 2019.

Reasons for Recommendation:

The proprietors of the hackney carriages licensed by the Council were all consulted and have not requested any amendments and therefore there is not considered to be a case for amending the tariff at the present time.

Resource Implications:

The costs involved in carrying out the legal process to advertise any amendment to the tariff would be met from existing resources.

Legal Implications:

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary a table of fares for hackney carriages in the area.

Risk Management Implications:

None.

Performance Management Follow-up:

If the Committee resolve to amend the tariff, there will be a need to carry out the legal process required to vary the table of fares for hackney carriages and notify all the proprietors of hackney carriages.

Environmental Implications:

None.

1.0 BACKGROUND

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary maximum tariffs for hackney carriages in the area.
- 1.2 The tariffs are the maximum that the proprietor of a hackney carriage may legally charge a passenger for a journey. There is no requirement for the hackney carriage driver to charge the maximum amount, and they are free to charge a lower amount if they so wish.
- 1.3 Currently, there are two hackney carriage vehicles licensed by Tewkesbury Borough Council. The current tariffs came into effect on 31 July 2017 and this is shown in **Appendix A**.
- 1.4 Tariff one currently operates between 7am and 11pm each day (excluding Sundays). Tariff two currently operates between 11pm and 7am each day and on Sundays and public holidays.
- 1.5 The “flag charge” is the initial amount that a passenger is charged for hiring a hackney carriage vehicle, irrespective of the distance subsequently travelled on the journey.
- 1.6 The “flag distance” is how far the hackney carriage travels before additional cost is incurred by the hirer over and above the flag charge.
- 1.7 The “running mile” cost is the amount per mile that a passenger has to pay, once the journey is underway and the flag distance has been completed.
- 1.8 When a hackney carriage vehicle is stationary whilst hired, the amount charged is calculated by time rather than distance. The amount charged as “waiting time” is the amount that a passenger is liable to pay when a hired vehicle is stationary.
- 1.9 The “additional charges” are those that hackney carriage drivers are permitted to levy in respect of specific factors relating to journeys undertaken in the vehicle.
- 1.10 When comparing hackney carriage fares between districts, the comparison is usually drawn based on the cost of a two mile journey, as this has been deemed to be the average distance undertaken by someone hiring a hackney carriage.

2.0 PROCEDURE TO BE FOLLOWED IF THE TARIFFS ARE AMENDED

- 2.1** When varying the tariffs there is a statutory requirement to publish the proposal in the form of a Notice, specifying the day (the specified date) on which it will come into force, in at least one local newspaper and allow 14 days for any objections to be made. During that period a copy of the Notice must be available for inspection at the Council Offices at all reasonable hours.
- 2.2** If no objections are received, or all of the objections are withdrawn, then the variation will come into effect on the specified date. However, if objections are not withdrawn, the Council must consider them and set a date, no later than two months when the tariffs shall come into effect with or without amendment.
- 2.3** If any objections are made, Members will need to consider the Human Rights Act 1998 at that stage, in particular Article 1 of the First Protocol regarding protection of property which extends to the hackney carriage drivers' business.

3.0 ECONOMIC FACTORS

- 3.1** There has not been a significant sustained increase in fuel prices in the South West region since the last tariff was reviewed in June 2017. It is also important to acknowledge that fuel is not the only economic factor affecting the proprietors of licensed hackney carriage vehicles. According to the Office of National Statistics, the Consumer Price Inflation (CPI), which is the Government's target measure of inflation, was at 2.4% in April 2018. This is similar to 2.3% in April 2017.

<https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/april2018>

4.0 OTHER OPTIONS CONSIDERED

- 4.1** The Committee may decide to make amendments to the existing tariff; however, given that none of the proprietors of the hackney carriages licensed by the Council have requested that any amendments are made, this is not considered appropriate.

5.0 CONSULTATION

- 5.1** All licensed proprietors of hackney carriages were contacted in May 2016 inviting them to make suggestions regarding amending the current tariff. The proprietors advised that they did not wish any changes to be made to the tariff at this stage.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1** None.

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1** DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

8.0 RESOURCE IMPLICATIONS (Human/Property)

- 8.1** None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 9.1** None.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 10.1 Consideration of the Human Rights Act 1998 as shown in 2.3 above.
- 10.2 Allowing taxi drivers to charge for the carriage of dogs could potentially give rise to discrimination against those that are aided by an assistance dog. Such a charge would also be unlawful in accordance with the Equality Act 2010.
- 10.3 Allowing taxi drivers to charge for the carriage of wheelchairs, walking frames or other similar mobility aids could potentially give rise to discrimination against individuals with certain disabilities.
- 10.4 Therefore the tariff makes clear that no additional charges can be made for carrying assistance dogs, wheelchairs, walking frames or any similar mobility aids.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 11.1 Review of Hackney Carriage Tariff, Licensing Committee 17 June 2015.
Review of Hackney Carriage Tariff, Licensing Committee 16 June 2016
Review of Hackney Carriage Tariff, Licensing Committee 15 June 2017.

Background Papers:	DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.
Contact Officer:	Gordon Buchanan, Environmental Health Manager 01684 2720117 gordon.buchanan@teWKesbury.gov.uk
Appendices:	A – Current Tariff.



AUTHORISED FARE CARD

To be displayed prominently in each Hackney Carriage

LICENCE NO: *

VEHICLE REG. NO: *

FOR THE CARRIAGE OF * PASSENGERS

If a fare has not been agreed in advance, a driver is entitled to engage his meter at the point of hire.

Mileage

Rate 1 – For hiring between 7am and 11pm (not Sundays)

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£2.60
- b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....25p
- Waiting time – for each 1 minute or part thereof.....35p

Rate 2 – For hiring between 11pm and 7am including Sundays and Public Holidays

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£3.60
- b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....30p
- Waiting time – for each 1 minute or part thereof.....35p

Additional Charges

- For each passenger over 1 per journey or part thereof.....50p
- For each item of luggage carried in the luggage compartment of the vehicle.....25p
(up to a maximum of £1)
- For each bicycle carried.....50p
- For each animal carried.....50p
- (No charge may be made for carrying assistance dogs, wheelchairs, walking frames or any other similar mobility aids)*

Conditions of Hiring

1. The charges printed are the maximum permitted to be charged for each journey within the Borough of Tewkesbury.
2. Intoxicated or troublesome persons carried at the driver's discretion.

Check the tariff and the total sum demanded with the taximeter.

In the event of any dispute please ask for a detailed receipt showing the taxi licence number and driver's badge number.

In case of a complaint, please write to: The Licensing Officer, Tewkesbury Borough Council, The Council Offices, Gloucester Road, Tewkesbury, GL20 5TT.

Email: licensing@tewkesbury.gov.uk

IT IS AN OFFENCE TO CAUSE OR PERMIT ANY ALTERATION TO THIS CARD.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	14 June 2018
Subject:	Licensing Update
Report of:	Gordon Buchanan, Environmental Health Manager
Corporate Lead:	Peter Tonge, Head of Community Services
Lead Member:	Cllr J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

This report seeks to provide members with an update of current licensing work that is being carried out by Community Services. Specifically that relating to:

- Review of Hackney Carriage (Taxi) and Private Hire Policy.
- Public Consultation on Review of Mobile Homes and Caravan Sites Licensing Policy.
- Changes to Houses in Multiple Occupation Legislation.
- Changes to Animal Welfare Legislation
- Consultation on the inclusion of a requirement for Disclosure and Barring Service (DBS) checks within the Council's Street Trading Policy.

Recommendation:

To CONSIDER the progress made regarding reviews of existing licensing policies and recent changes to licensing legislation that is likely to have a significant impact on Council resources.

Reasons for Recommendation:

To update Members on timescales for review of existing policies and the strategic planning taking place in order to manage the impacts of recent changes to licensing legislation.

Resource Implications:

There are no resource implications at this stage, as the actions as described are a function of Community Services and carried out within existing resources. The legislative changes to HMO Licensing and Animal Welfare legislation is predicted to place significant extra burdens on the Council. Workload planning is currently ongoing to confirm the extent of the extra burdens and what impacts these will have on Council resources.

Legal Implications:

In relation to this report there are no legal implications.

All legal implications are detailed in the reports accompanying each subject matter.

Risk Management Implications:

None.

Performance Management Follow-up:

A further update will be provided at Licensing Committee in October.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1** This report seeks to update and inform Members of work that is being carried out by Community Services in relation to, the review of existing licensing policies and the impacts of forthcoming legislative changes.

2.0 REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY

- 2.1** A wholesale review of the Hackney Carriage (Taxi) and Private Hire Policy is currently underway. It had been intended to bring a draft review to this Committee for approval prior to going out for public consultation. Cheltenham Borough Council and Gloucester City Council have, however, raised concerns regarding the disparity between Tewkesbury Council's policy and their policies. Cheltenham in particular have advised that they have received feedback from taxi operators licensed by them, that taxis licensed in Tewkesbury Borough Council are operating in Cheltenham and these taxis meet slightly different standards than those licensed by Cheltenham Borough Council.
- 2.2** A meeting has been arranged with both Cheltenham Borough Council and Gloucester City Council for the 20 June, with a view to identifying the discrepancies between the policies and considering how the individual policies can be aligned.
- 2.3** Following this meeting a revised draft policy will be brought to the Licensing Committee on 18 October 2018.

3.0 PUBLIC CONSULTATION ON REVIEW OF MOBILE HOMES AND CARAVAN SITES LICENSING POLICY

- 3.1** A draft revised Mobile Homes and Caravan Sites Policy was presented to Licensing Committee on the 13 October 2016. It was agreed at this Committee that the policy would be sent out for a twelve week public consultation. The government subsequently confirmed that they would be reviewing park homes law in 2017. As the results of this review could potentially impact upon the revised Mobile Homes and Caravan Sites Policy, the consultation was held in abeyance pending the outcomes of the review.

- 3.2** The Park Homes review was carried out in 2017/18 and was split into two parts.
Part 1 Call For Evidence: Consultation ran from 12/04/17 – 27/05/17
Summary of Responses was published on 27/11/17
<https://www.gov.uk/government/consultations/review-of-park-homes-legislation-call-for-evidence>
- 3.3** Part 2 Call for Evidence: Consultation ran from 28/11/17 until 16/02/18
Summary Of responses was published on 25/05/18
<https://www.gov.uk/government/consultations/review-of-park-homes-legislation-call-for-evidence-part-2>
The final conclusions and recommendations based on the consultation have yet to be published.
- 3.4** Where there are recommendations within the final conclusions that impact on the previously presented draft revised Mobile Home and Caravan Policy, the policy will be amended accordingly and the revised report re-presented to Committee for further approval, prior to public consultation. Where no such amendments are necessary then the draft as previously agreed will be sent out for public consultation.
- 4.0 CHANGES TO HOUSES IN MULTIPLE OCCUPATION (HMO) LEGISLATION**
- 4.1** Houses in Multiple Occupation (HMO) which required mandatory licensing were previously defined as residencies that were three storeys or above that were occupied by five or more persons from two or more separate households.
- 4.2** The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, revokes and replaces the 2006 Order which originally defined mandatory licensable HMOs. In doing so it tightens the definition of a mandatory licensable HMO to include properties that are two storeys or above. This new definition applies from 1 October 2018.
- 4.3** The new definition will have a significant effect on the number of HMOs that require licensing across Tewkesbury Borough. Under the current regime there are 4 HMOs currently licensed. It is expected with the changes that the number of properties will rise significantly and the eventual number could exceed 100.
- 4.4** A countywide group is currently considering the implications of the changes due to the introduction of the 2018 Order. Strategies for identifying the number of new HMOs which will require to be licensed by October are being developed together with a charging scheme that adequately reflects the costs of licensing HMOs under the 2018 Order.
- 5.0 CHANGES TO ANIMAL WELFARE LEGISLATION**
- 5.1** The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force on the 1 October 2018. These Regulations review and reform the pet licensing controls and update the licensing system for dog breeding, pet sales, riding establishments and animal boarding establishments. They also modernise the system for animal exhibits, which are currently regulated under the Performing Animals Act 1925. The regulations bring in minimum standards for animal welfare across the areas detailed above and also bring into scope activities that were not previously regulated by local authorities.

5.2 The exact extent of the changes and potential impact upon Tewkesbury Borough Council through increased regulatory responsibilities is not immediately clear at this stage. The Government's impact assessment based on the new regulations predicts each Local Authority could see a 700% increase in licensable dog breeding establishments and a 25% increase in other animal activities such as pet sales, riding establishments and animal boarding establishments.

5.3 Statutory Guidance is due to be released in September 2018 which will help to clarify the new licensing regime under these regulations. Initial analysis of the regulations indicates that there will be a significant increase in licensed activities.

6.0 CONSULTATION ON THE INCLUSION OF A REQUIREMENT FOR DBS CHECKS WITHIN THE COUNCIL'S STREET TRADING POLICY

6.1 At the Licensing Committee on 8 February 2018 the Committee asked officers to consider including DBS checks for street traders in the Street Trading Policy. Following the Committee, Officers considered several street trading policies from different authorities and confirmed that a number of authorities included the requirement that street trading licence applicants presented a DBS check at the time of application. Inclusion of this requirement would be considered a significant change in the Street Trading Policy and, as such, a consultation document is currently being prepared which will be sent out for public consultation in early July. The results of this consultation will be reported back to the October Licensing Committee.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 N/A

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 N/A

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 N/A.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 N/A

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 N/A

Background Papers: None

Contact Officer: Gordon Buchanan, Environmental Health Manager
01684 2720117 gordon.buchanan@tewkesbury.gov.uk

Appendices: None.