

# TEWKESBURY BOROUGH COUNCIL

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

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**Background Papers:** None

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**Appendices:** None.