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14 October 2016

To: All Councillors

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend the meeting on **Monday 24 October 2016 at 6.00 pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a stylized flourish at the end.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence.

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

3. MINUTES OF LAST MEETING

19 July 2016

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

	Page Nos
<p>5. SCRAP METAL LICENSING POLICY - REVIEW</p> <p>To consider and approve the proposed revisions to the Scrap Metal Dealer Licensing Policy and Guidance document with effect from 1st November 2016. Also, to consider publication of the final document on the District Council's website and distribution to consultees/licence holders.</p>	3 - 24
<p>6. REVIEW OF ANIMAL ESTABLISHMENTS LICENSING</p> <p>To receive a report summarising the responses to a consultation launched by DEFRA at the end of 2015 on the review of animal licensing establishments in England.</p>	25 - 28
<p>7. HOME OFFICE AND DCMS STATISTICS – ALCOHOL AND LATE NIGHT REFRESHMENT LICENSING 2015/2016 AND ENTERTAINMENT LICENSING 2015/2016</p> <p>To receive a report summarising information published by the Home Office on 29 September detailing the alcohol and late night entertainment statistics for England and Wales for the period 1 April 2015 to 31 March 2016.</p>	29 - 37
<p>8. REVIEW OF TAXI LICENSING POLICY</p> <p>To consider an update on the review of the District Council's Taxi and Private Hire Licensing Policy and the officer's recommendation that a 12-week consultation exercise be carried out from 14 November 2016. Any comments received during this exercise will be incorporated into the draft Policy and brought to a future meeting of the Committee. Also, to receive a petition from 24 licensed drivers as a response to the earlier consultation.</p>	38 - 43
<p>9. LICENSING SERVICE PLANNING 2017/18</p> <p>To note the progress on the Licensing Service Plan targets for 2016/2017 and to consider the suggested priorities for 2017/2018.</p>	44 - 47
<p>10. LICENSING SERVICE REVIEW – PROGRESS REPORT</p> <p>To receive an update on the progress of the Licensing Service Review and to consider the recommendation that the Licensing Manager and Head of Regulatory Services continue to explore the potential for a shared licensing service with other local authorities within Derbyshire.</p>	48 - 61

Members of the Committee: Councillors Jennifer Bower, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Steve Flitter, Helen Froggatt, Alyson Hill, Angus Jenkins (Vice Chair), Tony Millward BEM, Jean Monks (Chairman), Joyce Pawley, John Tibenham.

LICENSING AND APPEALS COMMITTEE
24 OCTOBER 2016

Report of the Head of Regulatory Services

SCRAP METAL LICENSING POLICY - REVIEW

PURPOSE OF REPORT

This report proposes revisions to the District Council's Scrap Metal Dealer Licensing Policy and Guidance document, first introduced in November 2013, and updated in March 2014.

Although the Scrap Metal Dealers Act does not require the adoption of a formal licensing policy for scrap metal dealing, the publication of a simple document outlining the requirements of the Act and offering clear guidance to the Trade and to residents on how the District Council will deal with applications and enforcement issues, is considered good practice.

RECOMMENDATION

- 1) That the proposed revisions to the Scrap Metal Dealer Licensing Policy and Guidance document are approved with effect from 1st November 2016.
- 2) That the approved Policy document is made available on the District Council's website; and to consultees on the original Policy, all existing licence holders and any new applicants for licences.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 REVIEW OF POLICY AND GUIDANCE DOCUMENT

- 1.1 Changes are proposed to the current policy and guidance document, to take account of the 3-yearly renewal process, and the possible delays in applicants obtaining criminal record check certificates and other information required as part of the renewal process within the required timescale.
- 1.2 The scheme of delegations and application fees were revised at the March 2014 meeting of this Committee, when the current policy document was approved. It was reported that the document would be kept under review and revised as necessary.

1.3 The current document does not provide advice about the licence renewal process. It is proposed that the policy document is amended to deal with this issue and the suggested amendments are made in section 12a on page 9 of the draft revised policy produced in **Appendix 1**.

1.4 As the revisions are administrative and procedural it is not considered necessary to formally consult with the list of original consultees detailed on page 3 of the Policy. However, if the revisions are agreed, the revised document should be made available to all of those consultees and to existing licence holders and any new applicants for licences. It will also be published on the District Council's website.

2 RISK ASSESSMENT

2.1 Legal

The Council's Policy in this matter underpins the decision making process and ensures that our administration of this function has a robust basis. Ensuring that the Policy is up to date enables the Council to manage the risks of delivering this service for the Communities served, for those involved in the trade and for the Council as an organisation. Therefore the legal risk is low.

2.2 Financial

There are no financial risks directly arising from this report other than officer time.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

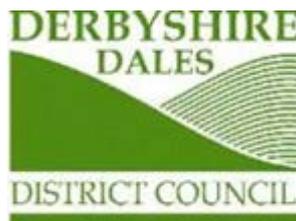
Eileen Tierney, Licensing Manager
Telephone: 01629 761374; Email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

None.

6 ATTACHMENTS

Appendix 1 – Draft Revised Policy and Guidance Document



SCRAP METAL DEALER LICENSING POLICY AND GUIDANCE

Licensing Section
Regulatory Services
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

Telephone: 01629 761313
Email: licensing@derbyshiredales.gov.uk
Website: derbyshiredales.gov.uk

Adopted March 2014
(Revised November 2016)

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1. Introduction

The Scrap Metal Dealers Act 2013 ('the Act') was passed on 28 February 2013 and came into effect on 1 October 2013. Full enforcement powers came into force on 1 December 2013.

This new legislation repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 that dealt with motor salvage operators. By incorporating both the vehicle salvage and scrap metal industries under the same regulatory regime, this removes the need for separate registrations, avoiding duplication and unnecessary burden on business.

Derbyshire Dales District Council ("the Council) is acting as the Licensing Authority under the Scrap Metal Dealers Act 2013 and is responsible for granting site licences and collector's licences to businesses and individuals dealing in scrap metal and vehicle dismantling in the Derbyshire Dales.

The Act does not make it a requirement for licensing authorities to publish a formal scrap metal licensing policy, but it is seen as good practice.

This Policy document summarises the requirements of the Act. It also explains to new applicants, existing licence holders, members of the public, elected members and other statutory authorities/bodies how Derbyshire Dales District Council will deal with applications for licences and the enforcement approach to be taken working in partnership with Derbyshire Constabulary.

The Act retains local authorities as the principle regulators, whilst giving them more robust powers to regulate these industries by allowing refusal to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'.

The Act requires the Secretary of State to carry out a review of the Act within 5 years of the commencement date (1 October 2013), and to publish a report of the conclusions of that review. The report must set out and assess the extent to which the objectives intended to be achieved by the Act, have been achieved, and to assess whether it is appropriate to retain or repeal the Act or any of its provisions to achieve those objectives.

The following bodies were consulted on the original Policy and Guidance Document:

- a) Derbyshire Constabulary
- b) The British Transport Police
- c) Derbyshire Fire and Rescue Service
- d) Derbyshire County Council – Planning
- e) The Council's Legal Section
- f) The Council's Environmental Health Section
- g) The Council's Community Safety Section
- h) The Council's Planning Section
- i) The Peak District National Park Authority - Planning
- j) Environment Agency
- k) Existing licence holders
- l) Relevant Trade Associations
- m) Town and Parish Councils & Parish Meetings

2. Background

The Act was introduced in response to the growth in metal theft offences, driven by the increased cost of metal worldwide. Many sectors have become victims of metal theft including national transport, residential buildings, churches and schools, along with electricity and telephone links.

In December 2012, the Government introduced changes that prohibited cash payments for scrap metal and amended the powers of entry by the Police into unregistered scrap metal sites.

3. Definition of a Scrap Metal Dealer

The definition of a scrap metal dealer, although specified in the legislation, is wide, and varies according to individual circumstances. Generally, where the sale of metal is incidental to the main type of work or business undertaken then a licence will not be needed. In the case of most tradesmen such as plumbers and electricians and some skip hire firms the sale of scrap metal is not an integral part of their business and they will not require to be licensed as a scrap metal dealer. However, where the material deposited in a skip contains significant amounts of scrap metal (such as skips used where there is demolition activity or sites at engineering manufacturing establishments or plumbers' yards) then the skip hire company will generally require a scrap metal dealer's licence.

The definition of scrap metal does not include second hand goods, i.e. jewellers or businesses trading in second hand gold and silver jewellery/products are not required to be licensed under the new Act.

Some Operators may argue that they are dealing with second hand motor vehicles rather than breaking up vehicles for scrap to avoid the ban on buying scrap metal for cash. If a Certificate of Destruction (COD) has been issued then clearly this would indicate the vehicle is scrap. Where a certificate is not issued, factors such as whether the car has a valid MOT, is driveable without repair and also whether the dealer has facilities for repairing vehicles and a history of selling vehicles would indicate that they are likely to be classed as second hand goods.

A person carries on a business as a scrap metal dealer if:

- a) They carry on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- b) They carry on a business as a motor salvage operator

A person who manufactures articles is not regarded as selling scrap metal if the metal is sold only as a by-product of manufacturing articles or as surplus materials not required for manufacturing.

A person carries on a business as a motor salvage operator if:

- a) Recovering salvageable parts from motor vehicles for re-use or sale and selling the remainder of the vehicle for scrap
- b) Buying written off vehicles, repairing and reselling them
- c) Buying or selling motor vehicles which are to be the subject of any of the activities mentioned in (a) or (b)

d) Involved wholly or mainly in activities falling within paragraphs (b) and (c).

4. Definition of Scrap Metal

- (a) Any old, waste or discarded metal or metallic material, and
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last owner as having reached the end of its useful life.

Platinum and a range of other rare metals now being used in catalytic convertors are included within the above definition.

Scrap metal does not include:

- (a) Gold
- (b) Silver, and
- (c) Any alloy of which 2 per cent or more by weight is attributable to gold or silver

5. Types of Licence

A licence is required in order to carry on a business as a scrap metal dealer. Licences will be granted for a period of three years. Trading without a licence is a criminal offence.

There are two types of licence specified in the Act:

- Site Licence

A site licence authorises the licence holder to carry on a business at any site in the Council's area which is identified in the licence. A site licence holder can transport metal from third party businesses by arrangement from any other local council area providing it is in the course of the business from that site. A site licence holder cannot regularly engage in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door in the area they are licensed or elsewhere, as this would constitute carrying on a business as a mobile collector. It would be acceptable to collect by arrangement, for instance where a motor salvage operator is asked to transport a damaged vehicle from an address to their site.

It is not possible to hold both a mobile collector's licence and a site licence from the same Council.

If a site licence holder uses self-employed mobile collectors to collect scrap metal which will be processed by the site, each collector would need a collector's licence.

A site is defined in the Act as any premises used in the course of carrying on a business as a scrap metal dealer (whether or not metal is kept there).

- Collector's Licence

A collector's licence authorises the licensee to carry on a business as a mobile collector only in the licensing authority's area that issues the licence . A separate licence is needed for each Council area that a mobile collector wishes to operate in. A mobile collector can dispose of or sell scrap metal in any council area regardless of whether a collector's licence is held for that area.

A mobile collector will need a licence to buy or sell any scrap metal collected. Even if the material is provided free of charge, a licence is required in order to sell it on. The definition of a scrap metal dealer includes any person who "carries on a business which consists wholly or partly in buying or selling scrap metal".

A mobile collector's licence will cover any employees working for that business. If they are not employed directly by that mobile collector's business and are self-employed, they will need their own collector's licence even if they are collecting metal from the same van as a person who has a mobile collector's licence.

Mobile collectors and site licence holders need to ensure they comply with relevant environmental legislation and regulation when carrying out their business.

All licences will be issued for a period of 3 years, and renewal applications must be received before the expiry of the existing licence. The Licensing Authority has powers to vary, refuse, revoke or attach conditions to licences.

6. Suitability of Applicant

The Council must determine whether the applicant is a suitable person to carry on a business as a scrap metal dealer.

In determining whether a company is a suitable person the Council will have regard to any director, secretary or shadow director of that company.

In determining this, the authority may have regard to any information which it considers to be relevant, in particular:

- a) Whether the applicant or any site manager has been convicted of any relevant offence*;
- b) Whether the applicant or any site manager has been the subject of any relevant enforcement action;
- c) Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
- d) Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- e) Any previous revocation of a scrap metal licence (and the reasons for the revocation);
- f) Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

*The list of relevant offences is attached at Appendix D

A Basic Criminal Record Disclosure Certificate must be provided as part of the application. These certificates must not be more than three months old at the time of application. These checks are available from Disclosure Scotland, contact telephone number 03000 2000 40 or by emailing info@disclosurescotland.co.uk for an application form. An on-line application can be made via the website disclosurescotland.co.uk.

The Council acknowledges that some applicants may be making applications in several licensing areas; therefore a certified copy of a disclosure certificate will be accepted. Derbyshire Dales District Council will accept a certified copy of a disclosure certificate signed by a Licensing Officer from another Local Authority. Details of the Licensing Authority should be written on the certified disclosure.

The Council may also consult Derbyshire Constabulary regarding the suitability of an applicant.

7. Supply of information by the Council

The local authority must supply information to any of the following persons who requests it for the purposes relating to this Act:

- a) Any other local authority
- b) The Environment Agency
- c) A police officer

8. Application Procedure

Application forms are available on the Council's website (derbyshiredales.gov.uk) or by contacting the Council's Licensing Team:
tel: 01629 761313, email: licensing@derbyshiredales.gov.uk.

Application Forms must be submitted with the appropriate fee and a current Basic Disclosure Certificate. The disclosure certificate should generally not be more than 3 months old at the time an application is made for a scrap metal dealer's licence.

The Licensing Team will check details supplied of environmental permits, waste carrier licences etc. Applicants should make sure that any licences they have been issued with by the Environment Agency and/or other statutory bodies are current, before making an application for a licence.

If the Council proposes to refuse, revoke or vary an application, it will give the applicant notice of the proposed decision. The applicant has 14 days in which to make written representations to the Council.

If the applicant does not make representation, the Council will refuse, revoke or vary the licence.

If representations are received from the applicant, then the application will be determined at a meeting of the Licensing and Appeals Sub-Committee.

In all cases of refusal, revocation or variation, a Decision Notice giving the Council's reasons will be sent to the applicant. The Notice will inform the applicant of the procedure for appeal at the Magistrates' Court.

9. Determination of application/issue of licence

Where the Council is satisfied that an applicant is a suitable person to hold a licence then it must issue a licence.

If an applicant or any site manager has been convicted of a relevant offence, the Council may include in the licence one or both of the following conditions:

- To limit the dealer to receiving any metal within the hours of 09.00 to 17.00 and
- That any scrap metal must be kept in the form in which it is received for a specified period of time, not exceeding 72 hours.

Where the Council is not satisfied that an applicant is a suitable person or a licence holder is no longer considered suitable, then the Council must consider refusing or revoking the application. These matters will be referred to the Licensing and Appeals Sub-Committee to be determined.

10. Appeals

An applicant may appeal to the Magistrates' Court against the Council's decision to refuse an application or a variation.

An existing licensee may also appeal to the Magistrates' Court against the inclusion on the licence of a condition under Section 3(8) of the Act, or a revocation or variation of a licence under Section 4 of the Act.

An appeal must be lodged within 21 days of receipt of the Council's Decision Notice.

On appeal the Magistrates' Court may confirm, vary or reverse the Council's decision and give such directions as it considers appropriate having regard to the provisions of the Act.

11. Revocation

The Council may revoke a scrap metal licence if it is satisfied the licence holder does not carry on a scrap metal business at any of the sites named on the licence.

The licence may also be revoked if the Council is satisfied the site manager named on the licence does not act as a site manager at any of the named sites on the licence.

The Council may revoke a licence if it is no longer satisfied the licence holder is a suitable person to carry on the business.

12. Variation of licence

Dealers can apply to vary a licence from a site licence to a collector's licence or vice versa. Variations are also required to reflect changes to:

- Name of licensee, site manager or sites on a site licence, or
- Name of licensee on a collector's licence

A variation cannot be used to transfer the licence to another person, only to amend the name of the existing licensee.

12a. Renewal of licence

Dealers will need to apply to renew a licence before the expiry date of the 3-year licence. The renewal application must be accompanied must be submitted with the appropriate fee and a current Basic Disclosure Certificate. The disclosure certificate should generally not be more than 3 months old at the time an application is made for a scrap metal dealer's licence.

In the event that an existing licence expires prior to the submission of a Basic Disclosure Certificate, the renewal application will be referred to a meeting of the Licensing and Appeals Sub-Committee to be determined.

13. Register of Licences

The Council is required to notify the Environment Agency of all licences issued in order that a national register can be maintained of all scrap metal dealers licences issued in England. The register will include the following information. This will be available to members of the general public:

- a) The name of the Council which issued the licence
- b) The name of the licensee
- c) Any trading name under which the licensee conducts business as a dealer
- d) The address of any site identified in the licence
- e) The type of licence (site or collector)
- f) The date the licence expires

14. Display of Licences

A site licence holder must display a copy of the licence in a prominent place that is accessible to the public, at each site identified on the licence.

A scrap metal dealer who holds a mobile collector's licence must display a copy of the licence on any vehicle that is being used in the course of the dealer's business so as to be read easily by a person outside the vehicle.

It is an offence not to comply with the above; Appendix C details the appropriate penalty.

A site licence holder may wish to carry a copy of the relevant site licence in their vehicle so they are not mistaken for an unlicensed mobile collector.

If a mobile collector holds several scrap metal licences, they must ensure that the correct licence is displayed when collecting in the relevant licensing council area. Failure to do so is an offence; (see Appendix C).

15. Notification of Convictions

All licence holders must inform the Council, in writing, if they are convicted of any relevant offence within 7 days of the date of conviction.

Conduct of Business

16. Verification of Supplier's identity

- a) A scrap metal dealer must not receive scrap metal from a person without verifying the person's full name and address.
- b) That verification must be by reference to documents, data or other information obtained from a reliable and independent source.

Any person failing to comply with the above will be guilty of an offence.

It is an offence for any person delivering scrap metal to give a false name or address.

A full list of all offences and penalties is detailed in Appendix C.

17. Payment for Scrap Metal

From 1 October 2013, cash cannot be used by any scrap metal dealer to buy scrap metal. **It is an offence to buy scrap metal for cash under section 12 of the Scrap Metal Dealers Act and there are no exceptions.**

Only payment by a non-transferable cheque or an electronic transfer of funds will be acceptable. This will mean that the payment will be linked to a readily identifiable account, for both the payee and the payer.

Cheque payments

Cheque payments are acceptable within the cashless operating model but this is limited to non-transferable ("crossed cheques") which are payable to a named individual or firm and not made out to cash. The money will be paid to the intended beneficiary of the cheque.

Electronic Transfers

The Act provides a clear focus on electronic transfers of money. This means that non-paper forms of payment such as direct debit, direct cards, BACS payments, faster payments, standing orders, credit transfers, on-line, phone and mobile banking are all acceptable forms of payment within the legislation. These methods of payment all provide the required traceability with a record of the transaction from the payer's account to the payee's account.

Re-loadable electronic-money products which are issued to a named account (which verified the customers identification) and undertakes full customer due diligence and “know your customer” checks under the Money Laundering Regulations are permitted. If scrap metal dealers are unclear whether an E-Money product undertakes full customer due diligence and “know your customer” checks they are strongly advised to make payment by other means.

The payment methods listed above ensure compliance with the Act. This list is not exhaustive. The electronic payments market is rapidly evolving with new products regularly entering the market.

Unacceptable methods of payment

Payment instruments which do not come within the methods above (non-transferable cheque or electronic transfer) and which provide anonymous or near cash alternatives are not acceptable within the legislation. This includes the use of postal orders, foreign currency, electronic vouchers, virtual currencies, mobile phone airtime credits, retailer, supermarket gift cards and vouchers. Single, re-loadable pre-paid debit cards and reloadable debit cards which are anonymous in nature and require only simplified due diligence under the Money Laundering Regulations are unacceptable.

Buying vehicles for cash

Whether a vehicle will be considered to be scrap (and may not therefore be bought with cash) depends on all the circumstances of the case, and may not always be clear-cut. If a Certificate of Destruction is issued, the car is considered to be scrap and a buyer must not pay cash for it. If a Certificate of Destruction is not issued, then it will depend on a number of other factors. For example, it may be argued that a car with a valid MOT certificate, that is driveable without repair is not scrap (therefore, a buyer may pay cash for it) regardless of the way in which the vehicle is subsequently handled by the buyer.

It is not possible to set out a precise checklist that can in every case guarantee to predict the decision a Court may make where illegal payment for cash for scrap metal is alleged.

Potential buyers should note that, if you elect to pay cash for an un-driveable vehicle that has no valid MOT certificate, you may have to justify, in court, your assessment of whether or not the vehicle can be repaired. There needs to be a genuine potential for repair for re-sale in order for cash to be used. Cash cannot simply be paid for everything on the basis a buyer might repair and resell if they have no facilities for repairing vehicles and no history of selling vehicles. Similar issues may arise for the purchase of other items and appliances.

Records to be maintained

18. Receipt of metal

A dealer must record the following information:

- a) The description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features
- b) The date and time of its receipt
- c) The registration mark of the vehicle delivering the scrap metal
- d) The name and address of the person delivering the scrap metal
- e) Full name of the person making the payment on behalf of the dealer

The dealer must keep a copy of all documentation used to verify the delivery person's name and address.

If payment is made by cheque, a copy of the cheque must be retained.

If payment is by electronic transfer a receipt or details of the transfer must be obtained.

19. Disposal of metal

19.1 Records must be kept showing the disposal of all scrap metal. Disposal under the Act covers the following:

- a) Whether or not it is in the same form in which it was received
- b) Whether or not the disposal is to another person
- c) Whether or not the metal is despatched from a site

19.2 Where the disposal is in the course of business under a site licence, the following must be recorded:

- a) The description of the metal, including its type (or types if mixed), form and weight
- b) The date and time of its disposal
- c) If the disposal is to another person, the full name and address of that person
- d) If the dealer receives payment for the metal (whether by way of sale or exchange), the price or other consideration received.

19.3 Where the disposal is in the course of business conducted under a collector's licence, the dealer must record:

- a) The date and time of the disposal
- b) If the disposal is to another person, the full name and address of that person.

20. Records: supplementary

All information recorded must be in a manner which allows the information and the scrap metal to which it relates to be easily identified.

All records of receipt must be marked so as to identify the metal to which they relate.

Records must be kept for a period of 3 years beginning on the day of receipt or disposal.

If a dealer fails to comply with the above then the dealer, site manager or person who had delegated authority will be guilty of an offence.

A dealer/site manager may have a defence if they can prove that they made arrangements to ensure that all requirements were fulfilled and took all reasonable steps to ensure that those arrangements were complied with.

21. Delegation of Authority

Decisions on licensing matters will be taken in accordance with the approved delegation of functions approved by Derbyshire Dales District Council. The approved Scheme of Delegations is listed in Appendix B.

22. Offences and Penalties

Offences relating to Scrap Metal dealing under the 2013 Act are detailed in Appendix C of this Policy.

23. Relevant Offences

A list of all relevant offences in respect of the Scrap Metal Dealers Act 2013 is detailed in Appendix D of this policy. (Regulations specify the offences).

ENFORCEMENT

Rights to enter and inspect – Scrap Metal Dealers Act 2013 (section 16)

- (1) A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time on notice to the site manager.
- (2) A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager, if
 - a) Reasonable attempts to give notice have been made and failed, or
 - b) Entry to the site is reasonably required for the purpose of ascertaining whether the provisions of the Act are being complied with or investigating offences under it and (in either case) the giving of the notice would defeat that purpose.
- (3) Subsections (1) and (2) above do not apply to residential premises.
- (4) A constable or an officer of the Council is not entitled to use force to enter premises in the exercise of the powers under subsections (1) and (2) above.
- (5) A Justice of the Peace may issue a warrant authorising entry to any premises within subsection (6) below if the Justice is satisfied by information on oath that there are reasonable grounds for believing that entry to the premises is reasonably required for the purpose of:
 - a) Securing compliance with the provisions of the Act, or
 - b) Ascertaining whether those provisions are being complied with.
- (6) Premises are within this section if:
 - a) The premises are a licensed site,
 - b) The premises are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of their business.
- (7) The warrant is a warrant signed by the Justices which:
 - a) Specifies the premises concerned, and
 - b) Authorises a constable or an officer of a local authority to enter and inspect the premises at any time within one month from the date of the warrant.
- (8) A constable or an officer of the Council may, if necessary, use reasonable force in the exercise of the powers under a warrant under subsection (5).
- (9) A constable or an officer of the Council may:
 - a) Require production of, and inspect any scrap metal kept at any premises mentioned in subsections (1) or (2) or in a warrant under subsection (5) of the Act;
 - b) Require production of, and inspect, any records kept in accordance with sections 13 or 14 of the Act and any other records relating to payment for scrap metal;
 - c) Take copies of or extracts from any such records.

- (10) Subsection (11) of the Act applies if a constable or an officer of the Council seeks to exercise powers under this section in relation to any premises.
- (11) If the owner, occupier or other person in charge of the premises requires the officer to produce
- a) Evidence of the officer's identity
 - b) Evidence of the officer's authority to exercise those powers
- the officer must produce that evidence.
- (12) In the case of an officer of the Council, the powers under this section are exercisable only in relation to premises in its own area.
- (13) Site licence holders whose site is also their residential premises may be required to produce all relevant records to the Council. A mutually convenient appointment will be arranged at least 7 days in advance.

Closure of unlicensed sites

A constable or an authorised local authority officer must be satisfied that the Premises (excluding residential premises) are being used by a scrap metal dealer in the course of his business without a licence.

A closure notice may be issued by a constable or local authority officer which states they are satisfied of the above, the reasons for that, that the constable or local authority may apply to the court for a closure order and specifies the steps which may be taken to ensure that the alleged use of the premises ceases.

The notice must be given to the person who appears to be the site manager of the premises and any person who appears to be a director, manager or other officer of the business in question. The notice may also be given to any person who has an interest in the premises.

The notice must be given to a person who occupies another part of any building or structure of which the premises form part and the constable or local authority believes at the time of giving the notice, that the person's access to that other part would be impeded if a closure order were made in respect of the premises.

After a period of 7 days the authorised officer may apply to a Justice of the Peace for a closure order.

The Court must be satisfied the premises will continue to be used by a scrap metal dealer, or there is a reasonable likelihood that the premises will be used.

A closure order will close the premises immediately, and the premises will remain closed to the public until the Council makes a termination of the order by certificate. The scrap metal dealer must cease his business immediately. It will require the defendant to pay a sum into the court, which will not be released until the person has complied with the requirements of the order.

Such an order may have a condition relating to the admission of people into the premises, or may include a provision the Court considers appropriate.

A copy of the order must be placed on the premises in a prominent position by the Council.

Once the requirements of the order have been complied with and the Council is satisfied the need for the order has ceased, a certificate may be made. This ceases the order and the sum of money paid into the court is released.

A copy of the certificate must be given to any person the closure order was made against, a copy will be forwarded to the court and a copy placed on the premises.

A copy must be given to anyone who requests one.

Anyone issued with a closure order may complain to a Justice of the Peace. The court may discharge the order, if it is satisfied there is no longer a need for a closure order.

The licensing authority may be required by the Court to attend and answer the complaint made.

Notice of the hearing must be given to all people issued with the closure order.

An appeal may be made to the Crown Court against:

- a) A closure order;
- b) A decision not to make a closure order;
- c) A discharge order, or
- d) A decision not to make a discharge order

Any appeal must be lodged within 21 days beginning on the day on which the order or decision was made.

Appeal a) and b) may be made by any person who was issued with an order.

Appeal c) and d) may be made by the Licensing Authority.

A person is guilty of an offence, if they allow the premises to be open in contravention of a closure order, without reasonable excuse, or fails to comply with, or contravene a closure order.

An authorised officer of the Authority may enter the premises at any reasonable time to ensure compliance with the order. They may use reasonable force if necessary. The officer must produce evidence of their identity or evidence of their authority to exercise the powers under the Act, if requested to do so.

Any enforcement action will be taken in accordance with the legislation and any guidance issued under that legislation, the Council's own Enforcement Policy and any other enforcement protocols that may be agreed with other agencies.

APPENDIX B

Subject	Act	Functions Delegated	Officer
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Approval, Renewal and/or Variation	Head of Regulatory Services/Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Refusal to grant where applicant has not made representation	Head of Regulatory Services/Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Refusal (where applicant has made representation), revocation and/or imposition of conditions	Licensing & Appeals Sub-Committee
Powers of entry and inspection	Scrap Metal Dealers Act 2013	Powers to enter and inspect premises under section 16 of the Act	Licensing Manager / Licensing Officer / All Environmental Health Officers / Environmental Health Technicians
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Service of Closure Notice section 9 and Schedule 2	Licensing Manager / Head of Regulatory Services / Principal Officer – Environmental Health
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Application to Magistrates' Court for Closure Order	Licensing Manager / Head of Regulatory Services / Principal Officer – Environmental Health / Head of Corporate Services
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Issue of Certificate to terminate Closure Order	Licensing Manager / Head of Regulatory Services / Principal Officer – Environmental Health
Institute Proceedings	Scrap Metal Dealers Act 2013	Institute Proceedings for offences under the Act	Head of Regulatory Services / Head of Corporate Services

OFFENCES AND PENALTIES

The following paragraphs are given as a guide only of the general offences and penalties. Independent legal advice should be sought for individual cases.

Offences relating to scrap metal dealing are described below under the relevant statute.

Section	Offence	Max Penalty
1	Carrying on the business as a scrap metal dealer without a licence	Level 5
8	Failure to notify the authority of any changes to details given with the application	Level 3
10	Failure to display site licence or collector's licence	Level 3
11 (6)	Receiving scrap metal without verifying persons full name and address	Level 3
11 (7)	Delivering scrap metal to dealer and giving false details	Level 3
12 (6)	Buying scrap metal for cash	Level 5
13	Failure to keep records regarding receipt of metal	Level 5
14	Failure to keep records regarding disposal of metal	Level 5
15 (1)	Failure to keep records which allow the information and the scrap metal to be identified by reference to one another	Level 5
15 (2)	Failure to keep copy document used to verify name and address of person bringing scrap metal, or failure to keep a copy of the cheque issued	Level 5
15 (3)	Failure to keep information and records for three years	Level 5
16	Obstruction to right of entry and failure to produce records	Level 3

Prescribed Relevant Offences under the Scrap Metal Dealers Act 2013

Primary Legislation

- a) An offence under section 1, 5 or 7 of the Control of Pollution (Amendment) Act 1989
- b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979(d), where the specific offence concerned relates to scrap metal
- c) An offence under section 110 of the Environment Act 1995
- d) An offence under sections 33, 34 or 24B of the Environmental Protection Act 1990
- e) An offence under section 9 of the Food and Environment Protection Act 1985
- f) An offence under section 1 of the Fraud Act 2006(h) where the specific offence concerned relates to scrap metal, or is an environment related offence
- g) An offence under section 146 of the Legal Aid, Sentencing and Punishment to Offenders Act 2012
- h) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002
- i) Any offence under the Scrap Metal Dealers Act 1964
- j) Any offence under the Scrap Metal Dealers Act 2013
- k) An offence under sections 1, 8, 9, 10, 11, 17, 18, 22 or 25 of the Theft Act 1968(a), where the specific offence concerned relates to scrap metal, or is an environment-related offence
- l) Any offence under Part I of the Vehicles (Crime) Act 2001
- m) An offence under sections 85, 202, or 206 of the Water Resources Act 1991

Secondary Legislation

- a) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- b) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010
- c) Any offence under the Hazardous Waste (England and Wales) Regulations 2005
- d) Any offence under the Hazardous Waste (Wales) Regulations 2005(g)
- e) An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002
- f) Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000
- g) Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007
- h) Any offence under the Transfrontier Shipment of Waste Regulations 1994
- i) Any offence under the Transfrontier Shipment of Waste Regulations 2007
- j) Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006
- k) An offence under regulation 42 of the Waste (England and Wales) Regulations 2011

For the purposes of section 3(3)(b) of the Scrap Metal Dealers Act 2013, “relevant offence” means any offence specified in the Schedule to these Regulations and includes an offence of:-

- a) Attempting or conspiring to commit any offence falling within the Schedule;
- b) Inciting or aiding, abetting, counselling or procuring the commission of any offence falling within the Schedule and

- c) An offence under part 2 of the Serious Crime Act 2007(a) (encouraging or assisting crime) committed in relation to any offence falling within the Schedule.

LICENSING AND APPEALS COMMITTEE
24 OCTOBER 2016

Report of the Head of Regulatory Services

REVIEW OF ANIMAL ESTABLISHMENTS LICENSING

PURPOSE OF REPORT

This report provides the Committee with the summary of responses received by the Department for Environment, Food and Rural Affairs (DEFRA), following a consultation on a proposed review of animal establishments licensing in England.

RECOMMENDATION

That the report be noted.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 SUMMARY

A summary of the responses to a consultation launched at the end of 2015 by DEFRA, on the review of animal licensing establishments in England, has now been published.

The consultation covered proposals to introduce new secondary legislation under the Animal Welfare Act 2006, as had been anticipated when the Act was originally enacted, which would introduce a single 'Animal Establishment Licence' for animal boarding establishments, pet shops, riding establishments, and dog breeding.

A response to the consultation was submitted by Officers, following the March 2016 meeting of this Committee.

DEFRA have reported that overall the responses were positive about updating the licensing system for animal establishments and over the next few months regulations will be drafted, taking into account the specific proposals and responses received.

2 REVIEW OF ANIMAL ESTABLISHMENTS LICENSING - THE CONSULTATION

- 2.1 Local authorities are required by law to issue licences for specific animal-related establishments and activities, with the aim of maintaining good standards of animal welfare. There is a registration requirement for performing animals, and licensing systems for pet shops, animal boarding, riding establishments and dog breeding.
- 2.2 At the March 2016 meeting of this Committee, a report was considered which detailed the consultation from DEFRA, on Government proposals to reform the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments.
- 2.3 The consultation document outlined how the current laws, and their specific requirements, (often decades old), are difficult to adapt to the changing types of animal-related businesses, and to new standards of good practice in animal welfare. It was reported that the current process is seen as complex and burdensome for both businesses and local authorities, with the primary legislation limiting licences to a calendar-year framework, therefore focussing inspections at the end of the year, and forcing some businesses with multiple functions to have as many as three separate licences.
- 2.4 DEFRA suggested changes that could relieve the administrative burden on local authorities, simplify the application and inspection process for businesses, as well as maintain and improve existing animal welfare standards by modernising the current animal licensing system in England.
- 2.5 The consultation also covered Government proposals to introduce new secondary legislation (regulations) under the Animal Welfare Act 2006, as had been anticipated when the Act was originally enacted. This proposed a single 'Animal Establishment Licence' for animal boarding establishments, pet shops, riding establishments, and dog breeding.
- 2.6 DEFRA considered that the consultation provided an opportunity for all interested parties to scrutinise and comment on the proposals, and, if needed, supply further evidence. It was intended that this would inform the final regulations that would be laid before Parliament.
- 2.7 A response prepared by officers to the consultation, was submitted to DEFRA following approval at the March 2016 meeting of this Committee.
- 2.8 The Chartered Institute of Environmental Health (CIEH)

The CIEH also submitted a response to the consultation and in general, supported the proposal for a single "Animal Establishment Licence" issued via newly created secondary legislation made under the Animal Welfare Act 2006.

- 2.9 The Institute's response included the following points:
- The new secondary legislation should consolidate and enable standard procedures, definitions, penalties, offences, powers of entry (both licensed and unlicensed premises), disqualification and revocation/suspension powers, regardless of the type of activity covered by the licence.

- Agreed with the proposal to promote and require the use of agreed Model Conditions to enable consistent application and enforcement by local authorities and assist businesses in being able to clearly see the standards that need to be met, but highlighted the need for model conditions to be regularly reviewed and updated by a group of experts, led and/or supported by DEFRA.
- Strongly disagreed with the proposal to set the statutory licensing threshold for dog breeders at three or more litters per year on the basis that it will not address the fundamental flaws of the current system.
- Agreed entirely with the proposal to allow licences to be issued for a fixed term, set at any point in the year, as this would allow local authorities to plan their workload with regards to animal establishment licences more effectively, resolve current issues of the availability of competent persons to undertake inspections at the end of the year and be more cost effective for business.

The CIEH's full response of the can be accessed via the following link: http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUKEwib3LrkmNfPAhVHJ8AKHbhdAuQQFghQMAg&url=http%3A%2F%2Fwww.cieh.org%2FWorkArea%2FDownloadAsset.aspx%3Fid%3D58981&usq=AFQjCNHtGiIKYa4EpLuOO_qFwL_O64IaiQ

2.10 Summary of responses received to the consultation

In September 2016 DEFRA produced a summary of the responses received to the Consultation. A total of 1,709 responses to the consultation had been received. Of these, 1,386 were substantive responses that specifically addressed the 15 questions in the consultation document.

- 2.11 The document provides details and an analysis of the responses received in respect of each of these questions. The complete document can be viewed at:

<https://www.gov.uk/government/consultations/animal-welfare-reviewing-animal-establishments-licensing-in-england>

- 2.12 The report concluded that DEFRA will be drafting regulations over the next few months taking into account the specific proposals and responses received. It is suggested that once notice has been received that the regulations are to be laid before Parliament and the content and legal requirements for the District Council are known, a further report should be brought to a future meeting of this Committee.

3 RISK ASSESSMENT

3.1 Legal

The report comments on possible reforms to legislation. There are no legal considerations for the District Council at this stage.

3.2 Financial

The financial risk of this report is assessed as low because there are no direct financial implications arising from it. This is an update on the initial consultation on possible legislative change. Once the detail of the proposed Regulations are known, a further report will be prepared for the Committee if there are any financial implications for Derbyshire Dales District Council.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Eileen Tierney, Licensing Manager

Telephone: 01629 761374; Email: eileen.tierney@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

Date	Description	Location
Dec 2015 to March 2016	DEFRA consultation document on Review of Animal Establishments Licensing in England.	https://consult.defra.gov.uk/animal-health-and-welfare/consultation-on-the-review-of-animal-licensing
March 2016	CIEH response on DEFRA consultation document on Review of Animal Establishments Licensing in England	http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUK Ewib3LrkmNfPAhVHJ8AKHbhdAuQQFgh QMAg&url=http%3A%2F%2Fwww.cieh.org%2FWorkArea%2FDownloadAsset.aspx%3Fid%3D58981&usq=AFQjCNHtGilKYa4EpLuOO_qFwL_O64laiQ
March 2016	DDDC Response DEFRA consultation document on Review of Animal Establishments Licensing in England	RS/LN/ET/Animal Welfare Licensing X:\Regulatory Services\Licensing\Animal Welfare Licensing\2) 2016 DEFRA CONSULTATION\Appendix 1 - Animal Welfare Licensing Consultation.doc

7 ATTACHMENTS

None.

LICENSING AND APPEALS COMMITTEE
24 OCTOBER 2016

Report of the Head of Regulatory Services

HOME OFFICE AND DCMS STATISTICS – ALCOHOL AND LATE NIGHT REFRESHMENT LICENSING 2015/2016 AND ENTERTAINMENT LICENSING 2015-2016

PURPOSE OF REPORT

This report provides the Committee with details of the Home Office’s report published on 29 September, and includes the 2015-2016 national statistics on alcohol and late night refreshment licensing. A report detailing the entertainment licensing statistics is to be produced by DCMS and should be available from 23 November 2016.

RECOMMENDATION:

- 1) That the report be noted.
- 2) That when the entertainment licensing statistics are received from DCMS, they are circulated to Members of the Committee.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council’s priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 ALCOHOL AND LATE NIGHT REFRESHMENT LICENSING STATISTICS

- 1.1 On 29 September 2016 the Home Office published alcohol and late night entertainment statistics for England and Wales for the period 1st April 2015 to 31st March 2016.
- 1.2 This release contains statistics from Licensing Authorities (LAs) across England and Wales, on authorisations and licensing authority powers under the Licensing Act 2003. The statistics specifically relate to premises licences, club premises certificates, personal licences, late night refreshment licences, 24-hour alcohol licences, temporary event notices, early morning alcohol restriction orders, late night levies, and late night refreshment exemptions. It also includes statistics on cumulative impact areas, reviews, hearings and appeals.

- 1.3 The Department for Culture, Media and Sport (DCMS) previously produced these statistics, but in 2010 responsibility for alcohol licensing and late night refreshment under the 2003 Act was transferred to the Home Office whilst responsibility for regulated entertainment was retained by DCMS.
- 1.4 The Home Office still collects information on regulated entertainment on behalf of DCMS, which is included in the same statistical return as alcohol and late night refreshment licensing. The entertainment licensing data is provided to DCMS who then produce and publish the associated statistical releases. DCMS plans to publish the entertainment licensing statistics for 2015/16 on 23 November 2016, and these will be circulated for information via the Members' Portal as the next meeting of this Committee is not until March 2017.
- 1.5 The overall response rate was 99% with 347 out of 350 LAs in England and Wales providing data returns. Of the responding LAs, some were unable to provide data for all of the requested fields, and to allow meaningful comparisons to be made between years, the headline figures within this release includes estimates for the LAs which were unable to supply data. Chapter 2 of the Home Office's [User guide to alcohol and late night refreshment licensing statistics](#) provides an explanation of the methodology used in compiling the statistics.
- 1.6 The return submitted for the District Council is produced in **Appendix 1** for information and comparison to the national data which is contained in Home Office document which can be accessed via the following link:

<https://www.gov.uk/government/statistics/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2016>

2 RISK ASSESSMENT

2.1 Legal

This report poses no significant legal risk, therefore the risk is low.

2.2 Financial

There are no financial risks arising from this report, therefore the risk is low.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager

Telephone: 01629 761374; Email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Date	Description	Location
September 2016	Home Office User Guide to alcohol and late night refreshment statistics	https://www.gov.uk/government/statistics/user-guide-to-alcohol-and-late-night-refreshment-licensing-statistics
September 2016	Home Office Statistical Release	https://www.gov.uk/government/statistics/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2016

6 ATTACHMENTS

Appendix 1

Derbyshire Dales District Council's Statistical Return for 2015-2016
Alcohol, Late Night Refreshment and Entertainment Licensing.



Home Office



Department for Culture Media & Sport

Alcohol and Late Night Refreshment Licensing 2015/16

Entertainment Licensing 2015/16



Appendix 1

PLEASE ENSURE MACROS ARE ENABLED TO ENSURE THIS SPREADSHEET VALIDATES PROPERLY

- if a security warning/alert appears, enable the macro content

- if no security warning/alert appears, it is likely that macros are already enabled and no further action is required

Introduction

The Home Office and The Department for Culture, Media and Sport (DCMS) are asking all licensing authorities in England and Wales to complete this statistical return for 2015/16, to enable them to produce the Alcohol and Late Night Refreshment Licensing 2016 and Entertainment Licensing 2016 statistical releases. May we take the opportunity to remind you that Alcohol and Late Night Refreshment Licensing is on the Department for Communities and Local Government's (DCLG) **mandatory** single data list of datasets that local government must submit to central government. For your information, the links to the single data list and the previous releases for 2013/14 (information was not collected for 2014/15) are as follows:

<https://www.gov.uk/government/publications/single-data-list>

<https://www.gov.uk/government/statistics/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2016>

<https://www.gov.uk/government/statistics/entertainment-licensing-2014>

This year's exercise is consistent with the previous 2013/14 exercise, with the exception of two questions on the number of reviews relating to illicit alcohol and on late night refreshment exemptions being added.

Uses made of the data you provide

The Home Office, which has policy responsibility for alcohol and late night refreshment licensing, mainly uses the corresponding statistics to help it monitor and evaluate the administration of the Licensing Act 2003 and subsequent amendments, such as those introduced by the Police Reform and Social Responsibility Act 2011. The statistics have helped the Home Office to calculate the potential impact of legislative changes upon licensing authorities and licensed premises and may also be used to inform any future adjustments to the licensing regime.

DCMS, which has policy responsibility for entertainment licensing, uses the corresponding statistics to measure the impact of the Licensing Act 2003, as well as to measure the impact of subsequent amendments to the act such as the Live Music Act 2012 which partially deregulated live music performances. The statistics allow the Government to monitor the effect of this new legislation and allows licensing authorities to benchmark themselves in terms of the national picture.

Instructions for completion

Please can all Licensing Authorities in England and Wales

- complete the 2-part questionnaire in this workbook.

- refer to the error summary sheet and fix any errors and/or blanks (a dash i.e. - should be entered for missing/unknown data) before submitting your return, otherwise pop-up messages will appear upon attempting to save preventing the form from saving

- provide contact details below:

HELP	Detailed instructions and definitions for completing the survey
PART 1	Licences in force in your area and the activities authorised at 31 March 2016
PART 2	Licence Activity between 1 April 2015 and 31 March 2016 (apart from Q15-Q17)

Licensing Authority (select from list)

Derbyshire Dales

Licensing Software Supplier and version (e.g. LALPAC ver. 4+, in-house software etc.)

Northgate M3

Name of person responsible for completing the return

Eileen Tierney, Licensing Manager

E-mail

eileen.tierney@derbyshiredales.gov.uk

Telephone

01629761374

Date Completed (dd/mm/yy)

19/06/2016

Contact Details:

Please either enter a:

number

0 where the answer is none

a dash i.e. - where the figure is unknown/missing (as opposed to leaving the cell blank)

Q1a Number of Premises Licences and Club Premises Certificates by fee band (please include premises with no fee applicable here) and number of personal licences

Q1 HELP

	Premises Licences	Club Premises Certificates	Personal Licences
Total	520	21	1,139
<i>of which:</i>			
Band A	94	11	
Band B	282	9	
Band C	58	1	
Band D (no multiplier)	16	0	
Band D (with multiplier)	0		
Band E (no multiplier)	16	0	
Band E (with multiplier)	0		
For no fee applicable only Band X/Unknown	54	0	
	<u>ok</u>	<u>ok</u>	

Q1b Number of Premises Licences and Club Premises Certificates with no fee applicable

Q1 HELP

	Premises Licences	Club Premises Certificates
Total with no fee applicable. Premises with no fee applicable should also be included in question 1A.	54	0
	<u>ok</u>	<u>ok</u>
	<u>ok</u>	<u>ok</u>

Q2a Number of Premises Licences and Club Premises certificates permitted to sell or supply alcohol

Q2 HELP

	Premises Licences	Club Premises Certificates
<i>Total (taken from Q1 above)</i>	<i>520</i>	<i>21</i>
<u>only</u>	92	11
Licensed to sell or supply alcohol (<u>Off-sales only</u>)	71	
<u>Both</u> on and off sales or supply of alcohol	291	10
Licences <u>not</u> permitted to sell or supply alcohol	66	0
	<u>ok</u>	<u>ok</u>

Q2b Number of Premises Licences and Club Premises certificates by licensable activity authorised

Q2 HELP

	Premises Licences	Club Premises Certificates
Any Premises Licences with Late Night Refreshment	209	
	<u>ok</u>	
Any Premises Licences with only Late Night Refreshment	14	
	<u>ok</u>	
33 Any regulated entertainment	311	15

- of which:
- (a) Plays
 - (b) Films
 - (c) Indoor sporting events
 - (d) Boxing or wrestling
 - (e) Live music
 - (f) Recorded music
 - (g) Performance of dance
 - (h) Entertainment similar to live music, recorded music or dance

116	4
171	5
149	14
8	0
309	13
305	14
214	9
172	11

ok

ok

Note: Multiple activities can apply to a particular premises. Please record all activities applicable to each licence or certificate.

Q3 Number of premises with 24-hour alcohol licences by premises type

Q3 HELP

	Premises with 24-hour licences
Total	17
<i>of which, premises in:</i>	<i>ok</i>
Pubs, Bars and Nightclubs	3
Supermarkets and Stores	5
<i>of which:</i>	
Large supermarkets	4
Other convenience stores	1
	<i>ok</i>
Hotel Bars	9
<i>of which:</i>	
Open 24 hours to residents and general public	0
Open 24 hours to residents and their guests only	9
	<i>ok</i>
Other Premises Types	0
	<i>ok</i>

Q4 Number of Cumulative Impact Areas

Q4 HELP

Total	0
	<i>ok</i>

COMMENTS

Please either enter a:
 number
 0 where the answer is none
 a dash i.e. - where the figure is unknown/missing (as opposed to leaving the cell blank)
 no/yes/don't know (using the drop-downs), where applicable

PART 2 Questions 5-6 relate to the licence application activity over the 12 month period:

PART 2 HELP

Q5a Total number of licences applied for, granted and refused by type of licence:

Q5 HELP

	Applications made	Granted	Refused
New Premises Licence	21	21	0
Variation to Premises Licence	2	2	0
		ok	
New Club Premises Certificate	0	0	0
Variation to Club Premises Certificate	0	0	0
		ok	
Minor Variations to Licence or Certificate	5	5	0

Q5b Number of licences within a CIP area applied for, granted and refused by type of licence
 (Note: The figures should also be included in 5a)

Q5 HELP

	Applications made	Granted	Refused
New Premises Licence	0	0	0
Full Variation to Premises Licence	0	0	0
		ok	
New Club Premises Certificate	0	0	0
Full Variation to Club Premises Certificate	0	0	0
		ok	

Q6 Number of applications that went to a committee hearing

Q6 HELP

Premises Licence/Club Premises Certificate applications	4
Personal Licence applications	0

Q7a Number of completed reviews by type of licence
 (Note: also include any completed expedited reviews here)

Q7a HELP

Total completed reviews	0
of which reviews of:	
Premises Licences (following application)	0
Premises Licences (following application by police for expedited review)	0
Premises Licences (following closure orders under S.80 and 84 of the 2014 Act)	0
Club Premises Certificates (following application)	0

ok

Q7b Reason for completed review
 (Note: more than one reason may apply to each review)

Q7b HELP

Crime & Disorder	0
of which relate to the sale of illicit alcohol i.e. non-duty/VAT paid and/or counterfeit alcohol.	0
Protection of Children	0
Public Nuisance	0
Public Safety	0

ok

Q7c Number of completed reviews instigated by each of the following Responsible Authorities

Q7c HELP

Police	0
Trading Standards Officers	0
Environmental Health Officers	0
Local Residents	0
Other Responsible Authorities or Interested Parties (Please state in comments box below)	0

ok

Q8 Action taken following completed reviews
 (Note: more than one action may apply to each completed review)

Q8 HELP

Total completed reviews (taken from Q7a above)	0
No action taken	0

Operating hours modified	0
Licensable activity partially restricted	0
Licensable activity completely excluded	0
Other conditions added or modified	0
Designated Premises Supervisor removed (Premises Licences only)	0
Licence or Certificate suspended	0
Licence revoked or Club Premises Certificate withdrawn	0

ok

Q9 Number of Expedited review applications (Note: more than one interim step may apply per review) Q9 HELP

Total number of applications for expedited reviews	0	ok
Number of expedited review applications withdrawn or rejected	0	
Number of cases where no interim steps were taken	0	
Number of cases where interim steps were taken of which	0	
Operating hours modified	0	
Licensable activity partially restricted	0	
Licensable activity completely excluded	0	
Other conditions added or modified	0	
Designated Premises Supervisor removed	0	
Licence suspended	0	

ok

Q10a Number of licences surrendered, lapsed, revoked, forfeited, suspended or withdrawn Q10 HELP

	Premises Licences	Club Premises Certificates	Personal Licences
Surrendered	2	0	4
Lapsed	0	0	
Revoked			0
Forfeited			0
Suspended by a court	0		0
Suspended by a licensing authority	0	0	
Closure notice	0		
Withdrawn (section 90)		0	

Q10b Number of section 169A closure notices issued by issuing authority Q10 HELP

If known, number of closure notices issued by

	Premises Licences
Total closure notices (taken from Q10a above)	0
Trading Standards	0
Police	0

ok

Q11 Number of appeals completed Q11 HELP

Appeal against application decision	0
Appeal against licence review decision	0

Q12 Number of standard and late Temporary Event Notices Q12 HELP

	Standard	Late
Valid Temporary Event Notices given to Licensing Authority	375	93
Temporary Event Notices withdrawn	4	0
Temporary Event Notices received following modification with consent	5	
Counter Notices given following objection	0	0
Number of Closure Notices (S169A) given with respect to a Temporary Event Notice	0	0

Q13 Number of judicial reviews completed Q13 HELP

Total	0
-------	---

Q14 Number of early morning alcohol restrictions orders Q14 HELP

Total	0
-------	---

Q15 Late night levy (as at 31 March 2016) Q15 HELP

Was a late night levy applied to your licensing authority area?	No
---	----

as at 31 March 2016?

If the answer was yes, how much, in pounds, did the late night levy raise during the 2015/16 financial year? (leave blank if answer was no/don't know)

Q16 Late night refreshment exemptions (as at 31 March 2016)

[Q16 HELP](#)

Were any of the following late night refreshment exemptions in force for your licensing authority area as at 31 March 2016?

- a) sales on or from premises which are wholly situated in a designated area
- b) sales on or from premises which are of a designated description
- c) sales during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.)

No

No

No

Q17 How many hours, approximately, has it taken your organisation (i.e. all employees) in total to complete this return?

Total

4

THANK YOU FOR COMPLETING THE QUESTIONNAIRE

Please check the [Error Summary](#) for possible data entry errors and blank answers

[Click Here to check Errors and Blanks](#)

COMMENTS

LICENSING AND APPEALS COMMITTEE
24 OCTOBER 2016

Report of the Head of Regulatory Services

REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY

PURPOSE OF REPORT

This report provides a further update on the review of the District Council's Taxi and Private Hire Licensing Policy, and informs the Committee of comments received from the Taxi Trade during an initial consultation exercise carried out.

The Committee is informed of a petition received from 24 licensed drivers (mainly operating in the Matlock/Bakewell area) as a response to the earlier consultation, and seeking a relaxation of the maximum age limit of vehicles that the Council will licence as taxis or private hire vehicles; this is currently no more than 10 years old. The petition also requests that alternative vehicle testing arrangements are considered during the review of the Policy.

The report also draws Members' attention to a countywide project to consider common themes for Taxi Licensing Policies and recommends that this work is taken into account in the development of the final Policy.

RECOMMENDATIONS

- 1) That a 12-week consultation exercise is carried out from 14 November 2016, on the draft Taxi and Private Hire Licensing Policy approved at the March 2016 meeting of this Committee, including additional proposals detailed in **Appendix 1** of this report.
- 2) That any comments received during the consultation exercise will be taken into account, and the draft Taxi and Private Hire Licensing Policy be updated for final consideration at a future meeting of this Committee.
- 3) That the final draft Taxi and Private Hire Licensing Policy also takes account of the work being undertaken to develop common themes for such Policies across Derbyshire.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 PROGRESS WITH THE REVIEW OF THE POLICY

- 1.1 A review of the Council's Taxi and Private Hire Licensing Policy was first considered in November 2013, as a number of issues had been raised by the taxi trade since the Policy was approved and implemented in February 2009.
- 1.2 A number of attempts have been made since 2013 to carry out a consultation exercise on an approved draft Policy, but these have been affected by the Law Commission's remit from Government to carry out a review and report back on its proposals for a national reform of the taxi and private hire licensing laws.
- 1.3 Members were made aware that a local policy could contradict proposals which resulted from the national project and consultation. So although the consultation process on our local policy was started in 2014 with meetings with the taxi trade, this was done on the understanding that major changes to the policy would not be introduced while confirmation of the national proposals was still awaited. That report is still awaited.
- 1.4 More recently some interim changes were introduced by Government with the implementation of the Deregulation Act in 2015, which extended the renewal periods for driver and operator licences, to a maximum of 3 and 5 years respectively. The Government intended that these periods of renewal would become the norm and shorter renewal periods only being permitted with good reason. eg: medical grounds or similar.
- 1.5 During the last few months the Derbyshire Chief Executives' Group has agreed that the Chief Executive of the North East Derbyshire and Bolsover Alliance will undertake a review of taxi driver licensing policies across the region, with a view to a Derbyshire-wide Policy being developed.
- 1.6 The aim of this review is to ensure that there is a consistency of approach to the licensing of taxi drivers in particular, and that each Council's policies are sufficiently robust to ensure that the public, particularly young people and vulnerable adults, are protected when using taxis. The review will also look at how well licensing authorities are using data and intelligence, and how this information is being co-ordinated and shared to protect the public.
- 1.7 In Derbyshire Dales following receipt of a petition from some members of the taxi trade regarding the age of vehicles that are allowed to be licensed and the current testing regime for licensed vehicles, the Head of Regulatory Services and the Licensing Manager held two evening meetings to discuss the drivers' concerns. As part of each meeting the existing Taxi and Private Hire Licensing Policy was also discussed and several issues raised which officers feel need to be more robustly detailed in any revised version of the existing policy.
- 1.8 The proposals are detailed in **Appendix 1** for Members to consider whether they should be included in the draft Taxi and Private Hire Licensing Policy which was approved for a full consultation exercise at the March 2016 meeting of this Committee.

2 RISK ASSESSMENT

2.1 Legal

The Council's Policy in this matter underpins the decision making process and ensures that our administration of this function has a robust basis.

Ensuring that the Policy is up to date enables the Council to manage the risks of delivering this service for the Communities served, for those involved in the trade and for the Council as an organisation. Therefore the legal risk is low.

2.2 Financial

There are no financial risks directly arising from this report at this time, other than officer time.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

The Council also has a statutory duty under Section 149 of the Equality Act 2010 to ensure that in exercising its function it seeks to, eliminate discrimination, advance equality and foster good relations.

An initial Equalities Impact Assessment was carried out in 2013 and will require updating.

4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager
Telephone: 01629 761374; Email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

None.

6 ATTACHMENTS

Appendix 1 – Proposals for inclusion in the Draft Taxi and Private Hire Licensing Policy, for consultation.

Proposed changes to Draft Taxi Licensing Policy approved for consultation at March 2016 Licensing & Appeals Committee

	Proposed Options for additional changes to draft Taxi Licensing Policy Consultation Document
Maximum Age of Vehicles	Consider not having a maximum age limit for licensed vehicles; or retain maximum age and deal with applications for exemption. Every case to be decided on own merits. Professional advice from Testing Mechanic 12 months before vehicle reaches maximum age. Recommendation to Committee from Licensing Manager based on mechanic's satisfactory report.
Security /CCTV	Wording in current policy not robust enough; needs to contain advice regarding the ICO Code of Practice and advise that the recordings should be tamper proof and only accessed by an authorised officer. CCTV not to be compulsory, but would advise Members that in the case of serial/repeat complaints of poor driver behaviour etc, a committee could make CCTV a condition of a driver's licence.
Application Procedures	Drivers to complete and submit all application forms, and any notifications (eg: accidents and convictions etc) using email or other electronic means with limited only exceptions.
Grant or Renewal of Driver Licences	Renewal reminders will be sent out 8-12 weeks before an application is due. When a DBS Check is required – if this is not submitted by the licensed driver at least 3 weeks before the expiry date of the licence, the matter should be referred to the Licensing Sub-Committee to determine if the person's badge should be renewed pending a check(s) being received. Once a licence is granted/renewed any documentation – such as DBS Check, DVLA or Medical must be supplied within 21 days to avoid suspension of licence/referral to Sub- Committee. Each case to be dealt with by Committee on its merits
Intended Use Policy	DDDC Hackney Carriage (Taxi) Drivers can operate as private hire in areas other than the one where they have been licensed. Does the Committee consider that a declaration should be made by the applicant that a percentage of the journeys made will start from within the Derbyshire Dales? ie the service provided for residents and businesses will be sufficient.to meet demand.
Knowledge Test Requirements	The current Policy is not specific enough. Specify number of times the Knowledge Test can be taken. State timescales within which a driver can re-apply for the test and in which driver's licence must be obtained once knowledge test has been passed. eg months, years? Determine whether the whole test or only the part(s) of the test that have been failed need a re-sit. Consider specifying when the tests will be held; eg once/twice a month - not on demand. Consider whether the locations section is the most appropriate way of testing knowledge of the district for those driving private hire vehicles only. Should the test be provided in any format other than the written one – it is a requirement of the Policy that all drivers should be able to communicate with passengers, read directions and issue written receipts.etc.

	Proposed Options for additional changes to draft Taxi Licensing Policy Consultation Document
Other Training (eg Disability and Equalities Awareness, Safeguarding Vulnerable Adults and Children (and CSE - Child Sexual Exploitation))	The current Policy does not require any other formal training to be taken eg NVQ – to cover areas such as Equalities Training (covering wheelchair, pushchair, handling of dogs for the blind/listening dogs etc). Safeguarding and CSE (Child Sexual Exploitation) Training and refresher training needs to be made mandatory when a new licence is applied for and refresher training when due for renewal. Existing drivers to be trained in these areas as well as new applicants.
Vehicle Licence – Exemptions from Policy signage and plate requirements	Each case to be dealt with on its merits. Novelty/special vehicles, or executive hire only – not a general PHV exemption etc. Existing or new Private Hire Operator to provide full business case with evidence for exemption before application will be referred to the Licensing Committee for consideration.
Fees for 3-yearly driver’s licences or 5-yearly Operator’s licence	Consider refund of partial application fees if 3-year driver licence or 5-year operator licence surrendered with full year(s) remaining – with deduction of admin fee to cover the cost of processing the refund. In case of retirement, illness, unexpected circumstances.
Medical Certificate	Consider if medical certificate should only be provided by the applicant/driver’s own doctor or any doctor that has access to that person’s medical record..
Disclosure and Barring Service Checks	Should drivers be made to sign up to the DBS on-line updating service to allow the Licensing Authority to access their record when required during the 3-year renewal period and/or before the expiry date of the licence. If a driver’s DBS report is not received before the expiry date of the driver licence it will expire – should a driver be referred to a Sub-Committee 2-3 weeks before the expiry date if the DBS check has not been received by the applicant to determine if the licence should be renewed while waiting for the check to be received?
Complaints	The current policy is not specific about the procedure to be followed when dealing with complaints about a driver’s behaviour, driving standards etc. The Complaints procedure and the sanction available need to be stated in the policy document. Should a penalty point scheme be introduced to assist in assessing whether or not a driver’s licence should be suspended/revoked or whether the driver should be referred to a Sub-Committee.
DVLA Check	A driver’s DVLA record is checked every year. With a 3 year licence this means that the check needs to be made on the 2 years that the driver does not attend these offices. Should the payment for the 2 subsequent years’ checks be made at the time the initial application for a licence or renewal is made?
DVLA Check	Driver record checks can be made through the DVLA website with a code – without charge. However, the Company currently used (Intelligent Data Systems Limited) notify the Council of any expiry of entitlements that the driver may have attached to his/her licence, whereas the code access just confirms whether or not there are any points etc on the licence. The driver would have to give the code access to the Licensing Team if the website system was used.

	Proposed Options for additional changes to draft Taxi Licensing Policy Consultation Document
Convictions/ Cautions	Currently we do not have a specific convictions policy. We rely on the Home Office Circular 13/92 guidelines and the Department of Transport Circular 2/92 to determine the relevance of criminal convictions in relation to applications for taxi and PHV driver's licences, subject to certain limited modifications. We also rely on the driver notifying us of any changes in their circumstances and any convictions, cautions etc which come to light that have not been notified to us would be referred to a Sub-Committee for determining the course of action.
PHV Operators	The current Policy requires private hire operators to be located within the Derbyshire Dales. There are no plans to change this requirement. The Policy does need updating to reflect the changes brought about by the Deregulation Act 2015 in respect of one PHV Operator being allowed to subcontract a private hire fare to a driver through another PHV Operator licensed in another district. Private Hire Operator licences are issued for 5 years and the Policy needs to reflect a more regular frequency of compliance visits to the operator's base to check records etc.
Fares	The setting of the tariff is done on request by the Trade. Increases to the table of maximum fares was last agreed in 2011. Complaints are occasionally received regarding over-charging and perceived over-charging. Should calendar meters be introduced, to help prevent night and Sunday rates being charged at the wrong times in error. This could be achieved by calibration. Should it be compulsory to situate the meter in the vicinity of the rear view mirror so that all passengers, front and back can see it easily.
Driver Badges (Licences)	The law requires a licensed driver to wear his driver's badge. The Council's Policy was changed to require the driver to display it at the front of the vehicle when in the vehicle so that all passengers can easily see it wherever seated in the vehicle. It is proposed that the Policy is revised to issue 2 badges – one to be worn by the driver and a larger one for display on the dash facing into the vehicle, to provide passengers with confidence that the person driving is licensed and the licence number and expiry date can be easily noted by them if they have any issues.

LICENSING AND APPEALS COMMITTEE
24 OCTOBER 2016

Report of the Head of Regulatory Services

LICENSING SERVICE PLANNING 2017-18

PURPOSE OF REPORT

This report provides the Committee with details of the Licensing Service Plan targets for 2016-2017, and suggests priorities for 2017-2018 for consideration and comment.

RECOMMENDATION:

- 1) That the progress is noted.
- 2) That the Licensing Service Plan priorities are set for 2017-18.

WARDS AFFECTED

None

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 SERVICE PLANNING - PROGRESS

- 1.1 At a previous meeting of this Committee it was agreed that the Licensing Service Plan would be reported each year to obtain the Committee's views in relation to the proposed priority areas and specific actions.
- 1.2 The service plan for 2016-17 is attached as **Appendix 1** to this report. A verbal update on progress against the targets in the plan will be given at the meeting.
- 1.3 Officers suggest that priorities for 2017-18 should include:
 - Undertake licensing awareness visits to alcohol, entertainment, late night refreshment, scrap metal and gambling premises;
 - Participate in the roll out of the 'Intoxicated – No Sale' Campaign;
 - Undertake taxi operations;
 - Enable on-line applications and payments through Assure Software.
- 1.4 The Committee's comments are welcomed in respect of progress against the existing targets and in relation to proposals for 2017-18.

2 RISK ASSESSMENT

2.1 Legal

There are no legal risks directly arising from this report.

2.2 Financial

There are no financial risks directly arising from this report, other than officer time. The risk therefore is low.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager

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5 BACKGROUND PAPERS

None.

6 ATTACHMENTS

Appendix 1 – Licensing Service Plan for 2016-17

Service Area: LICENSING

Service Overview

This Service Plan sets out how Licensing services will contribute towards meeting the Corporate Priorities for 2016/17.

The **objectives** of Licensing are:

1. Work with partners agencies to contribute towards a reduction in crime, disorder and public nuisance;
2. Provide a high quality licensing service to licence holders and new applicants.

Key activities in Licensing include:

- Issue licences for alcohol sales, entertainment, gambling, taxis, animal welfare and cosmetic piercing;
- Issue consents for street trading;
- Process applications for licences and consents whilst balancing the needs of the applicants with those of the community;
- Liaise with the police and other partners to ensure that the community remains safe;
- Provide a comprehensive advice service on all licensing matters for applicants and members of the public.

Service Area Resources

The following table sets out the staffing resources:

Service Area	Full Time Equivalent
Licensing	3.8 + apprentice

The budget for the service for 2016/17 is as follows:

Service Area	Net Budget	Total Income	Total Expenditure
Licensing	£53,085	£156,194	£209,279

Service Action Plan 2016/17

Service	Service Action No.	Action	Link to Corporate Plan	Service Performance Indicator	Timescale	Strategic Risk
	LIC 2	Undertake licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal	CP4 A Clean and Safe District	>20	March 2017	6
	LIC 3	Undertake taxi enforcement operations with partners	CP4 A Clean and Safe District	>2	March 2017	6
	LIC 4	Complete progress towards paperless licensing systems	CP4 A Clean and Safe District CP5 Continue to Seek Efficiencies and Innovative Working Practices	100%	March 2017	6

Other Workstreams

Service	Service Action No.	Action	Link to Corporate Plan	Timescale	Strategic Risk
Licensing	LIC 5	Implement findings of licensing service review	CP4 A Clean and Safe District	March 2017	12

LICENSING AND APPEALS COMMITTEE
24 OCTOBER 2016

Report of the Head of Regulatory Services

LICENSING SERVICE REVIEW – PROGRESS REPORT

PURPOSE OF REPORT

This report provides the Committee with an update on the progress of the Licensing Service Review, and specifically, on the potential for a shared service with other local authorities within Derbyshire.

RECOMMENDATION

That the Licensing Manager and the Head of Regulatory Services continue to work with Derbyshire authorities to explore the potential for a shared licensing service.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 REVIEW PROGRESS

- 1.1 The Council's review of its Licensing Service commenced in September 2015 with a scoping report to the Community and Environment Committee. The major recommendation identified was to investigate the potential for a shared service across the Derbyshire authorities.
- 1.2 In April 2016 a report was presented to the Derbyshire Chief Executives' Group where it was agreed that all of the licensing authorities would participate in an information gathering exercise to look at similarities and differences between the authorities. At this stage there is no commitment from any authority to move beyond the information gathering stage.
- 1.3 To progress the project we produced a standardised spreadsheet and circulated it to all the authorities to obtain information about:
 - the types and numbers of licence applications processed;
 - staffing structures;
 - service costs including supplies and services and support costs;
 - licence application fees and associated fees;
 - details of ICT software and hardware; and
 - ways in which some support services such as legal, ICT, accountancy, taxi testing, etc are provided.

- 1.4 A copy of the spreadsheet only including the information relating to Derbyshire Dales District Council is produced in **Appendix 1**.
- 1.5 All of the authorities have returned some information. However, several of the authorities have not yet returned all of the information required and this is being followed-up.
- 1.6 Members will also be interested to learn that the District Council has obtained funding of £50,000 from the Transformation Challenge Award Fund held by Derbyshire County Council. This will be used to finance further work in this area if there is an appetite to progress the project.
- 1.7 Whilst this County-Wide work is progressing officers are continuing to identify service improvements and efficiencies. Work has recently commenced on upgrading the licensing and environmental health software to move towards a full on-line licence application and payment experience for prospective applicants, existing licence holders, and an on-line consultation service for other statutory authorities and members of the public and business.
- 1.8 In summary, officers are mainly working towards progressing the shared service option, but if there is no scope to progress this, then efforts will be channelled into investigating any other in-service efficiencies.

2 RISK ASSESSMENT

2.1 Legal

There are no legal risks arising from this report.

2.2 Financial

The review should free-up a limited amount of officer capacity enabling the service to be more targeted in its approach, and allow development of the licensing software to increase channel shift opportunity. Hence the financial risk is low.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager
Telephone: 01629 761374; Email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

None.

6 ATTACHMENTS

Appendix 1 – Information Gathering Spreadsheet.

	AVBC	BDC	CBC	DCC	DDDC	EBC	HPBC	NEDDC	SDDC
Number of Licences									
LAZ2003									
Premises Licences					471				
Club Premises Certificates					21				
Personal Licences (from 2005 approx)					1,125				
Personal Licences (2015)					64				
Temporary Event Licences (2015)					478				
GAMBLING ACT 2005									
Premises Licences					5				
Occasional Use Notices					2				
Small Society Lotteries					170				
Gaming Machine Permits					99				
TAXI LICENSING									
Private Hire Operators Licence					23				
Hackney Carriages Licence					60				
Private Hire Vehicles Licence					29				
Hackney Carriage Drivers Badge					0				
Private Hire Drivers Badge					0				
Combined Drivers Badge					114				
Knowledge Tests per year					5				
ANIMAL WELFARE									
Animal Boarding Establishments					10				
Animal Boarding - Home Boarding					5				
Riding Establishments					5				
Dog Breeding					4				
Pet Shops					6				
Zoos					0				
Dangerous Wild Animals					1				
SKIN PIERCING									

Acupuncture (Premises)	7
Acupuncture (Persons)	7
Cosmetic Piercing (Premises)	14
Cosmetic Piercing (Persons)	15

MISCELLANEOUS

Camping Sites	10
Caravan Sites	36
Park Homes	0
Pleasure Boats - Persons	3
Pleasure Boats - Operations	3
Scrap Metal Collectors	18
Scrap Metal Sites	10
Sex Entertainment Venues	0
Sex Establishments	0
Street Trading - Consents	9
Street Trading - Licences	0
Street Collections	133
House to House Collections	2
Temporary Road Closures	60
Houses in Multiple Occupation	2

OTHER (SPECIFY BELOW)

Tattoo (Premises) * registered	
Tattoo (Persons) *	
Semi-Perm. Skin Colouring (Premises) *	
Semi-Perm. Skin Colouring (Persons) *	
Electrolysis (Premises) *	
Electrolysis (Persons) *	
Ear Piercing (Premises) *	
Ear Piercing (Persons) *	

AVBC BDC CBC DCC DDDC EBC HPBC NEDDC SDDC

**Staffing at 1 April 2016 -
FTE and Salary Scale**

Stand-alone team within Regulatory Services
 1 Manager - £34,196 - £37,858
 1 Senior Licensing Assistant - £19,238 -
 £21,745

 1.8 Licensing Assistants - £15,823 - £17,169
 1 Apprentice - £3.63 per hour
 0 Dedicated Enforcement

2015/16	AVBC	BDC	CBC	DCC	DDDC	EBC	HPBC	NEDDC	SDDC
LICENSED PREMISES									
Employees					£ 59,949.00				
Transport					£ -				
Supplies & Services					£ -				
Support Services					£ 37,712.00				
Total Costs					£ 97,661.00				
Income					£ 112,020.00				
Balance					-£ 14,359.00				
EH LICENSING									
Employees					£ 23,135.00				
Transport					£ 397.00				
Supplies & Services					£ 800.00				
Support Services					£ 25,724.00				
Total Costs					£ 50,056.00				
Income					£ 7,211.00				
Balance					£ 42,845.00				
HACKNEY CARRIAGES									
Employees					£ 24,727.00				
Transport					£ -				
Supplies & Services					£ 5,020.00				
Support Services					£ 28,262.00				
Total Costs					£ 58,009.00				
Income					£ 43,384.00				
Balance					£ 14,625.00				
Credit/Deficit					£ 43,111.00				
ENFORCEMENT									
Employees									

Transport
Supplies & Services
Support Services
Total Costs

Credit/Deficit

	AVBC	BDC	CBC	DCC	DDDC	EBC	HPBC	NEDDC	SDDC
Animal Boarding					£ 93.00				
Pet Shop					£ 93.00				
Riding Establishment					£ 115.00				
Dangerous Wild Animal					£ 128.00				
Dog Breeding					£ 93.00				
Zoo					£ 278.00				
Cosmetic Piercing					£ 74.00				
Sex Establishment					£ 1,833.00				
Pleasure Boats					£ 34.00				
Scrap Metal Site					£ 283.00				
Scrap Metal Collector					£ 158.00				
Street Trading Consent					£ 50.00				
Gambling Act 2005									
Small Casino - new									
1st Annual Fee					£ 6,980.00				
Annual Fee					£ 2,300.00				
Variation					£ 4,600.00				
Transfer					£ 3,420.00				
Reinstatement					£ 1,450.00				
Provisional Statement					£ 1,000.00				
Provisional Statement Holders					£ 7,230.00				
Large Casino - new									
1st Annual Fee					£ 2,628.00				
Annual Fee					£ 8,545.00				
Variation					£ 4,273.00				
Transfer					£ 8,546.00				
Reinstatement					£ 4,223.00				
Provisional Statement					£ 1,710.00				
Provisional Statement Holders					£ 1,710.00				
Bingo Club - new									
1st Annual Fee					£ 8,415.00				
					£ 4,223.00				
					£ 3,023.00				
					£ 440.00				

Annual Fee	£ 880.00
Variation	£ 1,510.00
Transfer	£ 1,005.00
Reinstatement	£ 1,005.00
Provisional Statement	£ 2,890.00
Provisional Statement Holders	£ 1,005.00
Betting Premises - new	£ 2,370.00
1st Annual Fee	£ 263.00
Annual Fee	£ 526.00
Variation	£ 1,180.00
Transfer	£ 920.00
Reinstatement	£ 920.00
Provisional Statement	£ 2,370.00
Provisional Statement Holders	£ 920.00
Betting Tracks - new	£ 1,970.00
1st Annual Fee	£ 395.00
Annual Fee	£ 790.00
Variation	£ 1,050.00
Transfer	£ 790.00
Reinstatement	£ 790.00
Provisional Statement	£ 1,970.00
Provisional Statement Holders	£ 825.00
Family Ent Centre - new	£ 1,575.00
1st Annual Fee	£ 329.00
Annual Fee	£ 658.00
Variation	£ 790.00
Transfer	£ 50.00
Reinstatement	£ 790.00
Provisional Statement	£ 1,577.00
Provisional Statement Holders	£ 790.00
Adult Gaming Centre - new	£ 1,577.00
1st Annual Fee	£ 394.00
Annual Fee	£ 788.00

Variation	£ 788.00
Transfer	£ 1,050.00
Reinstatement	£ 1,050.00
Provisional Statement	£ 1,577.00
Provisional Statement Holders	£ 1,044.00
Temporary Use Notices	£ 306.00
Notification of Change of Details	£ 46.25
Copy of Licence/Notice	£ 19.50
Gaming Machines - new	£ 300.00
Renewal	£ 300.00
Change of Name	£ 25.00
Copy	£ 15.00
Prize Gaming Permit - new	£ 300.00
Renewal	£ 300.00
Change of Name	£ 25.00
Copy	£ 15.00
Gaming Machines in Pubs - notification max 2	£ 50.00
Permit (existing operator)	£ 100.00
Permit (all others)	£ 150.00
Variation	£ 100.00
Transfer	£ 25.00
Annual Fee	£ 50.00
Change of Name	£ 25.00
Copy	£ 15.00
Club Gaming Machines - new	£ 100.00
Fast Track	£ 100.00
Renewal	£ 200.00
Renewal of Fast Track	£ 100.00
Annual Fee	£ 50.00
Change of Name	£ 50.00
Variation	£ 100.00

Copy	£	15.00
Hackney Carriage & Private Hire Operator's Licence - application Vehicles	£	400.00
Hackney Carriage - application	£	298.00
Private Hire Vehicle - application	£	298.00
Vehicle Full Retest	£	60.00
Vehicle Minor Retest	£	28.00
Vehicle Transfer - application	£	29.50
Meter Test	£	29.50
Breaking Appointment	£	29.50
Trailer & Top Box Test	£	29.50
Driver's Licence - application	£	29.50
Knowledge Test	£	160.00
Knowledge Test - Resit	£	29.50
DVLA Check	£	29.50
DBS Enhanced Check	£	8.00
Sundries	£	54.10
Replacement Badge	£	3.20
Badge Holder	£	3.20
Door Stickers (each)	£	9.50
Licence Plate for Rear of Vehicle	£	8.50
Licence Plate Fixings	£	2.15
Licence Plate for Windscreen	£	6.35
Plastic Wallet for Windscreen Plate	£	1.55
Duplicate Licence	£	10.80
HMO Licensing		
New Licence Application		
Licence Renewal		
Licence Variation/Amendment		

Mobile Homes Act

also

- changing date of knowledge test
- changing vehicle registration number
- change of vehicle records
- subject access data request for information
- other requests for information falling outside subject access data

- private hire new or renewal for executive car exemption
- conversion to private hire executive car exemption

- hackney drive test
- replacement hackney carriage internal signs

	AVBC	BDC	CBC	DCC	DDDC	EBC	HPBC	NEDDC	SDDC
Database									
Other Software					Northgate M3PP				
Online Register					Mogo (Taxi Licensing)				
Online Consultation					Manual upload				
Use of Gov.UK					Not enabled				
Online Payments					Partially enabled				
Hardware					Partial - Capita				
Agile Working					Desktop PCs, badge printer				
					Manager only, 1 x laptop				

	AVBC	BDC	CBC	DCC	DDDC	EBC	HPBC	NEDDC	SDDC
Legal									
Accountancy									
ICT									
Committee									
Sub-Committee									
Taxi Testing					In house In house Shared service (BDC, NEDDC) Members Panel - 3 Members				
MOT									
DBS Umbrella Body									
DVLA Checks									
HMO Licence									
Determination & Associated decisions					Out sourced Derbyshire County Council Intelligent Data Systems				
Mobile Home Site Licence									
Determinations and Associated Decisions									