



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

LICENSING AND COMMUNITY SAFETY COMMITTEE

A meeting of the Licensing and Community Safety Committee will be held in the Barum Room - Brynsworthy on **TUESDAY, 11TH OCTOBER, 2022 at 6.30 pm.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. For meetings held at Brynsworthy only, you can join the meeting virtually via Microsoft Teams. There are also limited spaces to attend the meeting in person. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting.) **Taking part in meetings** (northdevon.gov.uk)

Members of the Licensing and Community Safety Committee Councillor York (Chair)

Councillors Biederman, Bulled, Campbell, Cann, Chesters, Gubb, Henderson, Hunt, Pearson, D. Spear, L. Spear, Tucker, Walker and Yabsley

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 22 September 2022 (Pages 5 - 10)
(attached).
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
4. Declarations of Interests
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

6. **Draft Animal Licensing Policy Proposed Amendments** (Pages 11 - 62)
Report by Public Protection Manager (attached).
7. **Hackney Carriage and Private Hire Policy Amendments** (Pages 63 - 98)
Report by Public Protection Manager (attached).

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

**If you have any enquiries about this agenda, please contact Corporate and
Community Services, telephone 01271 388253**

3.10.22



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2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
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North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held in the Barum Room - Brynsworthy on Thursday, 22nd September 2022 at 10.00 am

PRESENT: Members:

Councillor York (Chair)

Councillors Cann, Hunt, Pearson, D. Spear, L. Spear, Tucker and Walker

Officers:

Solicitor and Public Protection Manager, and Environmental Health and Licensing Practitioner

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Biederman, Bulled, Gubb, Henderson and Yabsley.

21. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 27 APRIL 2022 AND 14 JUNE 2022

RESOLVED that the minutes of the meetings held on 27 April 2022 and 14 June 2022 (circulated previously) be approved as correct records and signed by the Chair.

22. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

23. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AMENDMENTS

The Committee considered a report on Hackney Carriage and Private Hire Licensing Policy Amendments (circulated previously) by the Public Protection manager.

The Public Protection manager introduced Lee Staples, Environmental Health and Licensing Practitioner to the meeting who gave the following update to the Committee:

- Following the Licensing and Community Safety Committee meeting held on 8 March 2022 a community consultation was run online from 16 March to 11 May 2022 seeking comments on the proposed policy amendments.
- The responses received were very constructive and were considered very carefully. Where practicable amendments were formulated because of comments received.
- The following amendments have been made:

- Vehicle standards in particular were being looked at with the licenced vehicle age criteria (vehicle standards), to better align to the Council's corporate priority around protecting the environment;
- It was decided not to make CCTV in vehicles mandatory but to clarify the standards for systems that might be installed so had introduced technical specifications and system requirements for any new CCTV systems fitted within licenced vehicles. Those vehicles who had already had CCTV installed were not being asked to have the system removed;
- Introduction of day-to-day maintenance logging checks undertaken daily and proprietors to keep logs of who was driving and when;
- Removal of sun strip visors on private hire vehicles– which was to be replaced with door signage; and
- Drivers to attend an interview when a complaint was received. To be undertaken in a timely manner.
- 52 responses were received from the public with some very lengthy comments.
- As a result of considering the comments received further changes were made to the amendments of the policy such as:
 - Retaining the current upper age limit for plating a new licenced vehicle at 5 years of age as opposed to the 3 years as proposed, but linking this to a requirement for these vehicles to also be Euro 6 emission standard or above;
 - The emphasis would be on the emissions of the vehicle in line with the Corporate environmental priority;
 - Cost considerations was the biggest concern amongst drivers completing the survey especially following on from loss of income due to the Covid-19 pandemic and more recently the high inflation costs;
 - A draft best practice guide recently released by Central Government indicated that they did not favour an age based policy;
 - This was felt to be a proportionate response to the information received;
 - Likewise, the proposal to introduce an upper age limit for vehicle renewal was amended to correspond to emission limits as opposed to vehicle age, specifically Euro 6 emissions standard. To allow for older vehicles currently licenced with the Local Authority a built in delay to updating vehicles to Euro 6 emission standards was being proposed to January 2026, to give those drivers time to purchase newer vehicles;
 - Wheelchair accessible vehicles were to be allowed a lower emission standard as it was accepted it was more expensive to buy those types of vehicles and certainly more expensive to maintain and run as they tended to be larger vehicles.
- Appendix B of the Hackney Carriage and Private Hire Licensing policy had been fully revised. This dealt with vehicles presenting for inspection and the report of findings of an inspection.
- The wording for Private Hire Vehicles had been amended to allow for “Advance booking only” to be put on the vehicle doors incorporated with company branding.

- The vehicle write-offs wording had been amended. In particular, around the documentation required to prove the vehicle was safe.
- Additional notification written into the policy whereby a driver must inform us if they were under investigation by the Police. It could be a driver was under investigation and an arrest would not be made until sometime down the line.

In response to questions, the Licensing Practitioner and Public Protection Manager gave the following responses:

- There was regular communication with the taxi trade by way of a newsletter, which explained changes and highlighted what this meant for the drivers.
- The database of taxi/private hire driver email addresses was currently around 97% and the Licensing Team was exploring the ability to send text messages prior to the new policy coming into effect, which would require the provision of an email.
- The Euro standards were the standards vehicles were manufactured to as they were produced in Europe but it was expected the British Government would follow on with those standards.
- The Policy set out the types of write offs that would be allowed for licensing purposes, if a vehicle had previously sustained any damage other than bodywork damage a license would be refused. Setting this out in the policy gave us the ability to deal with any vehicles presenting with write off history.

The Public Protection manager asked the Committee to consider a further proposal. With a successful bid to the Safer Streets fund the Council were now able to offer drivers a free place on a Safeguarding training session. Places were available to be booked throughout the months of October, November and December 2022. It was being proposed that all existing licensed drivers book a place on one of these sessions. All existing drivers should be booked on a course session by January 2023.

RESOLVED that:

- (a) The representations from the public consultation be noted;
- (b) The further amendments be approved as set out in Appendix A;
- (c) That all licensed taxi and private hire drivers to have undertaken or to have booked onto the Child Sexual Exploitation and Safeguarding training provided by Karen Anderson prior to the 1st January 2023; and

RECOMMENDED that the revised policy be approved at a future Strategy and Resources committee.

24. TAXI LEGISLATION UPDATE

The Committee received a presentation on taxi and private hire legislation update.

Lee Staples, Environmental Health and Licensing Practitioner presented the following to the Committee:

- Two important pieces of legislation had recently been passed;
 - Taxi and Private Hire Vehicle (Disabled Persons) Act 2022; and

- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.
- The main legislation in use for taxis and private hire vehicles was the Town Police Clauses Act 1847 (concerned with horse and cart Hackney carriages) and the Local Government Misc. Provisions 1976 (introduced regulation to private hire vehicles).
- Big changes in society had taken place since these two pieces of legislation were adopted chiefly mobile telephone use and app based services and cross-border hiring.
- A Task and Finish Parliamentary working group, which included leading industry figures as well as legal professional, was set up in 2019 and undertook a major review of the taxi industry.
- 34 significant recommendations were made which included:
 - Companies acting as intermediaries between passengers and taxi drivers should meet the same licensing requirements and obligations as private hire vehicle operators;
 - The Best Practise Guidance had been updated with new definitions for 'pre-booked' and 'plying for hire' which took into account app based providers;
 - The use Fixed Penalty Notices (FPN's) as a means of enforcement against any taxi or private hire vehicle regardless of who issued a licence (i.e. out of LA area). FPN's could be used as alternative to sub-Committee hearings or prosecution;
 - A recommendation on the mandatory use of in-vehicle CCTV would need to be monitored and reviewed periodically by North Devon Council as at present the policy did not call for mandatory installation of in-vehicle CCTV;
 - Licensing Authorities were to publish a list of wheelchair accessible vehicles. This was now law under the Taxi and Private Hire Vehicle (Disabled Persons) Act 2022;
 - The Equality Act 2010 introduced 'concept of reasonable adjustment i.e. making changes and alterations so that as far as reasonable disabled persons had the same access to everything as a non-disabled person. There were around 14 million disabled people in the UK with approximately 80% of those having hidden disabilities. A reasonable adjustment for wheelchair users was a ramp but for those with a learning disability it might be dictation software;
 - The Taxi and Private Hire Vehicle (Disabled Persons) Act 2022 came into force on 28 June and placed duties on taxi and private hire vehicle drivers and operators, so any disabled person had specific rights and protections to be transported and receive assistance when using a taxi or Private Hire Vehicle without being charged extra;
 - Help for visually impaired passengers would be given by drivers to help with identifying or finding the vehicle;
 - Drivers could face a fine of up to £1,000 if they failed to provide reasonable mobility assistance to disabled passengers taking a pre-booked vehicle;

- Drivers could apply, to the licensing authority, for an exemption to give these extra aids to passengers on the grounds of their physical/medical impairment;
- The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 became law on 31 May;
- This new legislation required a Local Authority to share information relating to safeguarding concerns with other Local Authorities and if not the licensing authority must share with the authority who issued the licence of a driver; and
- Local Authorities will be obliged to input information on a central database, such as instances where the authority had refused, suspended, chosen not to renew or revoked a taxi or Private Hire Vehicle driver's licence, based wholly or in part on information relating to the driver concerning safeguarding or road safety.

In response to questions, the Environmental Health and Licensing Practitioner gave the following replies:

- The Local Authority would be the only ones with access to the database. Local Authorities would be required to check the database for entries, and any entries made on the database would remain live on there for 11 years.
- A Fixed Penalty Notice would be a cost saving for the Local Authority and was considered to be an admission of guilt.

RESOLVED that the Committee noted the new updates to legislation.

25. LICENSING CONSULTEES

The Public Protection manager gave the Committee a report on Licensing Consultees.

The Committee received the following information:

- It had been raised at meetings previously and more recently via email re Parish Councils becoming a statutory consultee when dealing with Licensing applications.
- Responsible Authorities included Devon and Cornwall Police, Devon and Somerset Fire and Rescue Service, North Devon Council Environmental Protection, North Devon Council Planning Authority, Devon County Council Business, Strategy and Support Services (Child protection), Devon County Council Trading Standards, Public Health Devon, Home office Immigration Enforcement, North Devon Council Health and Food Safety and North Devon Council Licensing.
- Blue notices had to be displayed prominently at a premises where a licence was being applied for.
- Adverts had to be placed in the local newspaper.
- The North Devon Council website posted licence applications that were pending and this had a filter search function of choosing by Ward.
- Extending the Responsible Authority status to a Parish or Town Council had not been done before at North Devon. It was likely there were Local

Authorities across Devon that did include, as a consultee, the Parish or Town Council.

- There were reservations about staff capacity to add in a further consultee and resourcing and funding would need to be looked at.
- It was felt that a Parish or Town Council could know about licence applications being made in their community.

In response to a question around the automation of notifying external parties, the Public Protection manager advised that the Council was looking to procure new software, which would have far more advanced features than the current version. New software could have the ability to automate sending out notifications to interested parties, and this was something which would be explored on successful procurement.

RESOLVED that the position on Licensing Consultees be noted.

26. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEES

RESOLVED that the minutes of the following sub-committees (circulated previously) be approved as correct records and signed by the Chair of each sub-committee:

- (a) Licensing and Community Safety Sub-Committee A held on 15 July 2022;
- (b) Licensing and Community Safety Sub-Committee B held on 14 June 2022;
and
- (c) Licensing and Community Safety Sub-Committee C held on 24 August 2022.

Chair

The meeting ended at 11.13 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.



North Devon Council

Report Date: 11th October 2022

Topic: Draft Animal Licensing Policy Proposed Amendments

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

1.1. This report seeks to update Licensing and Community Safety Committee on the results of a consultation exercise undertaken in respect of a new proposed North Devon Council Animal Licensing Policy (the 'policy'). A copy of the proposed amended policy can be found at **Appendix A**.

2. RECOMMENDATIONS

2.1. It is **RECOMMENDED** that Licensing and Community Safety Committee:

- 2.1.1 Consider the representations received in response to the public consultation found at **Appendix B**.
- 2.1.2 Consider any further amendments that it would wish to make to the revised policy found at **Appendix A**.
- 2.1.3 Make recommendation to the Strategy and Resources Committee for the approval of a new policy.

3. REASONS FOR RECOMMENDATIONS

3.1. To bring into effect a policy to aid applicants, licence holders and the Council. The aim being to provide transparency of the expectations for applicants and licence holders and to increase the robustness of the Council's approach and procedures in respect of its animal welfare and animal licensing responsibilities.

4. REPORT

4.1. The Licensing and Community Safety Committee (LCSC) Meeting of 10th May considered and approved a public consultation on a proposed North Devon Council Animal Licensing Policy. The proposed Policy outlined in the 10th March report included in particular:



- Details of how the policy will be enforced including interpretation of legislative requirements;
- How the Licensing Authority will administer the Animal Activity Star Rating Scheme in North Devon, including details of the time period proposed before a licence holder can be re-inspected to re-evaluate their star rating (3-month stand still period), and the procedure for appeals against the star rating awarded; and
- Details on how the suitability of applicants will be determined including DBS check requirements, and guidance on the relevance of criminal convictions;

4.2. The Authority received some 61 responses in relation to the consultation exercise. The responses are reproduced in full in **Appendix B**,

4.3. Officers have carefully considered all of the consultation responses received and have drafted several amendments to the proposed Policy in light of the consultation responses received. The consultation responses are summarised along with Officer comments and recommendations in **Appendix C**.

4.4. The amendments proposed as a result of the consultation responses include:

- Minor amendment to the proposal to appoint an independent Vet to undertake hiring out horses activity inspections who will be independent and not one that is retained by the applicant / licence holder. The proposed amendment is that an independent vet will be used “*wherever reasonably practicable*”, and acknowledges that due to the relatively small number of specialist equine Vets in Devon, it may not always be possible or reasonable, to contract an independent Vet;
- In relation to applicants who disclose relevant convictions the Policy has been amended to direct these applications to a Licensing Sub-Committee for determination. In the case of offences for animal cruelty, Licensing offences, or offences involving sex, indecency, or exploitation, the recommendation to the Licensing Sub-Committee will be to refuse the application, whereas for other relevant offences the recommendation will also be to refuse the application where the offences fall within the timeframes since conviction/ sentencing set out in the draft policy. It is proposed that Officers retain delegated powers to refuse applications where applicants are adjudged to fail to meet minimum welfare standards upon inspection;
- It is proposed that the requirement for applicants for renewal to undertake a basic DBS disclosure as part of their application be delayed until 1st January 2023 to enable adequate notice of the new arrangements to be communicated in good time within renewal documentation;



4.5 The remaining proposals are recommended to be approved as set out in the draft policy put before the Committee on 10th May.

4.6 In addition to the Previously proposed Policy changes and subsequent amendments, a number of other minor policy changes are proposed for approval:

- Amendment to requirement for applicants to provide evidence of a commercial trade waste agreement, to allow for some degree of Officer judgement where an application is from a small-scale operation or is likely to produce very small volumes of waste.

5. RESOURCE IMPLICATIONS

- 5.1. Any financial costs which are reduced or incurred through the approval of a new policy will be taken into account when calculating fees for animal related licences.
- 5.2. Other costs related to the proposed policy amendments will be borne directly by licence holders.

6. EQUALITIES ASSESSMENT

- 6.1. The impact of the proposals is considered to be largely neutral. An Equality Impact Assessment has been undertaken.

7. CONSTITUTIONAL CONTEXT

- 7.1. Article of Part 3 Annexe 1 paragraph:4b
- 7.2. Referred or delegated power?: Delegated.

8. STATEMENT OF CONFIDENTIALITY

- 8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

- 9.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).
 - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 - Animal activity licensing process: statutory guidance for local authorities



10. STATEMENT OF INTERNAL ADVICE

- 10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Katy Nicholls, Licensing Service Lead
03.10.22

Animal Licensing Policy 2022

Published by

**The Licensing Team
Environmental Health & Housing Services
North Devon Council
Lynton House
Barnstaple EX31 1DG**

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Section 1: Purpose

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

1.2 The Council is required to ensure that:

- licence holders are suitably inspected/ assessed against the regulation requirements;
- individuals who apply for a licence and do not meet the regulation requirements for the grant of a new licence are refused a licence;
- appropriate enforcement action is taken against operators carrying out, attempting to carry on, or knowingly allowing a licensable activity to be done without a licence or in contravention of regulations or licence conditions;
- licences are not granted to individuals that are already disqualified from holding a licence or have previously had one revoked;

Section 2: Scope of Policy

2.1 This policy sets out the general principles that the Council will follow in relation to the provision and enforcement of animal licensing. The Policy describes the types of animal licensing matters that are likely to occur and how the Council will deal with them.

2.2 The Council will also have regard to any statutory guidance issued in relation to any of the primary animal licensing Acts and associated Regulations.

2.3 This Policy will ensure that the Council carries out its animal licensing responsibilities in a consistent and fair manner.

Section 3 The Legislative Framework

3.1 The Animal Welfare Act 2006 ("the Act") consolidated and updated a range of previous legislation to promote the welfare of animals. This Act is the principal piece of legislation aimed at protecting animal welfare in England and Wales, and established set welfare standards that must be maintained by all people who are responsible for an animal. The Act also places responsibilities on to numerous enforcement agencies, including local authorities.

3.2 The Act introduced a 'duty of care' on any person that is responsible for an animal to ensure that the needs of that animal are met, and created an offence of failing to provide for those needs. The Act also increased the penalties for animal abuse allowing the courts to disqualify a person from being in charge of animals. Any person disqualified under the Act is also disqualified from holding a licence under any of the animal licensing Regulations.

3.3 The Act gives powers to the Secretary of State for Environment, Food and Rural Affairs to pass regulations that may repeal or amend any of the primary licensing Acts or create new forms of licences, and these powers were used to create the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

3.4 Section 9 of the Animal Welfare Act 2006 creates five overarching principles of animal welfare. The Act refers to these as the 'five needs' of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.

3.5 The 'five needs' are:

- The need for a suitable environment (by providing an appropriate environment, including shelter and a comfortable resting area);
- The need for a suitable diet (by ready access, where appropriate, to fresh water and a diet to maintain full health);
- The need to be able to exhibit normal behaviour patterns (by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate);
- Any need to be housed with, or apart from, other animals (by providing the company of an animal of its own kind, where appropriate); and
- The need to be protected from pain, suffering, injury and disease (by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering).

3.6 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force in October 2018 and are made under section 13(7) and 13(8) of the Animal Welfare Act 2006. The regulations update and replace legislation for selling animals as pets, dog and cat boarding, dog breeding and riding establishments. In addition to this it introduces, for the first time, a licence regime for keeping and training animals for exhibition.

Under Schedule 1 of the regulation, a licensable activity means one of five activities involving animals:

- Selling animals as pets
- Providing for or arranging for the provision of boarding for cats or dogs
- Hiring out horses
- Dog breeding
- Keeping or training animals for exhibition

3.7 The Dangerous Wild Animals Act 1976 dictates that a licence is required from the Council to keep certain animals that are considered wild, dangerous or exotic. A full list of animals that need a licence can be seen here:

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

3.8 The Council does not support the licensing of primates under the Dangerous Wild Animals Act 1976 as 'pets' to live in the domestic premises. The Council recognises that primates are highly intelligent and can be potentially dangerous animals with complex needs that are highly unlikely to be met within a domestic environment.

3.9 The Zoo Licensing Act 1981 dictates that a licence is required from the Council to display wild animals to the public for at least 7 days a year, in a place that is not a circus or a pet shop.

Section 4: Enforcement of the policy

4.1 The Council will seek to ensure compliance with the legislation outlined above and will carry out its duty in an appropriate and consistent manner according to the following principles:

- seek to achieve compliance in an accountable, consistent, proportional, and transparent manner as stated in the stated in Section 2(3) of the Legislative and Regulatory Reform Act 2006. Our enforcement activities will also be targeted at those cases in which action is required to ensure compliance;
- seek to assist businesses and others in meeting their legal obligations through provision of reasonable assistance and advice, and aim to be clear, open and helpful in its approach to enforcement;
- focus on prevention rather than cure, and in the context of animal licensing, in particular focus on risks to animal welfare;
- seek to target enforcement resources at areas of highest risk to animal welfare and public safety, including non-compliant businesses and individuals/ partnerships;
- take robust action against those who knowingly contravene the law or act irresponsibly;
- where appropriate work in partnership with other regulatory or enforcement agencies to solve problems. Such bodies include the RSPCA, Police and Trading Standards.

4.2 In carrying out its enforcement duties, the Council has adopted an enforcement policy, which is available to view here: [link to follow](#)

4.3 We aim to achieve and maintain a consistent approach when we investigate complaints and make our decisions regarding enforcement. In reaching any decision we will consider, potentially amongst other things, the following criteria:

- The seriousness of any offences or breach of conditions;
- The previous compliance record of the business/ individual/ partnership;
- The possible consequence(s) of non-compliance
- The likely effectiveness of the various enforcement options available; and
- The risk to the welfare of animals and/or the public;

Suspension, Variation and Revocation of a licence

4.4 Local Authorities can vary an animal activity licence at any time. This Council will consider varying licences where a variation will likely have a positive impact on animal welfare, or address an issue which was adversely impacting on animal welfare. This Council will seek to engage with Licence Holders to ensure that any variations are both reasonable and practical.

4.5 This Council will also give consideration to suspending, varying, or revoking a licence without the consent of the Licence Holder where:

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

4.6 This Council will take a graduated approach to considering these measures, and in all instances will first consider if compliance and protection of animal welfare can be achieved by variation of the licence. Where it is not considered possible to achieve this via licence variation then suspension or revocation will be considered, in particular where poor standards of animal welfare are identified, or where the Licence Holder has a previous poor compliance record.

4.7 Where a licence is varied, suspended, or revoked, the Council will provide notice of this in writing, and include the following information:

- the reasoning behind the decision;
- when the change will come into effect;
- the licence holder's rights (including how to appeal the decision);
- specific details of any works/ issues requiring resolution before a suspension can be lifted;

4.8 A suspension, variation or revocation of a licence will ordinarily take effect 7 working days after the decision has been issued to the licence holder. The exception to this is where the reason for the action is to protect animal welfare, in which case the effect of the notice is immediate (via powers conferred on the Licensing Authority under Section 16 (2) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018).

4.9 During the 7 days before the notice takes effect (unless the notice has immediate effect), the Licence Holder can make written representation to the Council. The Council will then consider these representations, provide a respond within 7 working days, and either:

- Continue with the licence suspension, variation or revocation; or
- Cancel the decision to make changes to the licence

4.10 Licence Holders have 28 days to appeal against the decision, and if the licence is suspended or revoked cannot trade again until the suspension or revocation is lifted following:

- the Council being satisfied that licence conditions are being met; or
- the first-tier tribunal finding in favour of the Licence Holder that the Council's decision was incorrect;

Section 5: Policy Application

5.1 The Animal Welfare Act 2006 and associated Regulations outline individual application requirements and mandatory conditions that the Council must be satisfied with before it can grant a licence. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 gives the Council powers to apply conditions to each Licence it grants in addition to the mandatory conditions set out in the statutory guidance for each category of animal activity licence.

5.2 The principal purpose of requiring a licence is to safeguard animal welfare, and the Council will keep this objective in mind at all times when undertaking its animal licensing duties.

5.3 The Council will inspect premises in accordance with legislative requirements, veterinary advice and any statutory codes of practice before issuing or renewing a licence. Inspections will involve both programmed/ announced inspections as well as unannounced inspections such as to provide confidence as to the level of compliance of a licence holder/ applicant. Whether an inspection needs to be announced or unannounced depends on the reason for the inspection. For example, if there's a complaint or information that an animal's welfare is at risk it is likely that an inspector will make unannounced re-inspections to make sure compliance is checked thoroughly.

5.4 Where appropriate or required (such as the case with riding stables and initial dog breeding inspections), inspections will be carried out with a qualified/ registered vet. Where inspections identify areas of concern which cannot be addressed by the licence conditions, officers will consider the use of the Animal Welfare Act 2006 and/or liaise with other organisations such as the RSPCA.

5.5 The Council will make reasonable efforts to investigate reports and intelligence relating to unlicensed establishments and/or breaches of conditions, respond to any issues, and where necessary take enforcement action in-line with the Councils Enforcement Policy.

5.6 When carrying out its functions under the primary licensing Acts the Council will seek to promote the following objectives:

- The five needs as set out in the Animal Welfare Act
- Public safety
- Integration with other relevant strategies and legal requirements
- Positive relations with licence holders and proportionate regulation

5.7 In addition to the danger to the welfare of animals by unlicensed or irresponsible animal owners, there is also a danger that may arise to members of the public. For example, poor standards of hygiene could lead to a risk of diseases spreading and affecting other members of the public and their animals. Additionally, licence holders that permit members of the public onto their premises have a legal duty to ensure that they do not put them at risk of illness or injury. Public safety will therefore be a paramount consideration by the Council at all times.

5.8 In addition to being licensed to carry out animal activities a licence holder and their premises may need to comply with other legislation such as planning and building regulations. Where the appropriate permissions or consents are not in place, or where they are being breached, the Council may take enforcement action which could lead the closure

of such premises and consequently adversely impact on the welfare of any animals accommodated there. As a result the Council will not grant a licence where the appropriate planning permissions or building control consents are not in place, or may revoke a licence where such legislation, regulation or conditions are breached.

5.9 The statutory guidance accompanying each of the primary licensing regulations state clearly the mandatory conditions and minimum standards which the Council must be satisfied are complied with before any licence is granted. Where the relevant Licensing Officer is not satisfied that the relevant legal requirements and mandatory conditions are met, or where an Environmental Health Officer of the Council or Veterinary Surgeon has raised concerns that the legal requirements or standards are not met, or unlikely to be met, the applicant for the licence will be notified. The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.

5.10 If the relevant Licensing Officer feels that an application should be refused, they will provide a letter to the applicant explaining the reasons for refusal, and a notice of refusal detailing how the decision can be appealed.

Section 6: The Animal Activity Star Rating Scheme

6.1 For animal activities other than keeping or training animals for exhibition a star rating will be given.

6.2 In Line with Statutory Guidance to Local authorities, applicants will be given a star rating ranging from 1 to 5, based on their compliance history and the results of their inspection. This also applies if an applicant asks for a re-inspection.

6.3 Applicants/ Licence holders should be aware that the Council may amend their star rating after a routine revisit or unannounced inspection. For example, a star rating could go down after an unannounced inspection to investigate an animal welfare complaint.

6.4 The Council will provide feedback on the star rating they have given following inspections which will include the following:

- The star rating
- Details of why this rating was given. This will include a list of the higher standards that the business currently fails to meet, or a list of the minimum standards that the business is failing to meet if it is considered to be in the minor failing category.
- Details of the appeals process and the deadline by which an appeal must be made

Granting or renewing a licence: risk-based approach

6.5 In determining the star rating of a business the Council will adopt a risk-based approach. The Council will consider the following matters as part of its risk-based approach:

- The compliance history of the individual applying for the licence – poorer compliance history will be interpreted as higher risk
- The animal welfare standards observed - whether they have minor failings, follow minimum standards or already operate at a higher standard

6.6 In addition to the above The Council will also consider the following questions based on the inspection and on records of past compliance:

- Does the applicant/ business meet the minimum standards?
- Does the applicant/ business meet the higher standards?
- Is the applicant/ business low or higher risk?

The Animal activity star rating system

	Minor Failings	Minimum standards	Higher standards
Low risk	1 star rating, 1 year licence, at least 1 unannounced visit within 12 months	3 star-rating, 2-year licence, at least 1 unannounced visit within 24 months	5-star rating, 3-year licence at least 1 unannounced visit within 36 months
High Risk	1 star rating, 1 year licence, at Least 1 unannounced visit within 12 months	2-star rating, 1 year licence at least 1 unannounced visit within 12 months	4-star rating, 2-year licence at least 1 unannounced visit within 24 months

6.7 New applicants that do not have one year of compliance history with a local authority or a UKAS-accredited body will be automatically rated as high risk. The length of time the licence is granted for in these instances will depend on whether the new applicant meets the specified higher standards of animal welfare, or the minimum standards.

6.8 For renewal applications, the length of time the licence is granted for will depend on their risk rating and welfare standards at inspection. The licence length can be up to 3 years.

6.9 Where any failings compromise the welfare of animals a licence will not be granted or renewed.

6.10 All of the minimum standards outlined in the relevant licensable animal activity guides must also be met. Failure to do so will lead to refusal to grant or renew the licence.

6.11 In cases where Licence holders conduct multiple types of animal activity categories, they will only receive one rating to cover all of the activities they undertake. Each activity will be considered and rated separately before the final score is awarded overall. In accordance with the statutory guidance to Local Authorities, the star rating will be rounded down if the licence holder is operating with lower standards for one activity than another. For example, if an applicant meets the higher standards for dog breeding and the minimum standards for dog boarding, the overall score will reflect the lower of the two.

6.12 As per the risk scoring matrix set out above, the Animal Activity rating scheme requires inspections to be carried out during the term of a licence, and the star rating may be varied at that time if the level of compliance identified at that time has gone up or down.

6.13 For the activity of hiring out horses, there is a requirement for an annual inspection by a Veterinarian listed on the Royal College of Veterinary Surgeons Riding Establishments

Inspectorate List. It is the Council's policy wherever reasonably practicable to appoint the Veterinarian to undertake the inspection who will be independent and not one that is retained by the applicant / licence holder.

Exception: keeping or training animals for exhibition

6.14 As stated above, the only exception to the risk-based approach is for the activity of keeping or training animals for exhibition. All licences for the activity of keeping or training animals for exhibition can be granted for 3 years. This is done on the basis that these activities have been subject to a simple registration system. A risk assessment is not undertaken for this animal activity as a star rating is not issued.

Higher standards

6.15 Optional higher standards have also been set out in the relevant animal activity guides, and achieving compliance with the higher standards is the only way of obtaining a 4- or 5- star rating.

6.16 In order to qualify for consideration at the higher standard, the applicant/ business must meet:

- 100% of the higher standards classified in the guidance as required;
- 50% (or more) of the higher standards classified in the guidance as optional.

Star rating appeal procedure

6.17 Before considering an appeal against a star rating awarded licence holders are strongly encouraged to discuss the rating with the inspecting Officer first. The Officer will already have provided a detailed written explanation of the rating awarded, and will be happy to explain this further. In many instances this may resolve the matter and avoid the need for an appeal.

6.18 In order to appeal against a star rating the applicant should contact North Devon Council in writing within 21 days of receiving their rating, clearly setting out how they think that the rating awarded does not reflect the animal welfare standards and risk level at the time of inspection via the following address/ email address:

FAO Licensing Lead Officer, Licensing Team, North Devon Council, Barnstaple, Devon, EX32 2GR

Licensing@northdevon.gov.uk

6.19 Appeals will be determined by a senior Officer (Public Protection Manager or Head of Planning Housing and Health), within 21 days of receiving the appeal, and may involve the following:

- Review of inspection notes, inspection report, and comparison of those documents with the appeal documents;
- Review of the past compliance history of the licence holder;
- A further visit to the Licenced Premises;
- Additional advice from relevant animal welfare experts (for example specialist veterinary advice, or dog behaviour therapist input);

6.20 The cost of any additional inspections or specialist support/ advice will be borne by the appeal applicant except where the appeal results in a higher rating being awarded, in which case the cost will be borne by the Council.

6.21 If an appeal applicant disagrees with the outcome of the appeal, then they can make a corporate complaint via the link below, or refer the matter to the Local Government Ombudsman:

<https://www.northdevon.gov.uk/council/feedback-complaints-whistleblowing-and-insurance/complaints-procedure/>

Refusing a licence

6.22 Local Authorities are required to refuse a licence/ renewal application in the following circumstances:

- If they consider that the applicant cannot meet the mandatory licence conditions and minimum standards;
- If they are concerned that issuing the licence may negatively impact on animal welfare;
- If the housing, staffing or management are inadequate for the animals' wellbeing or for the activity or facility to be run properly;
- If an operator who has been disqualified from holding a licence previously under Section 34 or 42 of the Animal Welfare Act 2006.

6.23 The Council may also refuse a Licence if it determines that the applicant is not a fit and proper person, for example where the applicant has relevant offences as listed in Section 7 below.

6.24 In such circumstances the Council will provide the applicant with a notice of refusal which will clearly set out the reasons for the application being refused, and detail how the applicant can appeal against the decision (appeal to a First Tier Tribunal (General Regulatory Chamber), within 28 days of receiving the notice of refusal).

Reinspection requests

6.25 Licence Holders given a rating between 1-star and 4-stars who have accepted their rating but have made improvements since that time can request a reinspection for a re-rating. A minimum period of three months must have elapsed between the rating being issued, and the date of reinspection. The reasoning for this is that it is considered that if improvements can be sustained for a period of three months or more, then they are more likely to be sustained in the longer term of the licence. A Licence holder can apply for a reinspection prior to the three-month standstill period being up, but the reinspection itself will not be undertaken until at least three months has elapsed.

6.26 Requests for reinspection should be made in writing and include the following:

- an outline of the reasons why the licence holder feels they should receive a reinspection;
- details of the improvements made to compliance or welfare since the inspection;

- supporting evidence, if appropriate, for example photographs and invoices for works undertaken/ items purchased;

6.27 If the case for reinspection made by the Licence Holder is not substantiated or insufficient evidence is provided, then the Council may refuse the request to reinspect. If the request is refused then the Licence holder will be provided with a written explanation including details of the outstanding matters requiring attention before a reinspection will be undertaken.

6.28 Where a request for reinspection is accepted by the Council then a reinspection will be undertaken within three months of the request being received.

6.29 Reinspection visits may be undertaken either announced or unannounced (depending on the original inspection findings and the type of premises involved), and Licence Holders should be aware that depending on the re-inspection findings their star rating may go up, down, or remain the same.

6.30 There is no limit on the number of re-inspections that can be requested, but in each case the request for reinspection must include the information set out above. The Licence holder will be required to pay the current inspection fee for the re-inspection, and will be liable for an additional charge where a veterinarian is also required to be in attendance.

Section 7: Suitability of Applicants

7.1 In accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, any individual who carries on a licensable activity will be designated as the 'operator' of the business and can apply for a licence, providing they are not already disqualified from holding a licence in accordance with the Regulations.

7.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence the Council will require new applicants to provide a basic disclosure certificate (DBS) alongside their application. The Disclosure and Barring Service certificate must be marked with an issue date no more than 3 calendar months before the date of application.

7.3 Existing Licence holders will be required to provide a basic disclosure certificate as part of their renewal application from 1st January 2023 onwards. As with new applicants the Disclosure and Barring Service certificate must be dated no more than 3 calendar months before the date of application.

7.4 A Basic Disclosure will be required of all those applicants listed in the application (individuals, partners, and directors).

7.5 DBS checks must show that the applicant (or applicants) are not disqualified from holding a licence, and/or hold no relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence.

7.6 A licence will only be granted where the Council is satisfied that the applicant is a fit and proper person to be the operator for the animal licence applied for. Fitness and propriety to hold a licence is a familiar concept within licensing, but is not legally defined within the context of animal licensing. For the purpose of this Policy, the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:

- the right to work in the UK

- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to give reasonable confidence that they can comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to ensure the safety and welfare of any staff and/or members of the public who may be affected by the licensed activity.

7.7 This does not limit the scope of the fitness and propriety assessment and the Council may take into account other matters considered relevant to the licensing process.

Relevance of convictions

7.8 The purpose of this section is to offer guidance on how the Council will determine whether an applicant or licence holder is suitable to either be granted a licence in the first place or retain a licence under the Regulations. In all cases, the Licensing Authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

7.9 In addition to the nature of the offence, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

7.10 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

7.11 Where a situation is not covered by these guidelines, the Licensing Authority will consider the matter from first principles and determine the fitness and propriety of the individual.

7.12 Where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering the recommendation to the Licensing Sub-Committee will be to refuse the application for a licence, or in the case of an existing licence holder revoke the licence. The reason for this is that the main purpose of the Animal Licensing Regulations is to ensure the welfare of animals, and as such these types of offences are highly relevant.

7.13 The Council will also not normally grant a licence to a person with one (or more) conviction for any offence that is related to licensing as these offences demonstrate a disregard for licensing processes and procedures. In such cases the recommendation to the Licensing Sub-Committee will be to refuse the application for a licence, or in the case of an existing licence holder revoke the licence.

7.14 In addition to the above, the Council also has wider obligations to safeguard both children and vulnerable adults. These obligations arise from the Children Act 2004; and the Care Act 2014. As a result, the recommendation to the Licensing Sub-Committee will be to refuse the application for a licence, or in the case of an existing licence holder revoke the

licence where an applicant or licence holder has a conviction for Sex and indecency offences or exploitation offences (abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children).

7.15 In relation to single convictions, the following **minimum** time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted or renewed without referral to a Licensing Sub-Committee. Where the time period that has elapsed following completion of the sentence (or the date of conviction if a fine was imposed) is less than the time periods listed below, the recommendation to the Licensing Sub-Committee will be to refuse the application. This places public safety as a high priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence:

- Offences involving violence- 10 years;
- Possession of a weapon- 7 years;
- Offences involving dishonesty- 7 years;
- Offences involving drugs- 10 years

7.16 Upon receipt of the certificate from the Disclosure & Barring Service, an Officer of the Licensing Authority will compare any disclosed information with the adopted policies relating to relevance of convictions. Where relevant convictions are disclosed the application will be referred to a Licensing Sub-committee for them to determine whether the applicant is fit and proper to hold a licence.

Section 8. Fees

8.1 The current table of fees for animal licensing can be found on the Council's webpages:

<https://www.northdevon.gov.uk/council/charges-for-council-facilities-and-services/environmental-health-and-all-licensing-fees/>

8.2 In accordance with relevant legislation on fees and charges by a public authority, the fees for each licence are made up of two parts, Part A and Part B. Part A covers the direct costs associated with processing the application and is payable on submission of the application. Part B covers the costs associated with the running of the licensing function. This includes dealing with complaints, enforcement and general administration. This fee is payable once a licence has been granted but must be paid before the licence becomes operational and valid (the licence will not be issued until such time as Part B of the fee has been paid in full).

8.3 In the event that following payment of the Part A fee, the Council determines not to issue a licence (in accordance with the rationale set out in Section 6 and 7 above), then no refund will be issued, as the Council will have incurred reasonable costs in determining the application whether the licence is issued or not.

8.4 Establishments licensed to hire out horses are required to have an annual veterinary inspection, the cost of which will be charged to the licence holder after the inspection has taken place, unless it is part of the licence renewal application, in which case, please refer to section 9.2

Section 9. Application Process

9.1 Licence applications must be submitted on the relevant application form, accompanied by any supporting information requested (such as a basic disclosure certificate and proof of right to work), and with the application fee paid (the Part A fee). Inspection of the proposed licenced premises to determine the suitability for licensing will only be undertaken once the above requirements have been satisfied.

9.2 In the case of an application for breeding of dogs (grant applications only unless exceptional circumstances), and hiring out horses (grant and renewal applications), the required veterinary fee will also need to be paid prior to any inspection being undertaken.

9.3 Once a valid application has been received (all relevant information received/ included, and Part A fees paid), the Council will in accordance with statutory guidance for animal activity licensing undertake the following:

- Consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet the licence conditions.
- Inspect the site of the licensable activity and assess if it is likely to meet the licence conditions. The inspection will be completed by a suitably qualified inspector (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse-riding establishments). The inspector will prepare a report, in accordance with the requirements of the Regulations, to be submitted to the Council following their inspection.
- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter, and state whether or not the inspector considers that the licence conditions will be met.

9.4 The inspecting Officers recommendation whether or not to issue a licence will principally be based on the standards witnessed at the time of inspection.

9.4 If the Inspecting Officer recommends that a Licence should be issued then the applicant will be contacted to request the Part B element of the fees be paid. Following receipt of the Part B fee, the Licence will be issued, accompanied with a covering letter which will contain a detailed written explanation of the star rating awarded.

9.5 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires to continue the activity without a break. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

Section 10. Powers of Inspectors

10.1 Section 30 of the Animal Welfare Act 2006 allows local authorities to prosecute for any offences under that Act. Prosecution proceedings will be considered in accordance with the Council Enforcement Policy.

10.2 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, introduced a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; where

there is a breach of the regulations; or issues relating to the protection of the welfare of an animal (as set out further in Section 4 previously).

10.2 Anyone who carries on any of the licensable activities without a licence is committing a criminal offence and is liable to imprisonment for a term of up to six months, a fine or both.

10.3 It is a criminal offence to breach any licence condition. It is also a criminal offence not to comply with an inspector's request with regards to taking a sample from an animal.

10.4 It is a criminal offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.

10.5 Inspectors have a right of entry to premises for the purpose of undertaking a licence inspection or checking whether an animal activity licence is required. An inspector does not have right of entry to any part of site premises used as a private dwelling, unless they give 24 hours' notice to the occupier. Section 62 of the Animal Welfare Act 2006 contains a definition of what would constitute a private dwelling, and an Inspector may enter this part of the premises without 24-hours-notice if given permission by the occupier. Where a request for entry is refused, Section 23 of the Animal Welfare Act makes provision for application for a warrant of entry.

10.6 The Regulations also make provision for the inspectors to take samples for laboratory testing from any animals on premises occupied by an operator, for the purposes of ensuring the licence conditions are being complied with. A licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples and, in particular, must arrange the suitable restraint of an animal if requested by an inspector (the provision for sampling is primarily aimed at veterinarians carrying out inspections on behalf of the Council).

Section 11. If a Licence Holder Dies

11.1 If a licence holder dies, the procedure in regulation 12 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 applies. This allows the personal representative of the deceased to take on the licence, provided that they inform the local authority within 28 days of the death that they are now the operators of the licensable activity.

11.2 The licence will remain in place for 3 months from the death of the former licence holder, or for the rest of the time it was due to remain in force if that time period is shorter.

11.3 The new licence holder should apply for a new licence one month before the expiry of this new period. If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

11.4 The Council will give consideration to extending the 3-month period up to 6 months if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.

Section 12. Additional information

12.1 The Council has additional information available online, including application forms, guidance documents and details on conditions. These can be seen here:

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

Appendix A. Providing or Arranging Provision of Boarding for Cats or Dogs

A1. All dog and cat boarding activities need a licence if they are carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained in the relevant statutory guidance which the Council will have regard to.

A2. To be in scope, they must:

- provide housing for other people's dogs or cats, where the provision of that housing is part or solely the activity of the business
- arrange housing for other people's dogs - for example, businesses which connect pet owners with people willing to look after their animals for no fee, just minor expenses
- provide overnight housing for cats in purpose-built cattery units
- home board cats, when they are kept in cattery units
- provide daytime housing for other people's dogs, as part of, or as the only activity of, the business

A3. An application for a licence must be made to the Council on its application form, which is available from the Council's website:

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

A4. Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under the relevant statutory guidance:

- Cat boarding Licensing:
<https://localgovernmentanimalwelfare.org/wp-content/uploads/2022/02/Cat-Boarding-Guidance.pdf>
- Home boarding for dogs licensing:
<https://localgovernmentanimalwelfare.org/wp-content/uploads/2022/02/Home-Boarding-for-Dogs-Guidance.pdf>
- Dog day care licensing:
<https://localgovernmentanimalwelfare.org/wp-content/uploads/2022/02/Dog-Day-Care-Guidance.pdf>
- Dog kennel boarding licensing:
<https://localgovernmentanimalwelfare.org/wp-content/uploads/2022/02/Commercial-Dog-Boarding-Guidance.pdf>

A5. If the Council are satisfied that the requirements of the statutory guidance documents are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

A6. The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

A7. If the Council have any concerns about the welfare of the animals kept under this licence, it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

Agenda Item 6

Appendix a

A8 All dog and cat boarding activities undertaken as a commercial business should have a trade waste contract, and inspecting Officers will request evidence of this at the time of inspection. For those dog and cat boarding establishments of smaller scale, for the sake of clarity, Officers will expect to see evidence of a trade waste contract where 5 or more dogs or cats are accommodated at any time.

Appendix B. Selling Animals as Pets Licensing

B1 All selling animals as pets activities need a licence if they're carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained in the relevant statutory guidance on selling animals as pets licensing, which the Council will have regard to. This activity licence does not include the sale of animals in the course of aquacultural production, or the breeding of dogs (this is a separate form of animal activity licence).

B2 An application for a licence must be made to the Council on its application form, which is available from the Council's website:

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

B3. Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under the statutory guidance:

<https://localgovernmentanimalwelfare.org/wp-content/uploads/2022/02/Selling-Animals-as-Pets-Guidance.pdf>

B4. If the Council are satisfied that the requirements of the statutory guidance document are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

B5. The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

B6. If the Council have any concerns about the welfare of the animals kept under this licence, it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

B7 All selling animals as pets undertaken as a commercial business should have a trade waste contract, and inspecting Officers will request evidence of this at the time of inspection.

Appendix C. Hiring out horses licensing

C1 All activities involving hiring out horses for riding, or instruction in riding, need to have a licence if they're carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained in the relevant statutory guidance on Hiring out horses licensing, which the Council will have regard to.

C2 To be in scope they must hire out horses for riding, or instruction in riding. This could include:

- riding schools
- loan horses
- hunter hirelings
- pony and donkey rides
- polo instruction
- pony parties where the ponies are ridden

C3 For the hiring of horses, a listed Veterinarian must be appointed for the initial inspection, for a renewal inspection, and for the annual inspection for the hiring of horses. It is the Council's policy wherever reasonably practicable to appoint a Veterinarian to undertake the inspection who will be independent and not one that is retained by the applicant / licence holder.

C4 An application for a licence must be made to the Council on its application form, which is available from the Council's website:

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

C5 Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under the statutory guidance:

<https://localgovernmentanimalwelfare.org/wp-content/uploads/2022/02/Hiring-Out-of-Horses-Guidance.pdf>

C6 If the Council are satisfied that the requirements of the statutory guidance document are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

C7 The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

C8 If the Council have any concerns about the welfare of the animals kept under this licence, it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

C9 Where hiring out horses is undertaken as a commercial business Officers will generally require the business to have a trade waste contract, and inspecting Officers will request evidence of this at the time of inspection. Smaller scale operations that are able to show evidence of satisfactory recycling and waste control may be exempted from being required to have a trade waste contract.

Appendix D. Dog Breeding Licensing

D1 All activities involving dog breeding, need to have a licence if they're carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained in the relevant statutory guidance on dog breeding licensing, which the Council will have regard to. In particular, there is a limit on the number of litters that dog breeders can have without a licence unless a breeder can prove that they will not sell any of the puppies from these litters as puppies or adults.

D2 To be in scope, they must:

- breed 3 or more litters of puppies per year (unless they can show that none of the puppies have been sold as puppies or adults)
- be breeding puppies and advertising a business of selling them (as defined under the business test)

D3 A vet must be appointed for the initial inspection for the licensed application for the breeding of dogs. It is the Council's policy to appoint the Veterinarian to undertake the inspection who will be independent and not one that is retained by the applicant / licence holder.

D4 An application for a licence must be made to the Council on its application form, which is available from the Council's website:

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

D5 Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under the statutory guidance:

<https://localgovernmentanimalwelfare.org/wp-content/uploads/2022/02/Dog-Breeding-Guidance.pdf>

D6 If the Council are satisfied that the requirements of the statutory guidance document are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

D7 The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

D8 If the Council have any concerns about the welfare of the animals kept under this licence, it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

D9 All dog breeding undertaken as a commercial business should have a trade waste contract, and inspecting Officers will request evidence of this at the time of inspection.

Appendix E. Keeping or Training Animals for Exhibition Licensing

Appendix E. Keeping and Training Animals for Exhibition

E1 All keeping or training animals for exhibition activities need a licence if they're carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained in the relevant statutory guidance on keeping or training animals for exhibition activities.

E2 An application for a licence must be made to the Council on its application form, which is available from the Council's website:

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

E3. Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under the statutory guidance:

<https://localgovernmentanimalwelfare.org/wp-content/uploads/2022/02/Keeping-or-Training-Animals-for-Exhibition-Guidance.pdf>

E4 If the Council are satisfied that the requirements of the statutory guidance document are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

E5 The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

E6 If the Council have any concerns about the welfare of the animals kept under this licence, it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

E7 As stated in Section 6 above, the Council is not required to undertake a risk rating in relation to licences for the activity of keeping or training animals for exhibition, and as such no star rating will be issued for these licences. All licences for the activity of keeping or training animals for exhibition are granted for 3 years.

E8 All undertaken as a commercial business should have a trade waste contract, and inspecting Officers will request evidence of this at the time of inspection.

Appendix F. Dangerous Wild Animal Licensing

F1 Anyone who keeps an animal scheduled as a dangerous wild animal must be licensed under the Dangerous Wild Animals Act 1976. A full list of animals that need a licence can be seen here: <http://www.legislation.gov.uk/uksi/2007/2465/schedule/made>.

F2 The Dangerous Wild Animals Act (DWA) of 1976 aims to ensure that where private individuals keep dangerous wild animals they do so in circumstances which create no risk to the public and safeguard the welfare of the animals.

F3 When applications for a DWA licence are received, the Council will instruct a suitably experienced Veterinarian and/or other relevant professionals to obtain the appropriate advice to ensure that any special needs of the animal are fulfilled and the applicant is a suitable person to hold such a licence. The Council must also be satisfied that it would not be contrary to public interest on the grounds of safety or nuisance. Special needs in this context mean the suitability of accommodation, heating, lighting and appropriate foodstuffs and enrichment for the species identified in the application.

F4 A person is held to be the keeper of the animal if they have it in their possession. The assumption of possession continues even if the animal escapes or it is being transported. This removes the need for carriers or veterinary surgeons to be licensed.

F5 An application for a Dangerous Wild Animal licence must be made to the Council on its application form, which is available on the Council's website along with detailed guidance notes:

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

F6 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require the applicant for a DWA Licence to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application. This check will then be required on a rolling 3-year basis.

F7 Once the Council receives an application for the grant or renewal of a licence it will do the following before granting or renewing a licence:

- The Council will ensure that the applicant has not been disqualified from keeping dangerous wild animals.
- An Officer of the Council will inspect the relevant premises in conjunction with a suitably experienced Veterinarian/ animal expert and assess if it is likely to meet the requirements of the legislation.
- Inspection reports will contain information about the suitability of the accommodation, suitability of the applicant in terms of their handling skill / experience and their views on qualification relating to species. The vet/ expert will also consider the animal's ability to express their natural behaviour, and the knowledge of the owner to promote the animal's welfare. The report will then be sent to the Council for consideration.
- Ensure that the appropriate fees have been paid.

F8 The Council will not grant a licence unless it is satisfied that:

- it would not be contrary to the public interest on the grounds of safety, nuisance or otherwise
- you are deemed to be a suitable person to hold a licence and are adequately insured
- animals will be held in secure accommodation to prevent them from escaping
- accommodation for animals is suitable with regards to the construction, size, temperature lighting, ventilation, drainage and cleanliness, and which is suitable for the number of animals proposed to be held in the accommodation
- animals are provided with adequate food, drink and bedding materials and will be visited at suitable intervals
- appropriate steps will be taken for the protection of any animal concerned in case of fire or other emergency
- appropriate steps will be taken to prevent and control the spread of infectious diseases
- while any animal is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

F9 Where the Council determines that a licence shall be granted it is a requirement of the legislation to apply several mandatory licence conditions that shall apply for the duration of the licence:

- the animal shall be kept by no person other than such person or persons as is or are specified (whether by name or description) in the licence;
- the animal shall normally be held at such premises as are specified in the licence;
- the animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence;
- the person to whom the licence is granted shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal; and
- the terms of any such policy shall be satisfactory in the opinion of the authority;

F10 The Council may also, in granting a licence under this legislation, specify such conditions on the licence as it thinks fit. The Council will give careful consideration to additional conditions proposed for a licence, including the comments of the Veterinarian/

expert on any proposed conditions. Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards. At all times the Council will bear in mind its primary objectives in relation to Dangerous Wild Animal Licensing, which are to protect the public, and also to ensure appropriate animal welfare standards.

F11 Where a condition is applied on a licence to permit an animal to be, for any continuous period exceeding 72 hours, at premises outside the area of the Council, the Council will contact the local authority in whose area those premises are situated.

F12 The Council is permitted by regulations to vary licenses at any time by specifying new conditions, or amending or revoking previously applied conditions. Where variation of the licence conditions is proposed by the licence holder, the variation of the licence will have immediate effect. In other cases, the Licence Holder will be given a reasonable period of time to familiarise themselves with the new requirements and ensure compliance.

F13 Applicants/ licence holders have a right of appeal against the refusal, revocation, or variation of the licence. Appeals should be made to the Magistrates Court within 21 days of receiving notification of the refusal/ revocation/ variation.

F14 In the event of the death of a licence holder the licence shall continue in force for a period of 28- days as if it had been granted to the personal representatives of the deceased, and if an application is made for a new licence within the 28-day period, the licence shall be deemed to be still in force pending the grant or refusal of that application.

F15 Premises licensed under the Dangerous Wild Animals Act are not risk rated and licences, if issued, are valid for 2 years.

F16 Although not a statutory requirement, the Council will aim to provide licence holders with approximately 4 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

F17 Provided that a valid application is received prior to the expiry the licence, the licence shall be deemed to be still in force pending the grant or refusal of the said application, and if it is granted the new licence shall commence from the date of the expiry of the last licence.

Appendix G. Zoo Licensing

Do you need a zoo licence from North Devon Council?

G1 If you intend to operate a zoo in the North Devon area, it will be necessary for you to gain a zoo licence from the Council.

G2 The Zoo Licensing Act 1981 defines a "zoo" as an establishment where wild animals are kept for exhibition to the public other than for purposes of a circus or in a pet shop (separate licences are required). This Act applies to any zoo, which members of the public have access to, with or without an admission charge, on more than seven days in any 12 months.

G3 An application for a Zoo licence must be made to the Council on its application form, which is available on the Council's website along with detailed guidance notes:

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

Application process

G4 The licensing of zoos is a specialist field and the regulations are complex. The Council works in close partnership with DEFRA. Details on the legislation and the Secretary of State's Standards of Modern Zoo Practice can be found on the DEFRA website:

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

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

G5 If you are thinking of setting up a zoo, we recommend you contact us first for advice and guidance. The Council cannot consider an application unless at least two months notice of the application has been given, plus details have been published in a local and national newspaper, and a notice has been placed at the site. Once this period of time has lapsed, an application form can be submitted along with the current fee.

G6 Before the Council can grant a licence for a zoo, it must be satisfied that:

- the establishment will not injuriously affect the health and safety of people living in the neighbourhood

- the establishment will not affect the preservation of law and order
- the accommodation, staffing and management are adequate for the proper care and well-being of the animals

G7 The Council will consult the following in relation to your application:

- Police
- Fire authority
- Governing body of any national institute concerned with the operation of zoos
- Planning authority
- The Council's Health and Safety team

G8 The Council will arrange an inspection by a consultant inspector from a list of suitable inspectors nominated by the Secretary of State. The inspector will produce a report of their findings and, based on the report and other considerations, the local authority will grant or refuse to grant a licence. This process may involve determination by the Council's Licensing Committee. If your licence is refused, you will receive a written statement of the grounds for refusal.

The applicant

G9 may refuse to grant a licence if you, or any director, manager, secretary or other similar officer of the body, or any person employed as a keeper in the zoo, has been convicted of an offence under the Zoo Licensing Act 1981 or an offence under any of the following involving the ill-treatment of animals:

- the Protection of Animals Acts 1911 to 1964
- the Protection of Animals (Scotland) Acts 1912 to 1964
- the Pet Animals Act 1951
- the Animals (Cruel Poisons) Act 1962
- the Animal Boarding Establishments Act 1963
- the Riding Establishments Act 1964 and 1970
- the Breeding of Dogs Act 1973
- the Dangerous Wild Animals Act 1976
- the Endangered Species (Import and Export) Act 1976
- part I of the Wildlife and Countryside Act 1981
- sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006
- section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to dog breeding in Wales
- section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to the carrying on of an activity in England;

- the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014
- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- sections 28C or 28F(16) of the Animal Health Act 1981
- sections 19 to 24, 25(7), 29 or 40(11) of the Animal Health and Welfare (Scotland) Act 2006

G10 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require any director, manager, secretary or other similar officer of the body, or any person employed as a keeper in the zoo, to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application. This check will then be required on a rolling 3-year basis.

Planning requirements

G11 When applying for a licence, you will need to consider whether planning permission is required for the proposed licensed activity. You should contact the Council's Planning and Development Services on 01271 388288 to discuss whether permission will be needed. In the event that planning permission is required then any decision to grant a zoo licence will be suspended until such time as the planning application has been granted.

Licences

G12 Each original licence will run for four years, with consecutive renewals running for six years. Failure or late application for renewal may invalidate any public liability insurance for the premises. A copy of the licence must be displayed at every public entrance of the establishment.

G13 Changes to the licence, for example name changes and ownership changes, can be carried out at the request of the operator. A licence can also be transferred to another person with the approval of the Council (a basic disclosure certificate will be required for the proposed new licence holder). There is an application form for the transfer of a licence, which must be submitted with the relevant fee. The application can be found via the link to the Council webpages above.

G14 In the event of a licence holder dying, the licence shall be deemed to be granted to their personal representatives and will remain in force for up to three months, or longer with our approval.

G15 For small zoos, or for a zoo exhibiting only a small number of different kinds of animals, the Secretary of State has powers to relax the requirements of the Act. In such instances the Council can seek a direction that the Act shall not apply at all (Section 14(1)(a)) or that certain category of inspection is not required (Section 14(1)(b)).

G16 Alternatively, on applying to the Secretary of State for a zoo licence, you may be granted a dispensation (Section 14(2)) to reduce the number of inspectors to a reasonable level for a small establishment. This will not reduce the zoo's obligation to achieve the levels of animal welfare and public safety set out in the Secretary of State's Standards.

What conditions will be attached to a licence?

G17 The Zoo Licensing Act 1981 specifies various conservation measures that must be undertaken by a zoo and these will be attached as conditions to a zoo licence (conditions are available on our website- see link above).

G18 North Devon Council also has discretion to attach any conditions it deems necessary or desirable for the proper conduct of the zoo.

G19 The Secretary of State issues guidance of standards of practice that zoos should meet which apply in England. Copies of the Secretary of State's Standards of Modern Zoo Practice are available on the DEFRA website via the link above.

Inspection types

Periodic inspections

G20 Periodic inspections by inspectors appointed by the Secretary of State will take place at the following intervals:

- in the case of an original licence, an inspection will be carried out in the first year and no later than six months before the end of the fourth year
- in the case of a renewal inspection in the third year and no later than six months before the end of the sixth year

G21 Up to three inspectors appointed by North Devon Council will visit the premises and at least one of these will be a qualified veterinary surgeon or practitioner. Meanwhile, up to two may be nominated from the Secretary of State approved list. Only one is necessary if they fulfil both of the requirements above.

G22 North Devon Council will give you at least 28 days-notice of our intention to inspect your premises and will inform you of the names of the inspectors. You can in turn appeal against all or any of them.

G23 As the zoo operator, you may allow three representatives to accompany the inspection team. The inspection team will submit a report to North Devon Council who will in turn send a copy to you within a month of its receipt.

Special inspections

G24 North Devon Council has the right to make special inspections in any circumstances, which in our opinion call for investigation. As the zoo operator, you must be given notice of the purpose and scope of the inspection and if the investigation involves animal inspection, at least one inspector will be a qualified vet with experience of zoos and zoo animals.

Informal inspections

G25 In any calendar year where no other inspection has taken place, an informal inspection will be carried out by an appointed person from North Devon Council.

Renewing a licence

G26 North Devon Council will give at least nine months-notice of the expiry date of your licence. Your application to renew the licence should then be made at least six months before the expiry of the existing licence.

Records required to be kept

G27 The records required to be kept by a zoo will be largely dependent on the conditions imposed on a particular operator. However, typical requirements include providing North Devon Council with a copy of a zoo's public liability insurance, annual stock list, intention of providing hazardous animals.

Offences and penalties

G28 The following offences and penalties are created under Section 19 of the Zoo Licensing Act 1981:

- operating a zoo without a licence in contravention of the Act
- failing without reasonable excuse to comply with any conditions of a licence
- intentionally obstructing an inspector in the course of an inspection
- intentionally obstructing someone who is authorised in accordance with Section 16G to enter the premises of a permanently closed zoos or a dwelling within the zoo grounds
- failing without reasonable excuse with a direction issued under section 16A(2)(d) to close a zoo or part of it to the public for a period not exceeding two years
- failing without reasonable excuse to comply with a zoo closure direction
- failing without reasonable excuse to supply information requested by the local authority about the care or disposal of zoo animals in the event of a zoo closure
- failing without reasonable excuse and without the agreement of the authority, to dispose of any animal kept at a permanently closed zoo before the plan in section 16E(2) has been approved by the authority, or other than in accordance with the agreed plan
- failing without reasonable excuse to comply with a direction issued under section 16E(6) (direction about the welfare or disposal of animals kept in a permanently closed zoo)
- failing without reasonable excuse to display the zoo licence or a copy at each entrance of the zoo

G29 Under Section 19(4), if you are found guilty of any offence above, you are liable to a fine of level 4 (currently £2,500), except obstructing an inspector, failing to supply information about the care or disposal of zoo animals in the event of zoo closure, or failing to display the licence or copy of it at each zoo entrance area for which are liable to a fine of level 3 (currently £1,000).

Rights of entry

G30 Local authority officers and accompanied by the appointed veterinary surgeon may inspect zoo premises, having given 28 days' notice in writing. There is currently no power of entry to unlicensed premises.

Fees

G31 A completed application (for the grant, renewal or transfer of a licence) must be submitted with the correct fee and in addition the applicant will need to pay any associated veterinary fees for DEFRA nominated inspectors.

How long will it take to process my application?

G32 We will try to contact you within five days of receiving notice of your intention to apply for a licence. If you have not heard from us within this period, please contact us to ensure your notice was correctly made and received. We will then have two months to make the necessary arrangements in preparation of the next stage in the process.

G33 It is not possible to provide an exact time period for the grant or refusal of a licence. Timescales will vary depending on the size and nature of each individual application. Comments gained in the consultation period and from the inspectors report may vary widely, and some applications may need to go before the council's Licensing Committee for determination.

Right of appeal

G34 If you wish to challenge a refusal to be granted a licence, or any conditions to a licence, you can appeal to the magistrates courts.

Complaints

G35 If you want to make a complaint about a zoo premises, please contact us. If you feel we have failed to provide you with good service or are concerned about the progress of your application, please telephone Customer Services and we will try to resolve any concerns you may have. The council also has a formal complaints procedure.

Further information

G36 Copies of the Zoo Licensing Act 1981 and Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 can be found free online via the links below:

<https://www.legislation.gov.uk/ukpga/1981/37/contents>

<https://www.legislation.gov.uk/uksi/2002/3080/contents>

G37 Further information on zoos operating in England, as well managing health and safety in zoos, is available from DEFRA.

G38 The Animal Welfare Act 2006, places responsibilities for care and welfare of an animal, on persons who are in charge of or are responsible for the animal, whether on a permanent or temporary basis. Again, more information is available from DEFRA

Relevant trade associations

- World Association of Zoos and Aquariums (WAZA)
- British and Irish Association of Zoos and Aquariums (BIAZA)
- Royal College of Veterinary Surgeons (RCVS)

Consultation on NDC's new Animal Policy ran from 20 June 2022 until 15 August 2022.

60 responses were received the replies are as follows:

Proposal 1 – Refusal by North Devon Council to licence primates as ‘pets’ to live in the domestic premises under the Dangerous Wild Animals Act 1976

In common with an increasing number of other Licensing Authorities and animal welfare groups, North Devon Council does not support the licensing of primates under the Dangerous Wild Animals Act 1976 as ‘pets’ to live in the domestic premises. The Council recognises that primates are highly intelligent and can be potentially dangerous animals with complex needs that are highly unlikely to be met within a domestic environment.

Do you agree with the proposal to refuse to licence primates as ‘pets’ to live in the domestic premises under the Dangerous Wild Animals Act 1976?

- Yes 52
- No 2
- Maybe 1

Comments on proposal 1 above:

They are wild animals and not meant to be dressed up or kept in cages

Primates are not pets and need specialist care if not in their natural habitat.

A primate is not a domestic animal. It should be in the wild or a sanctuary assimilating with it's own kind.

I think it morally wrong for primates to be used as domestic pets. Very few people will know how to look after them properly and will lose interest when the animal is adult and uncontrollable or even dangerous

Monkeys don't belong in this country and people shouldn't contribute to the exploitation, sale and frightening shipping of exotic and foreign animals.

If primates are not in their natural habitat. They should be kept in an environment / habitat that enables them to live in the same way as they would naturally. This would also mean they are kept in groups as they are not solitary.

This is not good vor the primates

Primates live in families in the wild and this natural behaviour is completely taken away from them if they are kept as single 'pets', no matter how well they are looked after.

It is the quality of environment and the commitment and understanding of the individual responsible and their willingness to apply the welfare standards that are licensed and checked by the authority. As an authority you do not have the right to enforce a "concept" on individuals due to pressure from welfare legislation. This is the easy way out and curtails the freedoms of the individual. You can easily obtain "experts" within your catchment to help you ascertain the "appropriateness" of a licensing request - just ask.....

They are not a toy...

People must have specialist knowledge

I am concerned that not considering applicants attempting to licence monkeys will mean more cases of keeping monkeys will go undetected. Applying for a licence would mean there is visibility. A licence should not be granted of course in 99.9% of cases.

Primates have no place in homes as pets. Their intelligence and specific requirements make them suitable for care by appropriately experienced groups/organisations and definitely not as household pets.

Primates are wild, not domesticated animals and encouraging their 'ownership' would be reverting to the 1950's where many stressed primates were kept and dressed as humans.

There should be no reason to keep primates in domestic situations

Proposal 2 – Use of an independent Vet for Hiring out horses activity inspections

North Devon Council proposes to appoint an independent Vet to undertake hiring out horses activity inspections who will be independent and not one that is retained by the applicant / licence holder. It is further proposed that any increased costs associated with this, for example increased mileage costs, must be borne by the applicant.

Do you agree with the proposal to use an independent Vet to undertake hiring out horses' activity inspections who will be independent and not one that is retained by the applicant / licence holder?

- Yes 47
- No 4
- Maybe 4

Comments on Proposal 2 above:

Please share any comments you have:

Of course the vet used should be independent!

Not wishing to question the integrity of vets but independence is a requirement in such situations.

No conflict of interests.

This is likely to impose additional costs on the license holder for little benefit to animal welfare.

Independent inspections are a must. Although most people are honest there will always be those who are not

I have no understanding of this topic

An independent vet would be able to act without any pressure from a paying client. But I would seriously hope that a professional vet would not be influenced / pressured by a client anyway and would have the animals welfare as their primary concern.

As a horse owner I think that using an independent vet is a great idea

Most vets are professional and would be looking at establishments within the guidelines of the licensing act even if they are the establishment's usual vet.

It is the responsibility of the activity license holder to do this correctly and pass on the costs of this activity to their clients. If they are not prepared to do this then they should not be licensed as their commitment to today's social welfare standards shows their lack of understanding of society's perception and brings into question their standards,

Just because there happens to be a co-incidence that a third party vet that is used happens to be the one or the practice the stables uses shouldn't mean that stables is penalised with extra costs.

Surely the vets pre-existing knowledge about the stables who uses their practice should be seen as a good thing - its not about being fair it's about doing things right.

Provided the vet is a specialist equine VS

Especially the costs

Proposal 3 – Minimum 3 month period between re-inspections

Licence Holders given a rating between 1-star and 4-stars who have accepted their rating but have made improvements since that time can request a re-inspection for a re-rating, but it is proposed that a minimum period of three months must have elapsed between the rating being issued, and the date of re-inspection. The reasoning for this is that it is considered that if improvements can be sustained for a period of three months or more, then they are more likely to be sustained in the longer term of the licence.

It is further proposed that Licence holders can apply for a re-inspection prior to the three-month standstill period being up, but the re-inspection itself will not be undertaken until at least three months has elapsed.

Do you agree with the proposal to introduce a three-month standstill period between re-inspections?

- Yes 42
- No 3
- Maybe 11

Comments on Proposal 3 above:

Please give us any comments you have

Longer would be better; the re-inspection should also be unannounced.

3 months is a long time. Improvements in care should not need to take that long.

What happens if they are re-inspected and upgraded but standards then fall back to the initial rating? Who will know?

This sounds reasonable, provided there are further regular inspections planned in instances where improvements were required.

Or even 6 months

Seems very reasonable

Good idea to make them improve and maintain their standards for a longer period

At what point is the licence refused? If another visit is required then this should be with a vet who is not the establishments usual vet. if the establishment wants to increase the number of stars they have been awarded then a 3 month wait seems sensible.

Licence holders need the ability to show their improvement and their will to achieve. Too long between inspections removes the drive and encouragement. Three months would seem a good choice of term for those who immediately strive for improvement.

I don't have enough knowledge to make an informed decision

Believe this timescale may need adjusting dependent on situation, i.e. time of year (demand specific), staff involved (and potential turnover of staff) and nature of the improvement.

Impromptu visits might be worth considering to ensure improvements are sustained?

Should be case dependant as if animal welfare is at risk if a change doesn't happen immediately then 3 months may be too late

Proposal 4 – Requirement for applicants to provide a basic disclosure certificate (DBS) alongside their application

In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence it is proposed that new applicants be required to provide a basic disclosure certificate (DBS) alongside their application, and for existing licence holders to provide this with their renewal applications from 1st August 2022. In both cases it is proposed that the Disclosure and Barring Service certificate must be marked with an issue date no more than 3 calendar months before the date of application.

Do you agree with the proposal for applicants to provide a basic disclosure certificate (DBS) alongside their application?

- Yes 46
- No 3
- Maybe 7

Comments to Proposal 4 above:

Please give us any comments you have²

it is not clear what benefit this would bring

I am unsure that this is a good idea

Again, this seems very reasonable

From experience, this unfortunately is a necessity. It is easy for an individual to move areas and reapply without disclosing their past and suitability to work with any livestock!

Sorry uninformed

Albeit this is only as good as the date on the certificate.

Shame its going to cost £18 though.

Fair assessment of any previous convictions makes total sense, especially as any animal related convictions should be known about

Proposal 5 – Fitness and propriety test for applicants

It is proposed that the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:

- the right to work in the UK;
- no relevant convictions;
- not been disqualified from holding a licence;
- the knowledge, experience, compliance history and ability to give reasonable confidence that they can comply with licence conditions and safeguard the welfare of animals in their care;

- made suitable management and training arrangements to ensure the safety and welfare of any staff and/or members of the public who may be affected by the licensed activity.

Do you agree with the above proposed fitness and propriety test for applicants?

- Yes 46
- No 4
- Maybe 6

Comments on Proposal 5 above:

Please give us any comments you have³

You need to be specific about relevant convictions. Also someone without the right to work in the uk may need a license.

But how do you propose to confirm the information you've been given is true? Do you have the manpower to check?

Will neighbours be consulted? (Personal experience here)

They may have been disqualified from holding a licence in the past but may have improved their animal welfare capabilities and can demonstrate as such.

This sounds reasonable, provided all these separate tests aren't costing the applicant hundreds of pounds.

If due research is conducted for each application and not just rubber stamped

Many people are told they do not have the right to live in the UK when they really do

I am aware that in the past I have visited dog boarding kennels where the licence for the number of dogs that can be boarded meant that dogs from different owners have been kennels together even though they may not get on and may fight, if this happened overnight the result could be catastrophic. Dogs should be in separate kennels and all with access to a separate outside run.

Again today's welfare perceptions require licensees to prove their suitability. This will help along with inspections and enable you the licensing authority to provide evidence of your informed decision!

The wording above is to open and will lead to inconsistencies of judgement

Not sure why they have to have a right to work in the UK? Otherwise OK

Proposal 6 – Applicants with a conviction related to animal cruelty or suffering shall not be licenced

It is proposed that where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering, they shall not be licenced (or in the case of an existing licence the licence shall be revoked). The reason for this is that the main purpose of the Animal Licensing Regulations is to ensure the welfare of animals, and as such these types of offences are highly relevant. A conviction of this type would therefore in the eyes of the Council amount to the individual not being a fit and proper person to hold a licence.

Do you agree with the proposal to refuse to licence applicants who have convictions related to animal cruelty or suffering?

- Yes 55
- No 0
- Maybe 1

Comments on Proposal 6 above:

Please give us any comments you have⁴

Such people can slip through the regulatory net, and should not, as animal welfare should be paramount.

Cruelty to an animal is better justified and shows someone's true nature. Giving someone with a conviction for animal cruelty a licence is dangerous.

Will that include members of the Hunting fraternity by extrapolation?

No one who can misuse or treat badly any animal should be allowed to even own one let alone have a licence to care for other people's animals

Once convicted of cruelty applicants should be excluded forever.

Absolutely

We currently don't do nearly enough to protect animals from cruelty or suffering
barred for life

Obviously to prevent animal cruelty

This should also apply to close family members of the convicted

Whilst I agree in principle, it would depend on the circumstances

Anybody who has been convicted of animal cruelty should not be anywhere near an animal, let alone be licensed to earn money from them. A lifetime ban should be handed out to anybody convicted of animal cruelty to any breed of animal.

This takes a long time to prove and a lot of commitment from welfare associated activity and only happens at the moment in the very worst cases so it should definitely be a policy. End.

Will happen again

This is a no-brainer!

Animal cruelty must be treated with the utmost consideration. The welfare of animals is paramount and, if a person has offended against an animal, they must never work with or own an animal without direct supervision. As a Veterinary Nurse I have seen too many abused animals.

Absolutely. Why would anyone with those kind of convictions be granted licence to work with animals

Proposal 7 – Applicants with a conviction for any offence that is related to licensing shall not normally be licenced

It is proposed that where an applicant or licensee has been convicted of any offence that is related to licensing, that a licence will not normally be granted as these offences demonstrate a disregard for licensing processes and procedures.

Do you agree with the proposal to not normally grant a licence to an applicant who has been convicted of any offence that is related to licensing?

- Yes 47
- No 1
- Maybe 8

Comments on Proposal 7 above:

Please give any comments you have

This needs to be assessed on a case by case basis.

case by case review required on this issue

Sometimes bureaucracy takes over

Depends on the circumstances

Nobody who has been convicted of anything related to licensing should never be allowed to apply for another licence and certainly never granted another one.

As an authority doing the licensing you must be able to accept the integrity of the individual you are licensing. Quite simply they cannot be trusted if they have committed this offence.

Dependant on what the licensing offence was for

Proposal 8 – Applicants with a conviction for Sex and indecency offences or exploitation offences shall not be granted a licence

It is proposed that where an applicant or licensee has been convicted of any offence involving sex and indecency or exploitation (abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children), they shall not be licenced (or in the case of an existing licence the licence shall be revoked). The reasoning for this is that the Council has wider obligations to safeguard both children and vulnerable adults. These obligations arise from the Children Act 2004; and the Care Act 2014

Do you agree with the above proposal to refuse to licence an applicant who has been convicted of any offence involving sex and indecency or exploitation?

- Yes 42
- No 5
- Maybe 9

Comments on Proposal 8 above:

Please give us any comments you have5

These offences are unrelated

Lack of moral fibre. Why should they have any authority over an animal.

Not clear what benefit this would bring.

If you can't respect humans, then what hope for animals? However, the offences could be wide and varied. It needs to be more specific.

Whilst I have strong views on punishment of this kind like neuter the person. It does not necessarily impact on their ability to care for an animal

Obviously safeguarding

If conviction spent then it's spent

We all know that children and young adults love to hang around riding school's and anything else to do with animals. There should never be a person convicted of any sexual offence, of any kind,

allowed to hold a licence for anything related to animals, and that could attract vulnerable people to use that establishment.

This is more difficult and I think it needs to be carefully assessed by the inspectors after the applicant has revealed the crime. Certainly yes if they do not reveal this to the time of the application.....

While the offences mentioned may indicate an increased likelihood the applicant is not suitable, it will not always be true and right. The above when it occurs would require further impartial investigation before a judgement was made.

Irrelevant

Again case dependant- a sex offender can be very different to someone convicted of indecent exposure on a night out for example

Yes but only if it involved animals

Absolutely

Proposal 9 – minimum time periods which should elapse following completion of a sentence before a licence will be granted or renewed

It is proposed to introduce minimum time periods which should elapse following completion of a sentence before a licence will be granted or renewed for a number of specified offence types. This places public safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence. The conviction types to be covered by this proposal are as follows:

- Offences involving violence- 10 years;
- Possession of a weapon- 7 years;
- Offences involving dishonesty- 7 years;
- Offences involving drugs- 10 years.

Do you agree with the proposal to introduce minimum time periods which should elapse following completion of a sentence before a licence will be granted or renewed for a number of specified offence types?

- Yes 40
- No 8
- Maybe 7

Comments on Proposal 9 above:

Please give us any comments you have

A step forward to protecting animals and the public from irresponsible owners

I don't understand the connection

Idea that someone who's been caught smoking weed is more dangerous than someone toting a gun illegally is ridiculous.

Best thing NDC have thought of bringing in. NOW Look other areas not WOKE ones but ones that you should have brought in before and have been put before you by the public that you are supposed to listen to.

I would prefer possession of a weapon to carry a 10 year minimum time period

In principle yes but some of the time lapses may be excessive.

I do not believe in giving people a second chance but they must be regulated

Animal welfare requires a high degree of trust in the carers. Convicted criminals have forfeited their right to be in charge of animal welfare.

I do not really understand the connection with animal welfare and any other criminal offence. Therefore why should any offence not related to animal welfare impact on someone's ability to care for an animal.

The longer the better

Grant them a probationary licence that they can improve on by agreeing to regular unannounced inspections

Not sure what this and the previous question have to do with animal licencing

Any offence as listed above should result in a refusal of a licence for life

There should be some convictions which would automatically mean that person would never be allowed a licence of any kind but for others, if they can show how they have completed their sentence and taken it upon themselves to seek help and training so that they are likely to never re-offend then a licence application should be considered.

You have to respect the rights of individuals and these should be guidelines that could be reviewed against licensee applicants if necessary. Maybe make the licensee pay for their GP or local constabulary assessment

Setting a fixed period is very random and unsuitable given the diversity of individuals and case. The fairest way would be to assess individual cases on their merits or otherwise.

Shame you can't go through the actual home boarding licence and remove the 5 reference to FISH and the 1 reference to HORSES and ENCLOSURES (as if we were kennels) and THE SPECIES as if we could be talking about another type of animal

Any comments on any other part of the draft policy?

Comments:

Please provide any comments on any other part of the draft policy

With the increasing amount of irresponsible dog owners not keeping their animals on leads, and incidents of wild life and farm animal attacks, it's about time that dog licensing was re-implemented.

tougher sentencing on Animal abuse.

Good to see a draft policy being formulated and put out to consultation pre-regulation.

1. As an experienced beekeeper and teacher of beekeeping with North Devon BKA I am continually surprised that beekeepers do not need to be licensed or registered. In terms of public safety and nuisance a hive of bees can be quite dangerous in the wrong circumstances There has been a proliferation of beekeepers in recent years, driven by media encouragement and a mistaken understanding of "saving the world". I have seen hives in wholly unsuitable places (gardens, parks etc with totally unskilled and untrained people in charge. Not good for neighbours and not good for the local wild bee populations. 2. To what extent will neighbours be consulted in the licensing process? (Personal experience again here). 3. Dog groomers and premises? 4. How on earth are you going to monitor and administer all this? You can't keep up or enforce the planning issues around here, let alone the whole district.,

This policy must have teeth and achieve what it sets out to do. Hence those in charge of implementing this policy must themselves be above reproach and seen to be animal welfare

supporters not just pen pushers. If the council can really run this properly they will have the huge thanks of all the people of north Devon who care about animal welfare.

I think I have understood the aims of the proposed licencing. The only section I think needs some more thought is the other offences element. Why would anything outside animal welfare impact upon animal welfare licencing

Quality potential primate inspectors to help with the licensing of the few individuals wanting to retain ownership of their pets are available. The licence applicant will have to pay for their expertise as part of the licensing but if they wish to continue then this is way forward for them to enable the life span of the primate to be with them. There are only so many establishments able to take on these primates and their ability to do so with good welfare standards will be quickly diminished and the problem simply passed on!

I think it's a bit weak generally in its wording, borders on plain prejudice and is inconsistent.

Appendix A Item A2 bullet point 2, does this include dog sitters, and 'borrow my dog' for instance. Believe it should do, although resource intense. Very pleased to see trade waste requirements, however, you might consider the following requirements too: Fire fighting equipment and detection systems (with annual inspection cert); electrical safety annual inspection certs; PAT annual inspections; viewing of insurance cert for licenced number of animals; Pest control measures (albeit in the new Feb 22 Guidance) with a contract; security measures i.e. CCTV motion alarms; trade membership. Clarity over vaccination records, regulations are clear, but vets advise something different, you could also consider requesting all licenced boarding kennels must insist upon kennel cough vaccination.

Page 24; C3: All hiring out horses undertaken as a commercial business should have a trade waste contract, and inspecting Officers will request evidence of this at the time of inspection. Do the council really feel this is a point that needs to be addressed or another way to make money. Most stables waste is produced in the form of dung, which is spread on fields. Companies like Mole Valley have wrap recycling schemes, most feed bags are made from paper which can be burnt. Is this proposal basically forcing stables into contracts which they will pay for but unlikely use? Maybe concentrate on those in the area that refuse to recycle domestic waste?

Very long winded and even more reading for us

Consultation summary – Introducing an Animal Licensing Policy for North Devon

Consultation from 20th June 2022 until 15th August 2022

60 responses received to the electronic consultation, 1 response by email to the Licensing Team

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
<p>1. North Devon Council proposes to refuse to licence Primates as 'pets' to live in domestic premises under the Dangerous Wild Animals Act 1976</p>	<p>Yes 52 No 2 Maybe 1</p>	<p>Primates are not pets and need specialist care if not in their natural habitat.</p> <p>I think it morally wrong for primates to be used as domestic pets. Very few people will know how to look after them properly</p> <p>As an authority you do not have the right to enforce a "concept" on individuals due to pressure from welfare legislation. This is the easy way out and curtails the freedoms of the individual. You can easily obtain "experts" within your catchment to help you ascertain the "appropriateness" of a licensing request.</p> <p>I am concerned that not considering applicants attempting to licence monkeys will mean more cases of keeping monkeys will go undetected. Applying for a licence would mean there is visibility. A license should not be granted of course in 99.9% of cases.</p>	<p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>In the event that information was received about a primate being kept in a domestic environment without a licence then Officers would have powers to investigate and undertake enforcement under the Dangerous Wild Animals Act 1976.</p>
<p>2. North Devon Council proposes to appoint an independent Vet to undertake hiring out horses activity inspections who will be</p>	<p>Yes 47 No 4 Maybe 4</p>	<p>Not wishing to question the integrity of vets but independence is a requirement in such situations.</p>	<p>There appears to be broad agreement in the merits of this proposal, but Officers recognise that Veterinarians with appropriate equine experience (and who are registered with the RCVS to undertake riding establishment inspections), are</p>

<p>independent and not one that is retained by the applicant / licence holder.</p>		<p>Most vets are professional and would be looking at establishments within the guidelines of the licensing act even if they are the establishment's usual vet.</p> <p>Just because there happens to be a co-incident that a third party vet that is used happens to be the one or the practice the stables uses shouldn't mean that stables is penalised with extra costs.</p>	<p>relatively limited in Devon. We are also mindful of the potential for significant additional costs resulting from additional travel time for Vets based further away. It is therefore proposed to alter the wording of the draft Policy to say that "It is the Council's policy <i>wherever reasonably practicable</i> to appoint the Veterinarian to undertake the inspection who will be independent and not one that is retained by the applicant / licence holder".</p>
<p>3. It is proposed that a minimum period of three months must have elapsed between an inspection rating being issued, and the date of re-inspection. The reasoning for this is that it is considered that if improvements can be sustained for a period of three months or more, then they are more likely to be sustained in the longer term of the licence.</p>	<p>Yes 42 No 3 Maybe 11</p>	<p>This sounds reasonable, provided there are further regular inspections planned in instances where improvements were required.</p> <p>Good idea to make them improve and maintain their standards for a longer period</p> <p>Should be case dependant as if animal welfare is at risk if a change doesn't happen immediately then 3 months may be too late</p>	<p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>In cases where Officers believe that animal welfare is being compromised the Licence would be refused (a statutory right of appeal exists for such instances). In other instances where improvements are required but animal welfare standards reach minimum required compliance levels, then Officers would have latitude to revisit prior to the 3-month end, but would not re-rate before this.</p>
<p>4. It is proposed that new applicants be required to provide a basic disclosure certificate (DBS) alongside their application, and for</p>	<p>Yes 46 No 3 Maybe 7</p>	<p>From experience, this unfortunately is a necessity. It is easy for an individual to move areas and reapply without disclosing their past and suitability to work with any livestock.</p>	<p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p>

existing licence holders to provide this with their renewal applications		Fair assessment of any previous convictions makes total sense, especially as any animal related convictions should be known about.	For existing licence holders, it is proposed that the implementation of the DBS requirement is delayed until 1 st January 2023 to enable adequate notice of the new arrangements to be communicated in good time.
5. It is proposed that a fitness and propriety test is introduced for applicants taking into account matters such as right to work in the UK, relevant convictions and disqualifications for animal and other offences, and the knowledge and previous compliance history of the applicant.	Yes 46 No 4 Maybe 6	This sounds reasonable, provided all these separate tests aren't costing the applicant hundreds of pounds. Again today's welfare perceptions require licensees to prove their suitability. This will help along with inspections and enable you the licensing authority to provide evidence of your informed decision	There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.
6. It is proposed that where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering, they shall not be licenced (or in the case of an existing licence the licence shall be revoked).	Yes 55 No 0 Maybe 1	No one who can misuse or treat badly any animal should be allowed to even own one let alone have a licence to care for other people's animals This takes a long time to prove and a lot of commitment from welfare associated activity and only happens at the moment in the very worst cases so it should definitely be a policy. Whilst I agree in principle, it would depend on the circumstances	There appears to be broad agreement in the merits of this proposal. A minor amendment to the draft Policy wording has been suggested from "Where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering they will not be licenced" to "Where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering the recommendation to the Licensing Sub-Committee will be to refuse the licence". This change in wording would mean that the applicant would have the opportunity to outline their case for approval to the Licensing Sub-Committee, but the Policy wording above would mean that they would be refused in most

			circumstances unless they can outline significant reasons to make an exception.
7. It is proposed that where an applicant or licensee has been convicted of any offence that is related to licensing, that a licence will not normally be granted as these offences demonstrate a disregard for licensing processes and procedures.	Yes 47 No 1 Maybe 8	This needs to be assessed on a case-by-case basis. As an authority doing the licensing you must be able to accept the integrity of the individual you are licensing. Quite simply they cannot be trusted if they have committed this offence.	There appears to be broad agreement in the merits of this proposal. A minor amendment to the draft Policy wording has been suggested to say “In such cases the recommendation to the Licensing Sub-Committee will be to refuse the application for a licence, or in the case of an existing licence holder revoke the licence”.
8. It is proposed that where an applicant or licensee has been convicted of any offence involving sex and indecency or exploitation (abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children), they shall not be licenced (or in the case of an existing licence the licence shall be revoked). The reasoning for this is that the Council has wider obligations to safeguard both children and vulnerable adults.	Yes 42 No 5 Maybe 9	These offences are unrelated If you can't respect humans, then what hope for animals? However, the offences could be wide and varied. It needs to be more specific. We all know that children and young adults love to hang around riding school's and anything else to do with animals. There should never be a person convicted of any sexual offence, of any kind, allowed to hold a licence for anything related to animals. While the offences mentioned may indicate an increased likelihood the applicant is not suitable, it will not always be true and right.	There appears to be broad agreement in the merits of this proposal. A minor amendment to the draft Policy wording has been suggested from “As a result, the Council will not issue a licence to a person with a conviction for Sex and indecency offences or exploitation offences” to “the recommendation to the Licensing Sub-Committee will be to refuse the application for a licence, or in the case of an existing licence holder revoke the licence where an applicant or licence holder has a conviction for Sex and indecency offences or exploitation offences”. This change in wording would mean that the applicant would have the opportunity to outline their case for approval to the Licensing Sub-Committee, but the Policy wording above would mean that they would be refused in most circumstances unless they can outline significant reasons to make an exception.
9. It is proposed to introduce <u>minimum</u> time periods which	Yes 40 No 8	A step forward to protecting animals and the public from irresponsible owners.	There appears to be broad agreement in the merits of this proposal. A minor amendment to the

<p>should elapse following completion of a sentence before a licence will be granted or renewed for a number of specified offence types.</p>	<p>Maybe 7</p>	<p>I would prefer possession of a weapon to carry a 10-year minimum time period.</p> <p>I do not really understand the connection with animal welfare and any other criminal offence. Therefore why should any offence not related to animal welfare impact on someone's ability to care for an animal.</p> <p>Setting a fixed period is very random and unsuitable given the diversity of individuals and case. The fairest way would be to assess individual cases on their merits or otherwise.</p>	<p>draft Policy wording has been suggested from “In relation to single convictions, the following minimum time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted or renewed” to “In relation to single convictions, the following minimum time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted or renewed without referral to a Licensing Sub-Committee. Where the time period that has elapsed following completion of the sentence (or the date of conviction if a fine was imposed) is less than the time periods listed below, the recommendation to the Licensing Sub-Committee will be to refuse the application”. This change in wording would mean that applicants with a conviction falling within the timeframes set out in the policy would have the opportunity to outline their case for approval to the Licensing Sub-Committee, but the Policy wording above would mean that they would be refused in most circumstances unless they can outline significant reasons to make an exception.</p>
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North Devon Council

Report Date: 11 October 2022

Topic: Hackney Carriage and Private Hire Policy Amendments

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

1.1. The purpose of this report is to consult the Licensing and Community Safety Committee on possible amendments to the Driver Qualification Standards found within the North Devon Council Hackney Carriage and Private Hire Licensing Policy (the 'policy').

2. RECOMMENDATIONS

2.1. It is RECOMMENDED that Licensing and Community Safety Committee:

2.1.1 Consider the new driver process benchmarking document found at **Appendix A.**

2.1.2 Consider any amendments that it would wish to make to the Driver Qualification Standards section of the Policy, including those listed for consideration below, and indicate their preferred option:

- Option 1: To retain the requirement for a vocationally recognised taxi qualification, but to amend the policy to allow applicants to obtain this qualification within the first 12 months of holding a licence;
- Option 2: To remove the requirement for a vocationally recognised taxi qualification, and replace this with a New Taxi Driver Training course to include modules on taxi legislation and customer care, disability awareness, and Safeguarding (CSE).
- Option 3: To remove the requirement for a vocationally recognised taxi qualification, and replace this with a requirement to undertake mandatory safeguarding (CSE), and disability awareness training. Furthermore, this could be either prior to obtaining a licence, or within the first 12 months of the licence.
- Option 4: To retain the requirement for a vocationally recognised taxi qualification, but give an alternative training option of a new



driver training course (either the vocationally recognised taxi qualification, OR the New Taxi Driver Training Course). Again this could be either prior to obtaining a licence in the case of the new driver course, or within the first 12 months of the licence for the vocationally recognised taxi qualification.

- Option 5: to maintain the current Driver Qualification Standards without amendment;

- 2.1.3 Direct Officers to make amendments to the Driver Qualification Standards section of the Policy in-line with their preferred option;
- 2.1.4 Approve proposed amendments to the Testing of Applicants section of the Policy (Section 4.9), specifically the removal of questions on the Highway code and Hackney Carriage/ private hire legislation/ policy on the basis that these requirements are adequately tested via other elements of the driver qualification process.
- 2.1.5 Make recommendation to the Strategy and Resources Committee for the approval of an amended policy.

3. REASONS FOR RECOMMENDATIONS

3.1. To ensure the Council's policies are regularly reviewed and kept up to date.

3.2. To address recently raised concerns regarding the length of time required for an applicant for a Hackney carriage or private hire driver licence to obtain a licence.

4. REPORT

4.1. The Licensing Team recently received the email found at **Appendix B**. The email/ letter discusses the time taken for two new taxi driver applicants to gain their driver badges, and references significant delays in being able to undertake the required BTEC qualification, and then subsequent delays due to their DBS being more than 3 months old (as a result of the BTEC delays), and also for Officers to process and print their licences. A copy of the letter was also sent to the trade magazine Private Hire and Taxi Monthly, who printed a copy in their July edition. A copy of the article can be found at **Appendix C**.

4.2. Statistics compiled by the Department for Transport and the Labour Force Survey (part of the Office for National Statistics), appear to indicate a pronounced decline in driver numbers since the start of the Covid epidemic, in the order of 5.7%, whereas vehicle numbers have fallen 15.9% over the same period. Given that vehicle licences run for a maximum of 1-year, as opposed to driver licences which are more often 3-years in duration, it is



considered a credible theory that the decline in vehicle numbers more accurately reflects the true decline in currently active licenced drivers. A copy of the DFT Taxi and Private Hire Statistics for 2021 can be found at **Appendix D**. Initial statistics from the March 2022 return indicate a slight recovery in licenced vehicle numbers, but a continued fall in licenced driver numbers (down 3.4% since 2021).

- 4.3. The Licensing and Community Safety Meeting of 19th October 2021 also considered the decline in new driver applications to North Devon Council, after this was raised by a licensed driver who attended committee to discuss the issue. Figures quoted at that meeting for the number of new driver applications appear to show a sharp decline since Covid started, with 33 applications in 2011, 32 applications in 2018, 27 in 2019, and only 21 applications in 2020.
- 4.4. When comparing statistics for North Devon Licenced drivers and vehicles from March 2019 to March 2022, the March 2022 figures show a reduction of 9% for licenced drivers (a loss of some 27 licenced drivers), and a reduction in Hackney carriage numbers of 5% (10 vehicles). Private Hire vehicle numbers have increased by one vehicle since 2019 (3% increase).
- 4.5. Similar concerns regarding a drop in licenced driver numbers have also been quoted elsewhere in Devon, with Torbay Council reporting in July 2021 that it was short of 50 drivers (they responded to this by reducing the costs associated in obtaining a licence), and also Plymouth City Council which reported that 243 drivers had left the profession there since 2020.
- 4.6. The apparent reduction both nationally and locally, in both new driver applications and overall driver numbers, leads to concern about a potential impact on public safety through vulnerable persons not being able to access taxis or private hire vehicles as a safe means of transport when other forms of public transport are not available, such as late at night.
- 4.7. In light of this a bench marking exercise has been undertaken to examine the requirements for a new driver applicant across Devon, and also South West Somerset. The report (found at **Appendix A**), identifies broad consensus on elements such as medical, DBS, and driving test requirements, highlighting the apparent success of both regional Licensing Officer forums, and the more recent Statutory Taxi and Private Hire Standards, in improving consistency in this area. However, there did not appear to be any meaningful consensus on driver training requirements. In particular, both North Devon and Torridge appeared to be outliers in that new drivers are required to undertake a



vocationally recognised Taxi Qualification prior to obtaining a licence, whereas other authorities advocate a reduced training requirement and, in some cases allow drivers to obtain a licence and then complete the training requirement within the first 12 months.

4.8. Officers have evaluated the evidence collated in the benchmarking document and have proposed a number of potential options for consideration for amendment to the training requirements for new drivers outlined in the North Devon Council Taxi and Private Hire Policy. It is considered by Officers that amendment of the training requirements would be an appropriate means to address both the apparent difference in training requirement across Devon, and also the recent reduction in new driver applicants.

4.9. In order to speed up the process for the testing of applicants (knowledge tests), it is proposed that the sections of the test relating to the Highway code and Hackney Carriage/ private hire legislation/ policy be removed on the basis that these elements of the test are tested as part of the other new driver application requirements. Specifically, the driving standard assessment includes questions on the highways code which applicants must pass in order to pass the overall driving competency test. In addition, with the exception of Option 3 (replacement of the vocationally recognised taxi qualification with safeguarding and disability awareness training), all of the options outlined above for amendment of the Driver Qualification Standards section of the Policy include formal training on taxi law with tests at the end of each module. It is considered by Officers that the removal of these sections would assist in reducing the Officer time to administer the knowledge tests, thereby making more knowledge tests available within the current level of resource. If approved then the Policy wording at section 4.9 would be amended as follows:

The Licensing Authority shall not grant a licence to drive a hackney carriage unless it is satisfied that the applicant is a fit and proper person. In order to determine such fitness, the applicant shall be required to undertake the following:

- *Written tests as to the applicant's knowledge of:*
 - (a) *Local geography*
 - ~~(b) *The Highway Code*~~
 - ~~(c) *The Hackney carriage and Private Hire Licensing Policy*~~
 - (d) *Numeracy.*



5. RESOURCE IMPLICATIONS

5.1. Any financial costs which are reduced or incurred through the approval of a new policy will be taken into account when calculating fees for taxi related licences.

6. EQUALITIES ASSESSMENT

6.1. The impact of the proposals is largely neutral. An Equality Impact Assessment has been undertaken

7. CONSTITUTIONAL CONTEXT

7.1. Article of Part 3 Annexe 1 paragraph:4b

7.2. Referred or delegated power?: Delegated.

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

- Hackney carriage and Private Hire Policies from all Devon Authorities, and South West Somerset;
- North Devon Council Hackney Carriage and Private Hire Licensing Policy;
- New Driver information webpages from all Devon Authorities, and South West Somerset;

10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Katy Nicholls 03.10.22

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Devon Benchmarking- New Driver Requirements

This document summarises the requirements for new taxi/ PH driver applicants, and provides information for benchmarking purposes on the procedures followed for this at other Devon and neighbouring Licensing Authorities. Information for benchmarking purposes is correct as of 12th July 2022 when the data was collated.

The term 'taxi trade' is used throughout this document and in this context refers to both Hackney carriage and private hire drivers.

The following steps in the application process are standard across the Authorities surveyed:

- Medical to Group 2 medical standard (this is the same medical standard undertaken by HGV and PSV drivers);
- Enhanced criminal record check by the Disclosure and Barring service (DBS);
- Driving competency test;

In addition to the above requirements, Licensing Authorities also commonly require the following:

- Knowledge test
- Vocationally recognised taxi qualifications and mandatory training courses

It is the above two areas in particular where some variability appears to exist across different local authority areas, but the requirements for new driver applicants have been examined across all of North Devon Council's near neighbours and is set out below.

Medical Assessment Requirement

All of the authorities surveyed require a medical to the group 2 standard. Teignbridge and East Devon will accept medicals from existing PSV or HGV licence holders so long as they are within 6-months old. The remaining authorities require the medical to be completed on a group 2 medical form with a declaration of fitness to be signed by the examining Doctor (Group 2 medical forms for PSV/ HGV do not include a declaration of fitness, rather the DVSA or the Licensing Authority is left to interpret the information provided).

Criminal Record Check Requirement (DBS)

An enhanced DBS check with check of barred list is a requirement across all Devon authorities and South West Somerset. Most have also now adopted the requirement for all applicants to subscribe to the DBS update service, and it is anticipated that by April 2023 the update service will be mandatory across the areas surveyed as this is a requirement of the Dept for Transport Statutory Taxi and Private Hire Standards.

Practical Driving Test Requirement

Several Test providers have been vetted and approved by the Devon Licensing Officers Group. The test itself is the uniform across Devon, and is based on the former DVSA Taxi Test. South West Somerset apply the same rationale with a driving test based on the previous DVSA test.

Knowledge Test Requirement

All of the Devon Authorities with the exception of Torridge, and also Teignbridge, require a knowledge test to be passed prior to obtaining a taxi licence. South West Somerset also apply a

knowledge test. Those that apply knowledge tests all follow a similar format, with questions on local geography (places and routes), numeracy (how much change type questions), highway code, and in some cases taxi legislation. The method of delivery of the tests varies from in-person exams, to video call and online tests (the majority are currently via video call currently), whilst the number of questions and pass rate vary considerably.

Vocationally Recognised Qualifications and Mandatory Training Courses

Mandatory qualifications and training courses vary across the areas surveyed and include the following:

- Safeguarding and child sexual exploitation (CSE) awareness courses. These include 90-minute to 2-hour seminars, and online training courses;
- Disability and dementia awareness training courses. Again, these include 90-minute to 2-hour seminars, and online training courses;
- Vocationally recognised Taxi driver qualifications such as:
 - BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (previously named the BTEC Intermediate Award in Transporting Passengers by Taxi and Private Hire);
 - The Edexcel Level 2 NVQ in Road Passenger Vehicle Driving (Community, Hackney Carriage/Private Hire Vehicles and Chauffeurs);
 - The Edexcel Level 2 NVQ in Passenger Carrying Vehicle Driving;
 - Transporting Passengers by Taxi and Private Hire level 2 (equivalent to BTEC);

The table below summarises the training requirements of each of the Authorities surveyed:

Local Authority Area	Formal qualification	CSE Training	Disability Awareness
North Devon	BTEC/ Edexcel Level 2 prior to licensing	Within 12 months	No (covered BTEC/ Edexcel module content)
Torrige	BTEC prior to Licensing	No	No (covered in BTEC module content)
Somerset West and Taunton	No formal qualification mentioned	No	No
Mid Devon	No	Yes - within first 12 months of licence.	No
Exeter	No- previously required BTEC but requirement removed following Covid pandemic.	Yes - within first 12 months of licence.	Yes- within first 12 months of licence.
East Devon	No	Yes- within first 12 months of licence.	No
Teignbridge	No- Taxi/ PH Policy under review	No	Yes
Torbay	BTEC recommended but not mandatory	Yes – within first 6 months of gaining licence	Yes - prior to gaining licence from 1 st May 2022
South Hams/ West Devon	No	Yes - within first 12 months of licence	Yes - within first 12 months of licence

Plymouth	Yes - Transporting Passengers by Taxi and Private Hire level 2 (within 12 months of gaining licence)	No – Covered in Level 2 module content	No – Covered in Level 2 module content
----------	--	--	--

Discussion Section

A minority of Licensing Authorities in Devon now require a vocationally recognised taxi qualification:

As can be seen from the table above there remains significant variability between the licensing authorities surveyed on qualifications and training requirements. Of the Ten authorities surveyed, only North Devon, Torridge, and Plymouth require a formal taxi driving qualification. In the case of Plymouth City Council, their requirement is for new drivers to have gained a vocationally recognised taxi qualification within the first 12 months of gaining a taxi badge. This leaves only North Devon and Torridge as the remaining authorities that require a vocationally recognised qualification before approving a new driver application. It could therefore be said that in requiring a vocationally recognised taxi qualification, and in particular by requiring this qualification to be completed before licensing, that North Devon Council is an outlier based on the data above.

There appears to be a slight trend away from vocationally recognised taxi qualifications:

A further trend loosely identified in the data review, is a move away from a requirement for a vocationally recognised qualification, towards more bespoke courses on safeguarding and disability awareness. In particular, Exeter City Council required a BTEC qualification until 2020, but this was subsequently replaced with mandatory safeguarding and disability seminar requirements. Anecdotally, the reasoning for this was two-fold, firstly that the BTEC was both not at that time available within the Exeter area, and secondly that the price of the course was considered prohibitive given the impact of the Covid pandemic on the taxi trade, and the subsequent significant reduction in new driver application numbers. The author is also aware from previous discussions with both Teignbridge and East Devon, that they both previously required a BTEC qualification, but subsequently removed this requirement as the low availability and long wait time for these courses was considered an unreasonable barrier to new drivers entering the taxi trade.

Several Licensing Authorities allow applicants to gain qualification within a defined period after obtaining a licence:

Several authorities allow a degree of flexibility around allowing applicants to gain a licence and then to undertake the required qualification/ training within a given time period (commonly within the first 12 months). These authorities commonly limit a new/ first licence to a maximum of one year upon first grant to allow for scrutiny over whether the applicant for renewal has undertaken the required qualification or training (three-year driver badges then being offered upon successful completion of the required qualification).

It is also common for those authorities operating this flexibility to state in their policy that “Failure to do so will result in the licence being suspended or not being renewed”. This in the opinion of the author would be a reasonable and proportionate compliance mechanism, and could be delegated to Officers. Caselaw in relation to the use of suspension notices, in particular **R (application of Singh) v**

Cardiff City Council [2012], support the view that suspension notices under Section 61 Local Government (Miscellaneous Provisions) Act 1976, would be applicable in that a suspension in such circumstances would be clearly linked to a defined requirement (that being the successful completion of the required training course/ qualification). Similarly, a refusal to renew is also given legal grounds in Section 61, namely article (b) 'any other reasonable cause'. In the opinion of the author a failure to adhere to a mandatory policy requirement to undertake a training course/ qualification within a stated timeframe would clearly constitute a 'reasonable cause'.

Possible ways forward

The Licensing Committee may wish to give consideration to the following policy amendment options:

1. To retain the requirement for a vocationally recognised taxi qualification, but to amend the policy to allow applicants to obtain this qualification within the first 12 months of holding a licence.
2. To remove the requirement for a vocationally recognised taxi qualification, and replace this with a new taxi driver training course to include modules on taxi legislation and customer care, disability awareness, and Safeguarding (CSE).
3. To remove the requirement for a vocationally recognised taxi qualification, and replace this with a requirement to undertake mandatory safeguarding (CSE), and disability awareness training. Furthermore, this could be either prior to obtaining a licence, or within the first 12 months of the licence.
4. To retain the requirement for a vocationally recognised taxi qualification, but give an alternative training option of a new driver training course. Again this could be either prior to obtaining a licence in the case of the new driver course, or within the first 12 months of the licence for the vocationally recognised taxi qualification.

Option 1 would have the benefit of retaining the existing qualification framework which is of an excellent standard, whilst allowing applicants to work as a licenced driver whilst they study, but would still retain some of the current problematic issues, namely, a relative shortage of course dates and providers, and the relatively high cost of the course itself (minimum currently £250).

Option 2 would have the benefit of maintaining much of the current excellent training content, but in a significantly shorter format (online learning, plus two seminars, equivalent to around 1.5 days training). The shorter duration of this course would make a requirement to undertake this training prior to obtaining a licence a more reasonable proposition for prospective licenced drivers. Currently these types of course are a fairly new development, and as such it has only been possible to obtain information from a single provider operating on a national basis. The recommendation from officers would be for 3 of the modules to be mandatory at £35 per module (comprising of; customer service and licensing law, disability and dementia awareness, and safeguarding modules- total cost £105). Currently this training is provided online, on a monthly basis.

Option 3 would be in-line with a number of other Devon Authorities, and would to a large extent address one of the main perceived barriers to obtaining a driver licence in a timely manner, but may be seen as a reduction in standards given that new drivers would not have any formal training on customer care or taxi legislation in particular.

Option 4 would retain the strong Licensing Authority focus on training standards, but introduce additional flexibility, allowing driver applicants greater choice on their preferred level of training depending on their circumstances. This option would also largely address the issue of training requirements slowing down the application process in that a driver could gain a licence and then work towards a vocationally recognised taxi qualification within the first 12 months, or undertake the shorter new driver training course prior to obtaining a licence.

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Appendix B- Email regarding new driver application process

Subject: A Taxi Ilfracombe Ltd

CAUTION: This email originated from outside North Devon Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

After speaking to Noel in Licensing yesterday, we have decided to put our concerns regarding the issue of new Hackney driver applications in writing.

We took on two new drivers in early April and despite the fact we have been on the ball with all applications, DBS etc, they still don't have their badges. We initially had to wait for the BTEC provider, they cancelled our initial training as they did not have enough candidates. Eventually they both went through their training last Tuesday and we thought we were home and dry but then we spoke to one of the licensing officers who said we would be lucky to receive the badges within two weeks. When we were awaiting the BTEC training, we had asked if there were any way temporary badges could be issued - but the answer was a very swift no. We really do sympathise with staffing struggles these departments seem to be suffering now, but we cannot continue to expand the business or even replace any staff that may leave, when the process takes so long. We have been lucky with these two candidates as continuous employment was not an issue for them as they were (thankfully!!) happy to wait but going forward we really feel very negative about putting new candidates through - we don't think we can reasonably ask people to work for us when it will be three/four months before they will receive their first pay cheque. It just feels like we are hitting brick walls constantly. In addition, today we have been informed that these current candidates will need to re-submit their DBS applications as it has been so long since we started the ball rolling.

Our main source of income is school contracts for Devon County Council, so we still have to wait for the separate DBS to go through, after the Hackney badges have been issued. Despite us asking, they were not able to start the DBS process without the drivers hackney badge being issued. The work we do for Devon County Council is crucial to the students and patients we transport – not only to get them where they need to go, but to give support at an uncertain time of their life. Our drivers and escorts build excellent repours with the students and patients we transport and we feel they really benefit from the consistent and reliable transport we provide, especially the children in social care, who don't always find it easy to relax with new people. Our drivers have become trusted to these children and provide a bit of stability in what can sometimes be an unpredictable life for them. We cannot even consider putting any Tom, Dick or Harry through, just to suit the financial needs of the business. We see it as our responsibility not to only employ people that tick all the boxes (DBS, BTEC etc), but our employees need to be empathetic and follow the caring ethos that we try to promote at A Taxi.

Agenda Item 7

Appendix b

We feel when chase updates with the training provider/local council/county council, we are made to feel like an inconvenience. We do not see any reduction in the fees we are being charged - but we are expected to wait without even a date they aim to have the badges complete by.

There is obviously a shortage of new drivers coming through in the industry and we genuinely want to help the situation - we currently have 30 employees and 15 vehicles and the work is there for us to take. Because of the current fuel prices and minimum wage going up, the only way we can keep going is to expand and take on more contracts - but it is just impossible.

We are being forced to adapt to the authorities time frames but there is no such consideration towards our predicaments. We provide an excellent service, our vehicles are maintained and cleaned to the highest standard, our employees are all paid an hourly rate above minimum wage, with holiday and pension. We value the work we do and provide an invaluable service to the children and patients we transport - but it doesn't seem to mean anything.

To be honest the way things are, we are struggling to see a way forward for us - we are struggling to cover our expenses and are behind with our VAT and PAYE payments. As you know we are forced to be very competitive with our pricing for Devon County Council, we are immediately at a disadvantage from the general "one man band" bidding on contracts, as we need to quote enough for the driver to earn a living and to cover our overheads as well – which isn't happening currently. The only way we can keep up with increasing wages and fuel prices is to continually expand the business by hiring new drivers and taking on new contracts.

We are in the same boat as everyone else and we know the departments we deal with at both councils have no say in staffing and priorities. We appreciate the work that they do and know they are bound by rules and regulations, but who else do we talk to?

We would like to offer Jess' services – she has 20 years' experience in accounts and administration and being Colin's (Managing Director of A Taxi) daughter, she has lived in the industry since she was a girl. She is happy to donate some of her time regularly to your department if it could help the industry in our area.

We do not want this email to come across as complaining and unappreciative of the service we receive but we are genuinely very concerned for the future of the industry as a whole and our staff and passengers and we do want to help. It is not our way to "ruffle feathers" generally but our main concern is that we will be forced to close A Taxi - making 30 people redundant and letting down the 40+ students/patients we transport, so we cannot just sit and watch this happen.

We hope you will consider our comments and come back to us with a way forward.

Take care,

Simon Rice & Jessica Isaac

A Taxi Ilfracombe Ltd

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PLEA TO COUNCILS

PHTM has received the letters below from members of our trade - however we are well aware that these issues are affecting our industry nationwide. Whilst we are not suggesting that DBS checks and training are unnecessary, councils need to urgently implement procedures to speed up the whole licensing process OR it is inevitable, although not condoned, that more operators and drivers will consider licensing out of area with councils such as Wolverhampton that have very efficient and quick licensing systems in place.

Furthermore, whilst we do appreciate that some councils have already approved or are reviewing fare increases, you only need to look at our latest Hackney Fares Table on pages 80-81 to see that there are still many areas in the country that have not had a fare rise for many years.

The reality is that in this current economic climate many operators and drivers are undeniably struggling to survive.

LOCAL AUTHORITIES ACROSS THE UK; WE IMPORE YOU TO ACT NOW TO SUPPORT OUR TRADE IN YOUR AREA BEFORE IT REALLY IS TOO LATE AND THERE IS NO TRADE LEFT TO SUPPORT!!

A DESPERATE OPERATOR'S PLEA FOR NORTH DEVON COUNCIL TO SPEED UP THE LICENSING PROCESS

Dear **PHTM**

I am writing to you in hope you can offer some advice or can look into an issue for me. I am having a lot of problems putting new drivers through lately. I took on two new drivers in early April and despite the fact I have been on the ball with all applications, DBS etc, they still don't have their badges.

I initially had to wait for the BTEC provider, they cancelled our initial training as they did not have enough candidates. Eventually they both went through their training last Tuesday and I thought I was home and dry but then spoke to one of the licensing officers who said we would be lucky to receive the badges within two weeks.

I had asked if there was any way temporary badges could be issued when there was only the BTEC to complete but the answer was a very swift no.

We do really sympathise with these

department's staffing struggles but we cannot continue to expand the business or even replace any staff that may leave when it takes this long.

We have been lucky with these two candidates as continuous employment was not an issue for them as they were (thankfully!!) happy to wait, but going forward I really feel very negative about putting new candidates through - I don't think I can reasonably ask people to work for us when it will be three months before they will receive their first pay cheque. It just feels like we are hitting brick walls constantly.

Our main source of income is school contracts for Devon County Council, so we also have to wait for the separate DBS to go through, despite us asking they were not willing to start the DBS process without the drivers' hackney badge being complete - even though we have sent all relevant paperwork.

If I chase things up with the training provider, local or county council, I am made to feel that I am at fault for doing so. Yet I do not see a reduction in the fees we are being charged - but we are expected to wait for badges, and they refuse to give us a completion date.

There is obviously a shortage of new drivers coming into the industry and I genuinely want to help the situation. We currently have 30 employees and 15 vehicles and the work is there for us. Because of the fuel prices and minimum wage going up, the only way we can keep going is to expand and take on more contracts - but it is just impossible. I do feel that we are being forced to adapt to the authority's time frames but there is no such consideration towards our predicaments.

We provide an excellent service, our vehicles are maintained to the highest standard, our employees are all paid an hourly rate above minimum wage, with holiday and pension.

We also provide an invaluable service to the children and patients we transport - but it doesn't seem to mean anything.

To be honest the way things are, I am finding it hard to see a way forward for us - we are struggling to cover our expenses and are behind with our VAT and PAYE payments, so I really hope you can offer some advice.

Simon @ A Taxi Ilfracombe Ltd

VALE OF WHITE HORSE COUNCIL IGNORES CABBIES' PLEAS

Dear **PHTM**

Vale of White Horse District Council is ignoring our urgent request for a fare increase.

We have not had a fare rise since 2014, but have been told by the council that it won't be until mid to late July that it

will even consider a consultation.

We have launched a petition to ask the licensing department to grant emergency measures to allow cabbies to use tariff 2 during the day time.

Disgruntled hackney carriage drivers

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Department for Transport

Taxi and Private Hire Vehicle Statistics, England: 2021

About this release

This statistical release presents information on taxis and private hire vehicles in England as at 31 March 2021. This includes PHV operators and drivers who use app-based technology. However, we are not able to disaggregate which drivers are using these apps in the figures presented.

Figures are updated every year through surveying each licensing authority (a unitary or lower tier authority) in England and Wales.

This release refers to England only but data for Wales can be found online [here](#).

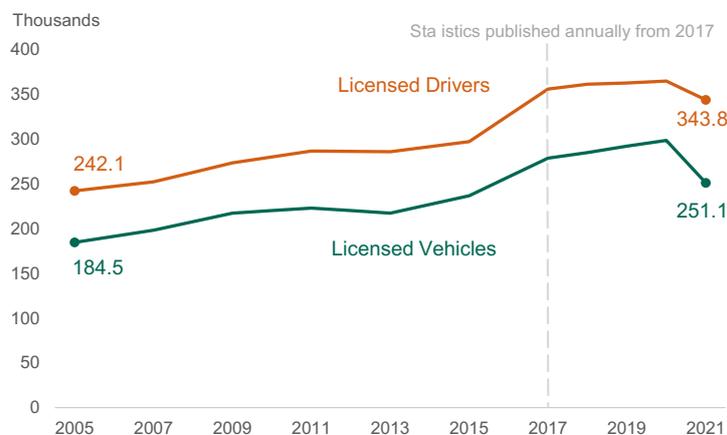
In this publication

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Between 2020 and 2021 the total number of licensed taxi and private hire vehicles and licensed drivers in England fell.

Chart 1: Total licensed taxi and private hire vehicles and drivers: England, since 2005 ([TAXI0102](#))



The total number of licensed vehicles in England decreased by 15.9% since 2020, to 251,100. Just over three quarters (77%) of licensed vehicles are Private Hire Vehicles (PHVs).

There were 343,800 driver licences in 2021, a decrease of 5.7% compared to the previous year.

The decreases in the numbers of licensed vehicles and driver licences has largely been attributed to the coronavirus pandemic. The rate of decrease has been greater for licensed vehicles at least in part because licence lengths for vehicles are generally shorter than those for drivers.

Total licensed taxi and private hire vehicles

251,100 ✓ **15.9%**
in England in 2021 since 2020

Total taxi and PHV driver licences

343,800 ✓ **5.7%**
in England in 2021 since 2020

Comment on coronavirus (COVID-19) impact

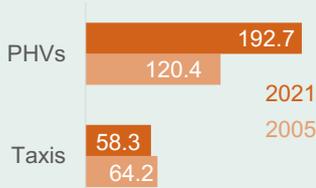
The data covered by this release is for the year ending March 2021, which coincides with the measures implemented from March 2020 onward to limit the impact of the coronavirus (COVID-19) pandemic.

Licensed Vehicles



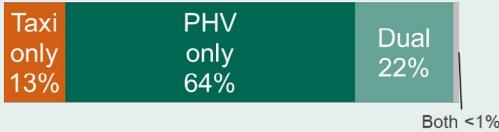
Around three quarters of all licensed vehicles are PHVs

Numbers of vehicles, thousands



Over a third of all licensed vehicles are licensed in London

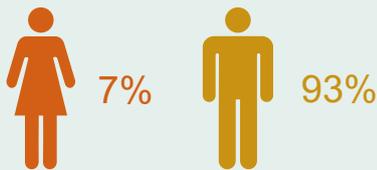
Licensed Drivers



Licensed Operators



Drivers [LFS]



The majority of drivers are men



The average age of drivers is 48.

22% of drivers are under 40.

Passenger journeys per person per year, 2019 [NTS]



Women make more taxi/PHV trips, but travel the same distance

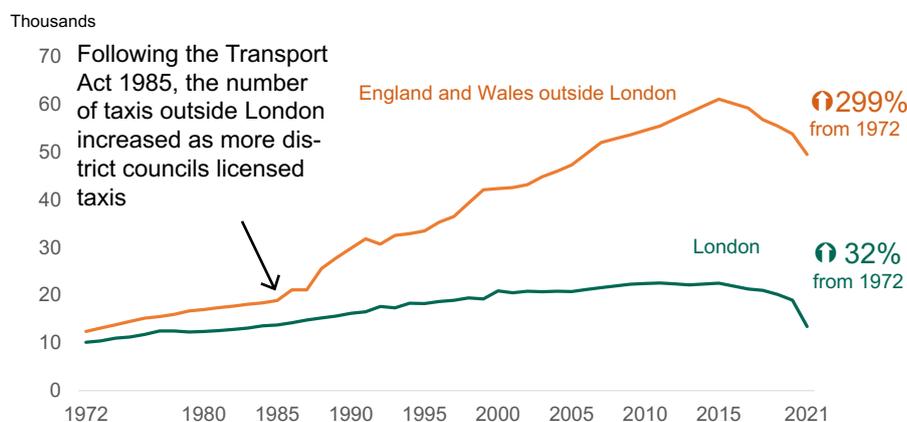


People without access to a car make around 4 times as many taxi/PHV trips and travel twice as far as those that have access to a car.

Long term taxi trends

Between 1972 and 2015 the numbers of licensed taxis in London, and in England and Wales outside London, both broadly followed an increasing trend, albeit at different rates. Since 2015 however the numbers have decreased although are still substantially higher as compared to 1972: the numbers of licensed taxis quadrupled in England and Wales outside of London (increasing from 12,400 to 49,500), while over the same period the numbers in London increased by a third (increasing from 10,100 to 13,400). Prior to 2005 the only data available relates to the number of licensed taxis and the number of licensed taxi drivers for England and Wales. Other than for London, data at a lower geographical level is not available.

Chart 2: Licensed taxi vehicle numbers in London, and England and Wales outside London, from 1972 (TAXI0101)



Taxis, also known as hackney carriages, are available for immediate hire, can be hailed in the street ('ply for hire') or accept pre-bookings. Taxis have two types of licences: a vehicle licence (issued to the owner of the taxi) and a driving licence.

Private Hire Vehicles (PHVs)

Private hire vehicles, also known as minicabs, must be pre-booked and cannot use taxi ranks. It is illegal for PHVs to ply for hire. PHVs have three types of licences: a vehicle licence, a driving licence and an operator licence.

2021 summary

Table 1 summarises the 2021 taxi and PHV licensing statistics. Figures for licensed vehicles, PHV operators and drivers are shown for London, England outside London, and England.

Table 1: Summary of 2021 taxi and private hire vehicle licensing figures compared with 2020 (TAXI0102)

	Thousands		
	London	England outside London	England
	March 2021 figure and percentage change compared to March 2020		
Total licensed vehicles	91.0 ↓ -20.9%	160.1 ↓ -12.8%	251.1 ↓ -15.9%
Taxis	13.4 ↓ -29.2%	44.9 ↓ -8.1%	58.3 ↓ -14.0%
wheelchair accessible taxis	13.4 ↓ -29.2%	18.3 ↓ -8.3%	31.7 ↓ -18.5%
Private Hire Vehicles (PHVs)	77.5 ↓ -19.2%	115.2 ↓ -14.6%	192.7 ↓ -16.5%
wheelchair accessible PHVs	0.5 ↓ -8.3%	4.2 ↑ 1.0%	4.7 ↑ -0.1%
Licensed PHV operators	2.0 ↓ -7.9%	13.1 ↓ -5.2%	15.1 ↓ -5.6%
Total licensed drivers	126.1 ↓ -5.9%	217.6 ↓ -5.7%	343.8 ↓ -5.7%
Taxi only licences	20.8 ↓ -7.2%	25.3 ↓ -7.1%	46.1 ↓ -7.1%
PHV-only licences	105.3 ↓ -5.6%	113.9 ↓ -6.5%	219.3 ↓ -6.1%
Dual licences	0.0 ↔ 0.0%	74.1 ↓ -5.3%	74.1 ↓ -5.3%
Both Taxi and PHV licences	0.0 ↔ 0.0%	4.2 ↑ 30.5%	4.2 ↑ 30.5%

Transport for London

publish taxi and PHV statistics. For more information see [here](#).

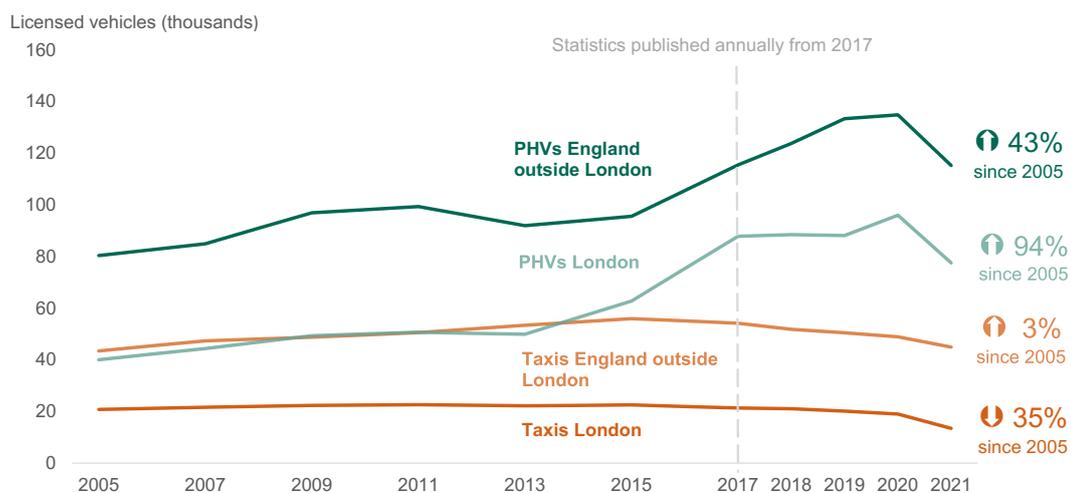
Further statistics

on the number of licensed taxis and PHVs in Scotland (which operates under a different licensing regime) are collected by the Scottish Government and published in Scottish Transport Statistics [here](#).

Licensed vehicles

There were 251,100 licensed taxis and PHVs in England in 2021. Around a quarter (58,300) of these vehicles were taxis (see chart 3). The total number of licensed vehicles decreased by 15.9% from 2020, which has been largely attributed to the pandemic. While the decrease in taxis and PHVs have been broadly similar, the decrease has been slightly more pronounced in London (with a decrease in the total number of vehicles of 20.9%) as compared to England outside of London (which saw a decrease of 12.8%). Overall the total number of licensed vehicles in England has increased by 36.1% since 2005.

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



There were 58,300 licensed taxis in 2021, a 14.0% decrease from 2020. There was a larger decrease in taxis in London compared to England outside of London, 29.2% and 8.1% respectively.



There were 192,700 licensed PHVs in 2021, a 16.0% decrease from 2020. There was a larger decrease in PHVs in London compared to England outside of London, 19.2% and 14.6% respectively.

Licensing authorities (outside London) are able to impose limits on the numbers of taxis licensed to operate within their area. However, they are unable to impose such limits on PHVs. In 2021 77 licensing authorities (28% of licensing authorities with licensed taxis) applied a limit on the numbers of licensed taxis, with a further 8 setting limits in some, but not all, of the areas they cover. This rate has been the same since 2019

Of those licensing authorities with a limit on the numbers of taxis, 58 licensing authorities (75% of those with a limit) have conducted an unmet demand survey within the last five years.

Licensed vehicles: Regional and local trends

In England total licensed vehicle numbers decreased between 2020 and 2021 in all regions, although there were variations in the rates of decrease.

Table 2: Change in licensed vehicles by region between 2020 and 2021, England ([TAXI0103](#))

	Thousands					
	Total licensed vehicles		Licensed taxis		Licensed PHV	
	<i>March 2021 figure and percentage change compared to March 2020</i>					
England	251.1	⬇️ -15.9%	58.3	⬇️ -14.0%	192.7	⬇️ -16.5%
North East	9.2	⬇️ -13.4%	3.6	⬇️ -10.1%	5.7	⬇️ -15.3%
North West	32.3	⬇️ -12.8%	7.8	⬇️ -2.7%	24.5	⬇️ -15.5%
Yorkshire and the Humber	20.7	⬇️ -9.9%	3.6	⬇️ -4.3%	17.1	⬇️ -11.0%
East Midlands	13.0	⬇️ -4.8%	4.8	⬇️ -5.9%	8.1	⬇️ -4.1%
West Midlands	27.0	⬇️ -16.7%	4.9	⬇️ -11.5%	22.1	⬇️ -17.8%
East of England	17.9	⬇️ -12.4%	6.1	⬇️ -9.1%	11.8	⬇️ -14.1%
London	91.0	⬇️ -20.9%	13.4	⬇️ -29.2%	77.5	⬇️ -19.2%
South East	25.8	⬇️ -15.0%	8.8	⬇️ -10.7%	17.0	⬇️ -17.0%
South West	14.3	⬇️ -12.3%	5.3	⬇️ -9.7%	9.0	⬇️ -13.7%

Licensed taxi and PHV vehicles per 1,000 people

In 2021 there were on average 4.5 licensed taxi and PHV vehicles per 1,000 people in England, a reduction from 5.3 in 2020. The number of licensed vehicles per 1,000 people generally decreases as areas become more rural.

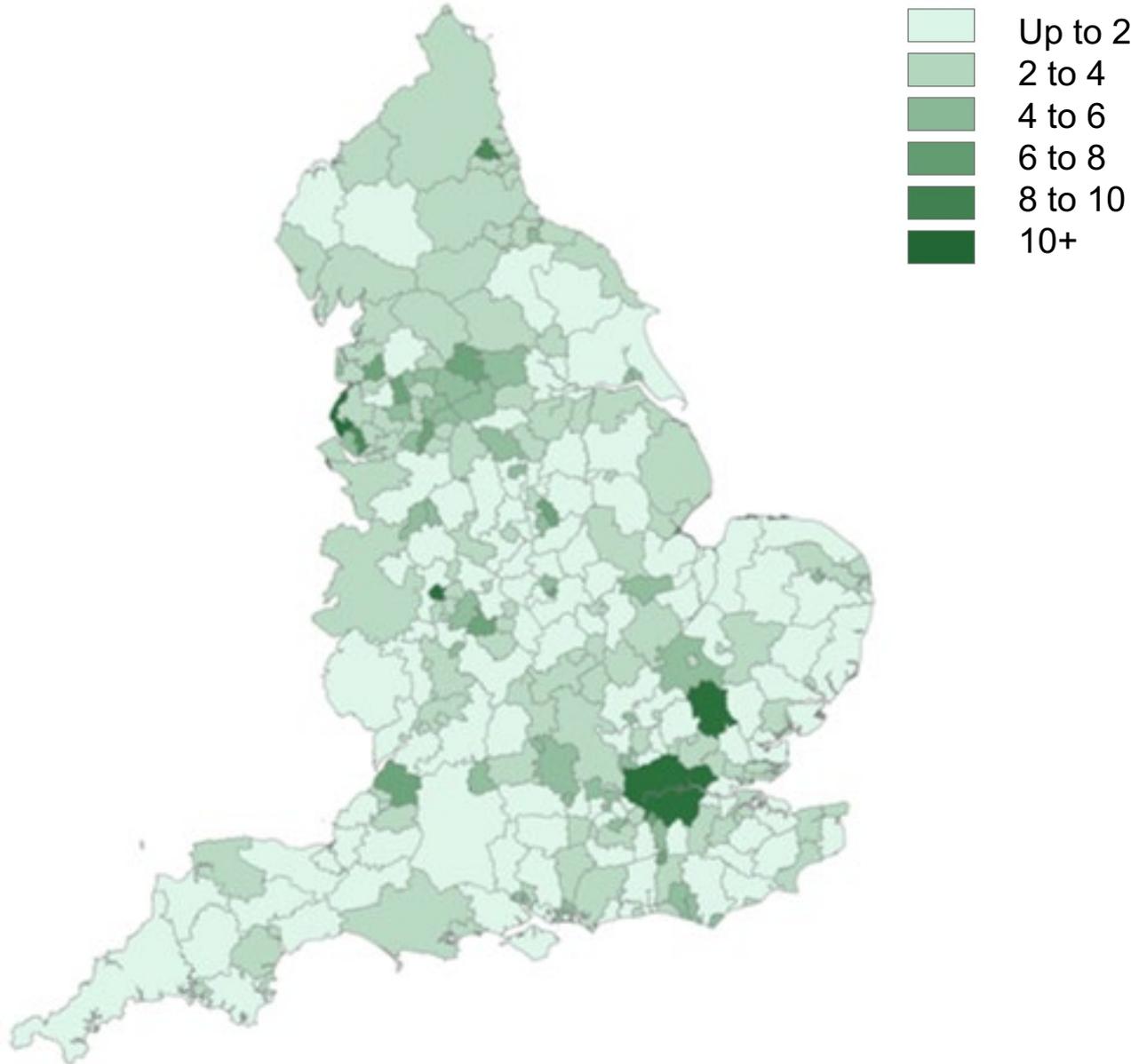
In London there were 10.1 licensed vehicles per 1,000 people, more than double the national average, with 3.4 licensed PHVs and 1.0 licensed taxis per 1,000 people.

Chart 4: Number of licensed taxis and private hire vehicles per 1,000 people by urban/rural classification, England 2021 ([TAXI0105](#))



Map 1: Licensed vehicles (taxis and PHV) per 1,000 people by licensing authority, England [\(TAXI0105\)](#)

Appendix 4



Contains National Statistics data © Crown copyright and database right 2021

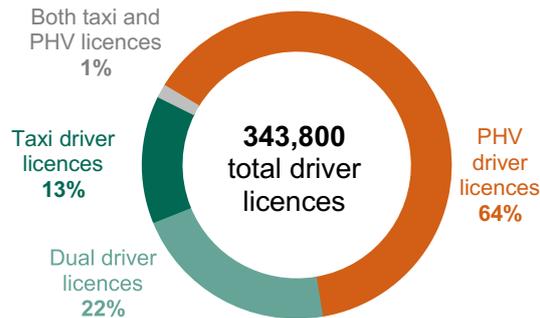
Table 3: The licensing authorities with the largest and smallest number of licensed vehicles per 1,000 of the population , England [\(TAXI0105\)](#)

Local Authority	Vehicles (per 1,000)	Local Authority	Vehicles (per 1,000)	Local level changes
Wolverhampton	37.0	Newark and Sherwood	0.7	Large year on year changes can occur in a licensing authority for a number of reasons, such as a large operator moving in or out of a given licensing area, or significant changes in local licensing policy
Uttlesford	25.9	Staffordshire Moorlands	0.7	
Sefton	15.6	Forest of Dean	0.7	
London	10.1	Mid Suffolk	0.7	

Licensed drivers

There were 343,800 driver licences in England, 20,900 (5.7%) less than in 2020.

Of the total licences, 64% were PHV-only licences, 13% were taxi-only licences and 22% were dual taxi/PHV licences.



Dual driver licence

A combined licence allowing the holder to drive both taxis and PHVs.

In England total licensed driver numbers decreased between 2021 and 2020. Decreases were seen in the number of PHVs across all regions, although there were variations in the rates of decrease. Decreases were also seen in the number of taxis except for in the Yorkshire and the Humber.

Table 4: Change in total driver licences (taxi-only, PHV-only and dual) by region between 2020 and 2021, England ([TAXI0103](#))

	Thousands							
	Total driver licences ¹		Taxi driver licences		PHV driver licences		Dual driver licences	
	March 2021 figure and percentage change compared to March 2020							
England	343.8	⬇️ -5.7%	46.1	⬇️ -7.1%	219.3	⬇️ -6.1%	74.1	⬇️ -5.3%
North East	12.8	⬇️ -4.2%	3.0	⬇️ -12.7%	6.9	⬇️ -0.3%	2.1	⬇️ -9.4%
North West	45.5	⬇️ -4.2%	7.8	⬇️ -5.7%	28.2	⬇️ -6.2%	7.3	⬇️ -4.6%
Yorkshire and the Humber	27.6	⬇️ -3.7%	2.5	⬆️ 8.7%	14.8	⬇️ -5.1%	9.9	⬇️ -3.4%
East Midlands	16.9	⬇️ -4.9%	0.9	⬇️ -6.4%	3.8	⬇️ -4.8%	12.2	⬇️ -4.8%
West Midlands	39.9	⬇️ -6.1%	3.0	⬇️ -7.3%	27.8	⬇️ -5.5%	9.0	⬇️ -7.7%
East of England	22.5	⬇️ -5.0%	1.5	⬇️ -8.6%	7.1	⬇️ -9.7%	13.9	⬇️ -2.0%
London	126.1	⬇️ -5.9%	20.8	⬇️ -7.2%	105.3	⬇️ -5.6%	0.0	↔️ 0.0%
South East	34.8	⬇️ -8.9%	3.6	⬇️ -13.6%	17.3	⬇️ -10.2%	13.7	⬇️ -7.2%
South West	17.6	⬇️ -7.5%	3.1	⬇️ -6.7%	8.1	⬇️ -8.7%	6.0	⬇️ -7.8%

1. The components may not sum to the total as this table excludes the numbers holding both a taxi and PHV licence

Licensed PHV operators

The number of licensed PHV operators decreased by 5.6% to 15,100 from the previous year, and 8.6% lower than the peak in PHV operators at 16,500 in 2009. PHV operators declined by 7.9% to 2,000 operators in London and decreased by 5.2% to 13,100 operators in England outside London.

Private Hire Vehicle operators

need to be licensed to accept bookings and dispatch PHVs to customers."

Total licensed PHV operators in England outside London

13,100 in 2021
 ⬇️ **5.2%** since 2020

Total licensed PHV operators in London

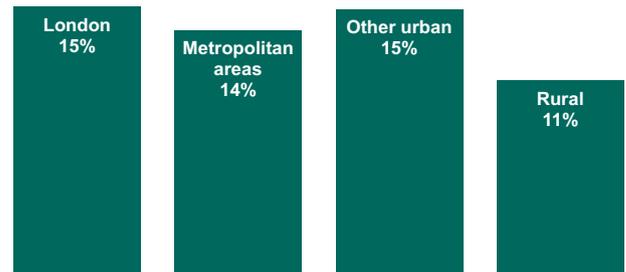
2,000 in 2021
 ⬇️ **7.9%** since 2020

In the year ending 31 March 2021, 1,431 applications were made by new PHV operators (either new companies, or existing operators not already licensed by that licensing authority).

In England, 15% of all licensed vehicles were wheelchair accessible. 54% of all taxis were wheelchair accessible in 2021 while 2% of PHVs were wheelchair accessible. This is similar to the proportions in 2020.

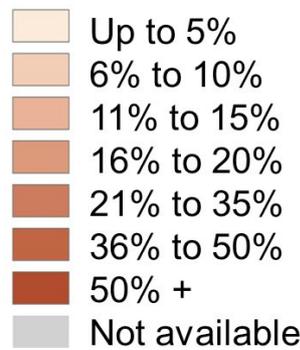
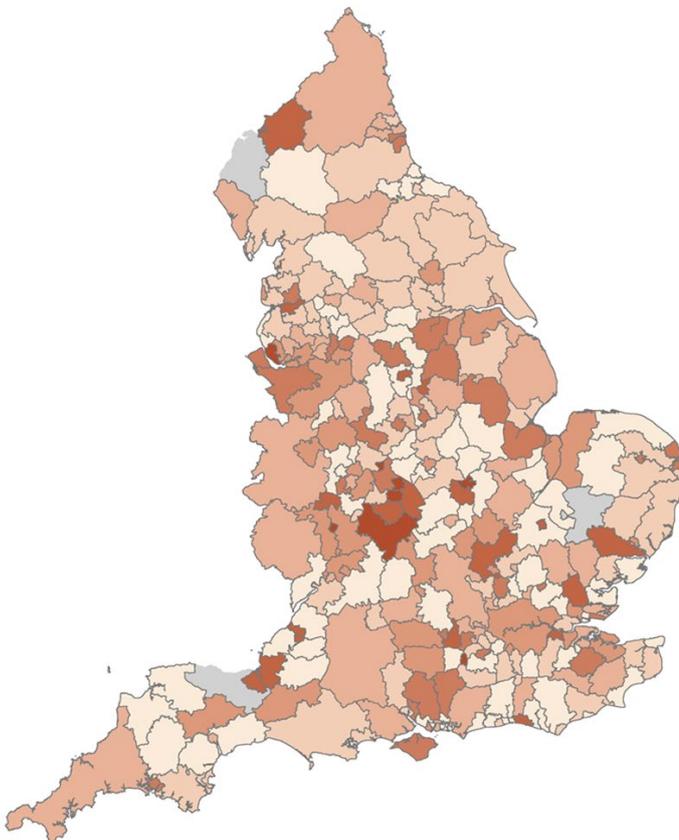
In England outside London 15% of all licensed vehicles were wheelchair accessible. However all 13,400 London taxis were wheelchair accessible as required by Transport for London’s ‘Conditions for Fitness’ taxi licensing policy.

Chart 5: Proportion of licensed vehicles that were wheelchair accessible in 2021 by urban/rural classification, England ([TAXI0105](#))



In England outside London 14% of all licensed vehicles were wheelchair accessible. However this varies by area and vehicle type: 81% of taxis in metropolitan areas were wheelchair accessible areas. When looking at PHVs, only 1% of licensed vehicles in London were wheelchair accessible, but this increased to 9% in rural areas

Map 2: Proportion of licensed vehicles that were wheelchair accessible in 2021 by licensing authority, England ([TAXI0104](#))



Urban/rural classification

Metropolitan areas represent the Passenger Transport Executives. Other urban and rural categories were defined using the Department for Environment, Food and Rural Affairs urban and rural classification which can be found [here](#).

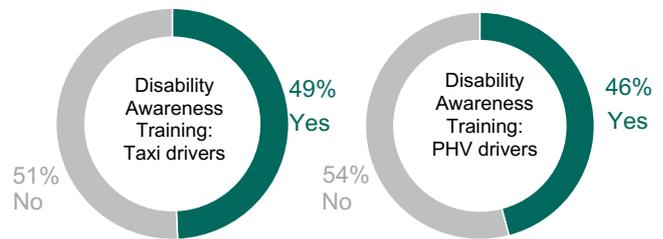
Note

Some areas are unable to provide numbers of wheelchair accessible taxis and/or PHVs. Estimates should be treated with caution.

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Training requirements [\(TAXI0110\)](#)

The increase in the number of authorities requiring disability awareness training for taxi and PHV drivers has continued in 2021. The number of authorities requiring disability awareness training for taxi drivers has increased from 44% in 2019 to 49% in 2021, while the number of authorities requiring disability awareness training for PHV drivers has increased from 41% to 46%.



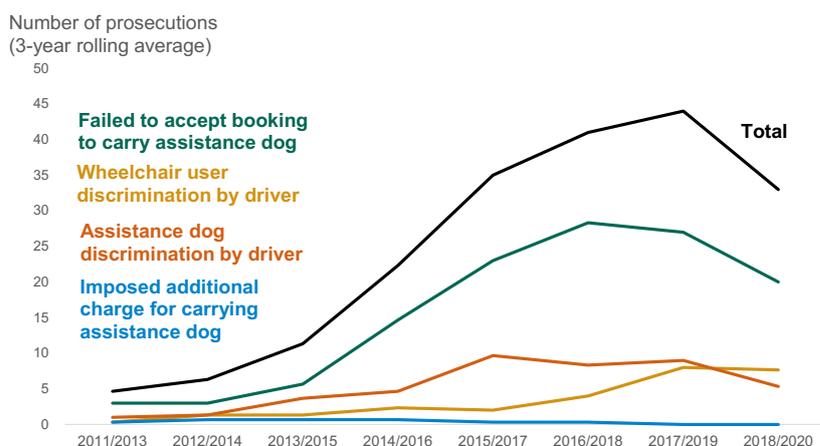
Wheelchair policies [\(TAXI0110\)](#)

66% of authorities require all or part of the taxi fleet to be wheelchair accessible, a small increase from 65% in 2019. However, only 5% of authorities require all or part of the PHV fleet to be wheelchair accessible. 79% of authorities maintain a list of wheelchair accessible taxis in accordance with section 167 of the Equality Act 2010 (an increase from 72% in 2019), while 70% maintain a list of wheelchair accessible PHVs (an increase from 63% in 2019).

Equality Act 2010 Prosecutions in England and Wales

In the year ending 31 December 2020 there were 14 prosecutions for offences committed by taxi and private hire vehicle drivers and operators in relation to sections 168 and 170 (assistance dog refusals by taxi and PHV drivers), and section 165 (wheelchair user discrimination by taxi and PHV drivers) in England and Wales, a decrease on the number in 2019. However this decrease reflects the restricted operation of courts as a result of the pandemic.

Chart 6: Prosecutions for offences by taxi and PHV drivers and operators under the Equality Act 2010, England and Wales, 2011 to 2020



Over this time period the majority of prosecutions were for failing to accept bookings to carry assistance dogs (70%). In 2019, 81% of prosecutions led to a conviction. This conviction rate has been fairly stable since 2013, and most convictions result in a fine.

Further information

Defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed.

This is bespoke analysis from the Criminal Justice System quarterly statistical series, year ending December 2020. More information can be found [here](#)

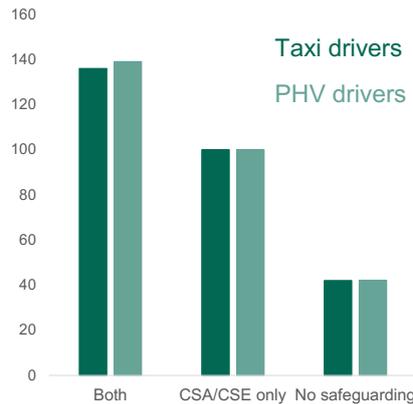
Safeguarding policies

Appendix Further information

The total number of English licensing authorities may not always be 281 as some authorities were not required to provide a response or did not answer the question.

Over four-fifths of authorities required taxi drivers (85% or 236 out of 278) and PHV drivers (85% or 239 out of 281) to complete child sexual abuse (CSA) or child sexual exploitation (CSE) training. These proportions have increased from 70% and 71% (for taxi and PHV drivers respectively) in 2018. 49% of licensing authorities require both CSA/CSE training and county lines training.

Chart 7: Number of authorities requiring child sexual abuse/child sexual awareness training and county lines training, England 2021 (TAXI0109)



Security checks (TAXI0109)

All authorities required an enhanced DBS (Disclosure and Barring Service) security check for taxi and PHV drivers.



The majority of authorities also required barred lists checks for taxi drivers (95%, 263 out of 278) and PHV drivers (95%, 267 out of 281). The proportions of authorities requiring enhanced DBS and barred list checks has grown from 79% (for both taxi and PHV drivers) in 2017.

CCTV (TAXI0108)

Similar to the previous year, 5% of authorities had a requirement for all licensed taxis to have CCTV fitted (14 out of 278) and 4% had a requirement for all licensed PHVs to have CCTV fitted (12 out of 281). Of the authorities with the CCTV requirement, 8 had a requirement for the CCTV to have the facility to record audio in taxis, and 8 had this requirement for PHVs, the same as in 2020.



Almost all of the authorities without the CCTV requirement did allow licensed vehicles to have CCTV fitted (97%, 257 out of 278, for licensed taxis and 98%, 263 out of 281 for licensed PHVs).

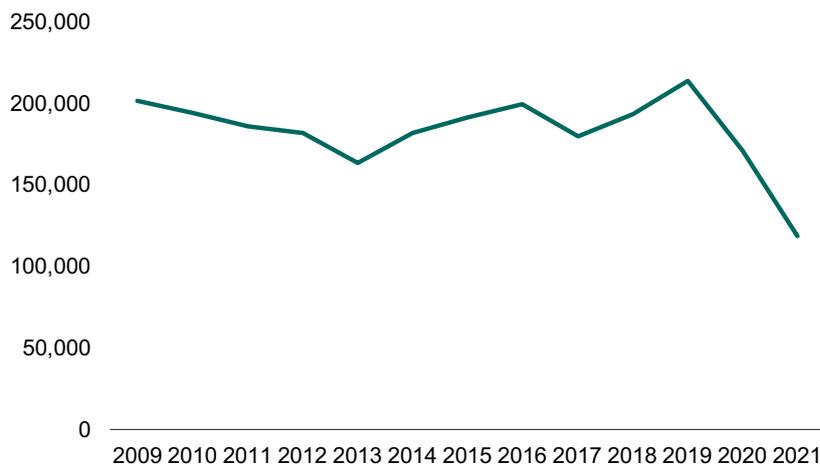
National register of Revocations and Refusals (NR3) (TAXI0112)

As at 31 March 2021 48% of authorities submitted data to NR3, and 50% used the NR3 when making licensing decisions. An increase from 39% and 40% respectively at 31 March 2020.

The Labour Force Survey collects information about individuals in the labour market. The data can be used to provide insight into taxi and PHV drivers.

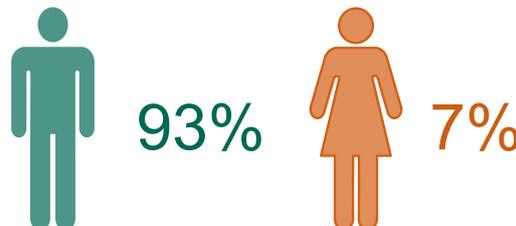
There were an estimated 119,000 drivers operating in England during 2020/21, which is 31% lower than 2019/20 (171,000) and 36% lower than ten years ago (186,000 in 2010/11).

Chart 9: Number of “Taxi and cab drivers and chauffeurs”, England, 2008/09 to 2020/21 (Labour Force Survey)



Who drives taxis?

The majority of drivers were male (93%) in 2020/21. The proportion of female drivers has increased from 2% in recent years to 7% in 2020/21.



Similar to last year, the average age of a driver was 48 years old, with 22% of drivers being aged under 40. Those aged 60 or over made up 20% of drivers. There has been a slight shift in the age profile of drivers over the past ten years, with a slightly smaller proportion of younger drivers and a slightly larger proportion of older drivers.

The two main ethnic groups of drivers were White and Asian or Asian British in 2020/21, making up 43% and 44% of drivers respectively. This compares to 63% and 29% respectively in 2009/10. There was an increase in the proportion of non-UK nationals working as drivers in England, rising from 13% in 2009/10 to 25% in 2020/21.

The Labour Force Survey (LFS) is a large study of the employment circumstances of the UK population, run by the Office for National Statistics (ONS). More information can be found [here](#).

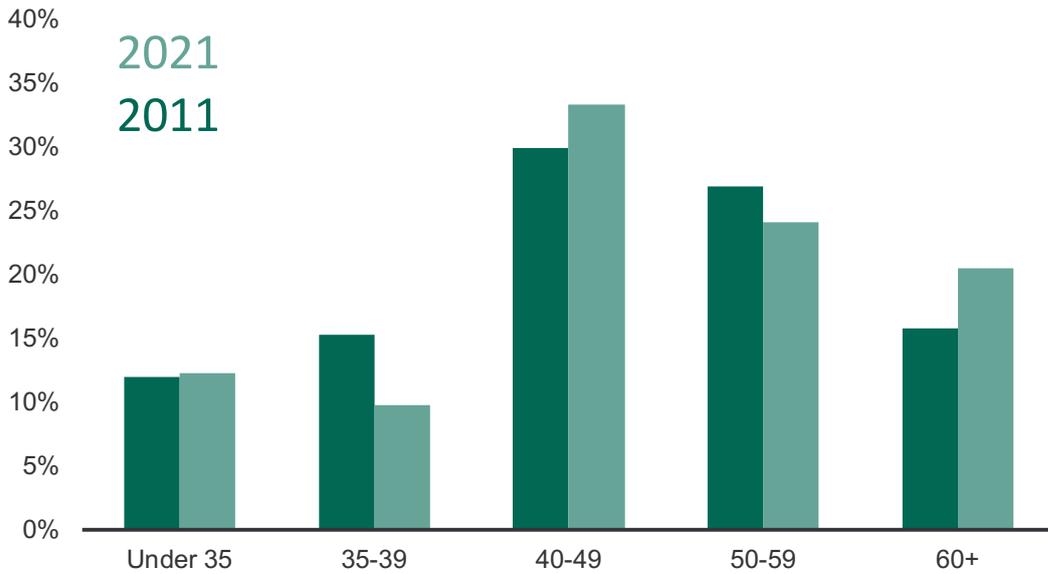
Licences vs. drivers

The majority of this release talks about licences held, rather than drivers. Since the respondent self-reports their current occupation, it is possible for a person to hold a licence and not work as a driver, or for a person to not hold a licence but still claim to work as a driver.

Drivers

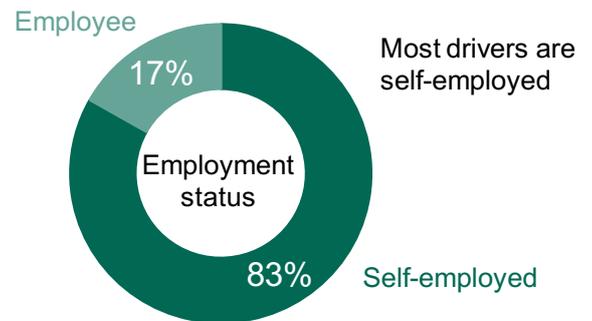
The drivers in this section are defined using the Standard occupational classification system, SOC 2020, as “Taxi and cab drivers and chauffeurs” (code 8213), which will contain taxi drivers, PHV drivers and chauffeurs. The respondent reports their occupation to the interviewer and is then classified in this way during the interview, so the exact occupation of each respondent cannot be determined. As part of the interview respondents are asked whether they are employed or self-employed, but this may differ to their status under employment legislation

Chart 10: Age profile of “Taxi and cab drivers and chauffeurs”, England, 2010/11 and 2020/21 (Labour Force Survey)



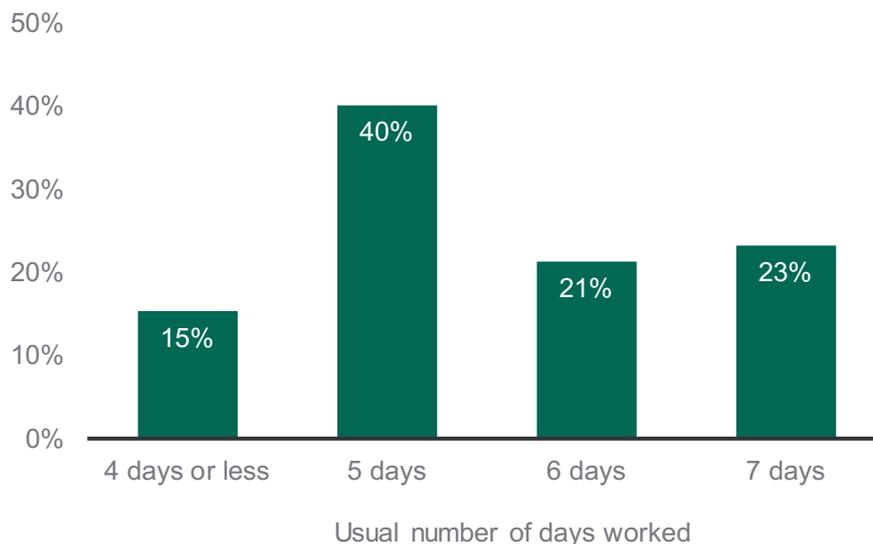
What are drivers’ working patterns?

The proportion of self-employed drivers (83%) and the proportion of part-time drivers (22%) have been broadly stable over the last ten years.



In October to December 2020, 23% of drivers usually worked 7 days a week, back to the levels seen prior to the first national lockdown in 2020 where the proportion of drivers working 7 days a week dropped to 9%. The majority of drivers (40%) usually worked 5 days a week.

Chart 11: Profile of usual number of days worked by “Taxi and cab drivers and chauffeurs”, England, October to December 2020 (Labour Force Survey)



Taxi passengers

The National Travel Survey (NTS) gathers data on personal travel behaviour across England. Data from the NTS can be used to analyse the users of taxis and PHVs. Note that data collected on specific travel by taxi/PHV cannot identify which type of service was used or if app-based technology was used to hail/book.

In 2019, the average person in England made 11 taxi or PHV trips and travelled 59 miles by taxi or PHV, which is an increase from 10 trips and a decrease from 62 miles in 2018. The distance travelled by taxi or PHV has increased by 10% over the last 10 years (from 54 miles in 2009), but the number of trips has remained broadly stable. The average taxi trip in 2019 lasted 20 minutes, the same as in 2018.

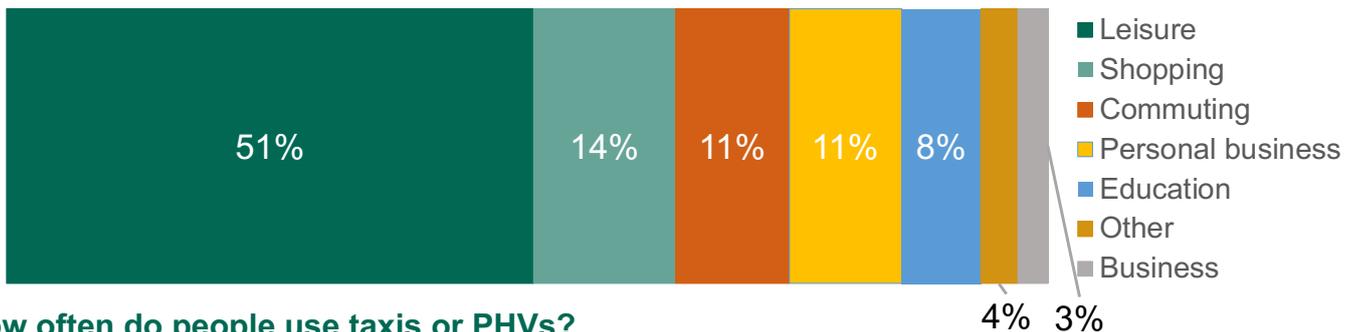
National Travel Survey

The National Travel Survey is a household survey carried out on around 15,000 individuals in England every year. The results in this release are based on the 2019 results, and as such do not reflect the changes in travel patterns from the pandemic. For more information see [here](#).

Why do people travel by taxi or PHV?

Over half (51%) of trips on taxis or PHVs were taken for leisure purposes, a small increase on 2018 (47%). The second most common trip purpose when using a taxi was shopping (14% of trips).

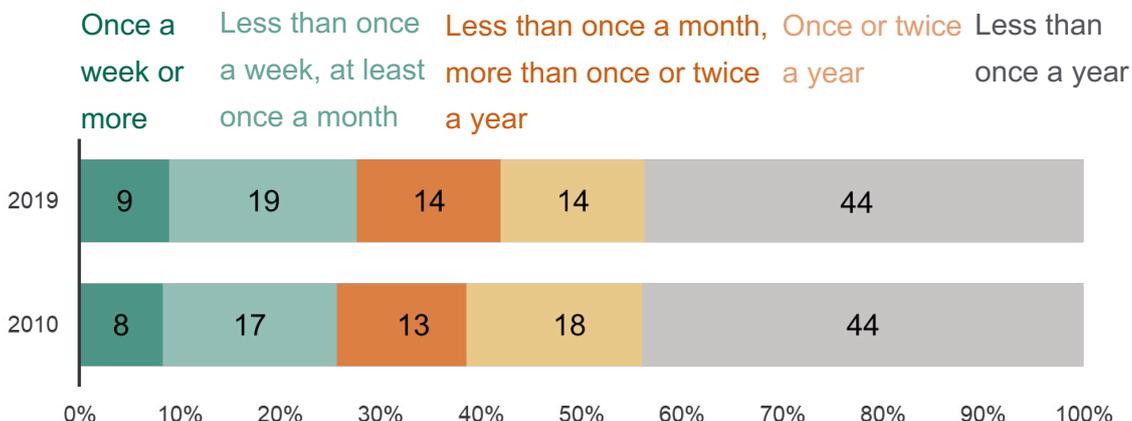
Chart 12: Purpose share of taxi or PHV trips, 2019 ([NTS0409](#))



How often do people use taxis or PHVs?

Most people (58%) rarely use a taxi or PHV (at most twice a year). However around a quarter (28%) travel by taxi or PHV at least once a month and 9% of people travel by taxi or PHV on a weekly basis. This has been broadly stable since 2010.

Chart 13: Frequency of taxi or PHV usage, England, 2010 and 2019 ([NTS0313](#))



Who uses taxis?

Mobility difficulties

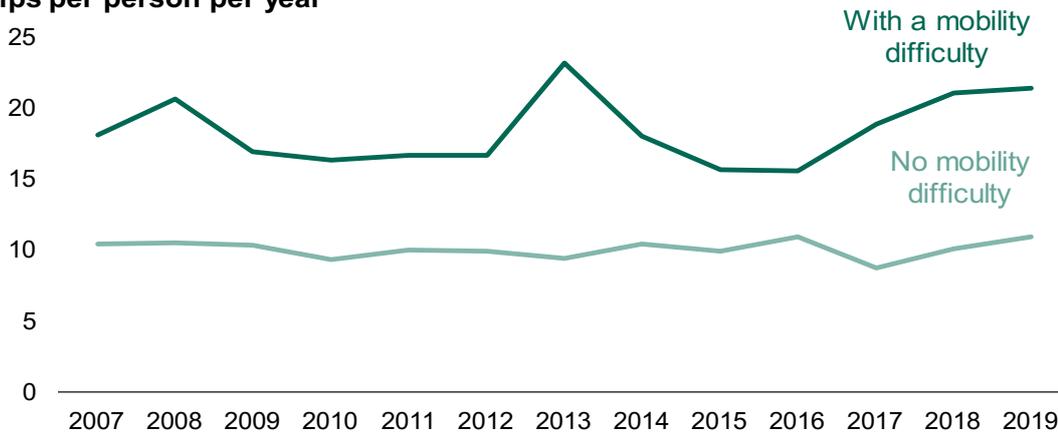
In 2019, the number of taxi or PHV trips made by adults aged 16 or over with mobility difficulties has increased from 16 trips per person per year in 2010 to 21 trips per person per year. Similar to last year, adults with mobility difficulties use taxis or PHVs more than people without mobility difficulties (21 trips per person vs. 11 trips per person).

Taxi or PHV usage makes up 3% of all trips for those with mobility difficulties, compared to just 1% for those without mobility difficulties. These figures have remained broadly stable since 2010.

Chart 14: Taxi or PHV trips per person per year, by mobility difficulty, England, 2019

([NTS0709](#))

Trips per person per year



Mobility difficulties

The NTS definition of having a mobility difficulty is based on those adults who responded to say they have difficulties travelling on foot, by bus or both.

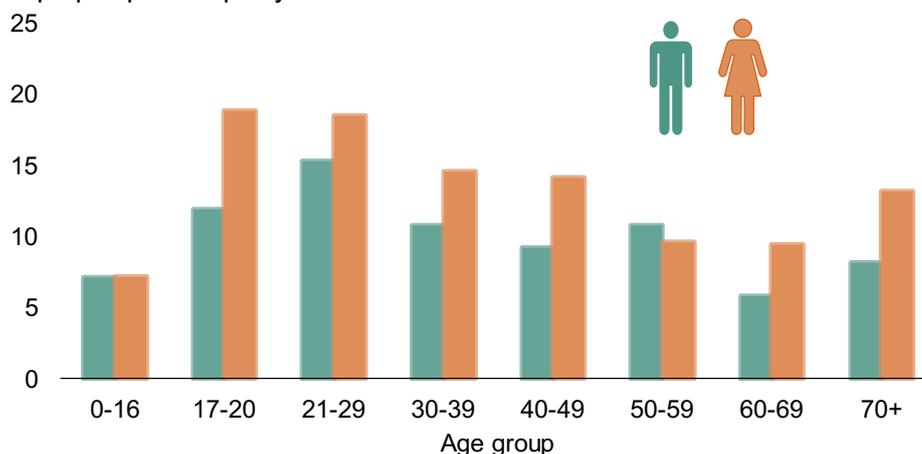
Age and gender

In 2019, on average, women made more taxi or PHV trips than men (12 trips per person per year compared with 10 trips per person per year respectively). Women aged 70+ made 61% more trips than men of this age (13 trips per person per year compared with 8 trips per person per year respectively).

Although women make more taxi or PHV trips, both men and women travelled 59 miles per person by taxi or PHV in 2019.

Chart 15: Taxi or PHV trips per person per year, by gender, England, 2019 ([NTS0601](#))

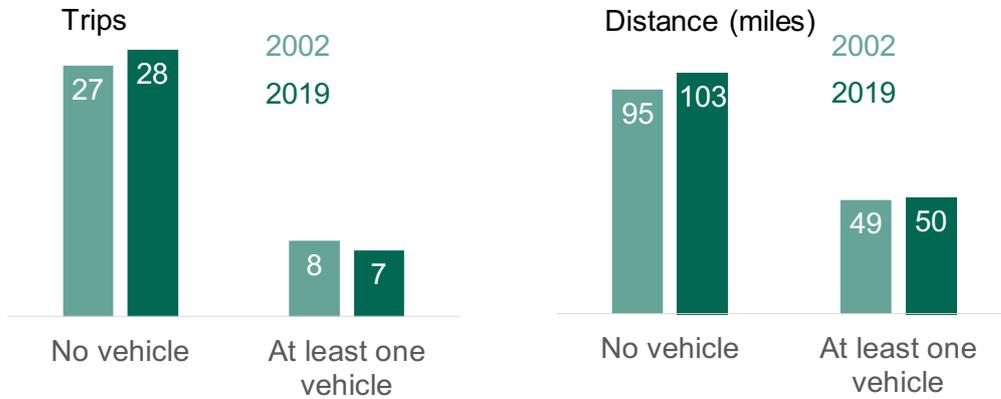
Trips per person per year



Car access

In 2019, on average, people in households without access to a car made 4 times as many taxi or PHV trips than those with access to a car (28 trips per person vs. 7 trips per person respectively), and travelled over twice as far (103 miles per person vs. 50 miles per person respectively). This pattern has remained broadly stable since 2002.

Chart 16: Taxi or PHV trips and distance travelled by taxi or PHV, England, 2019 ([NTS0702](#))



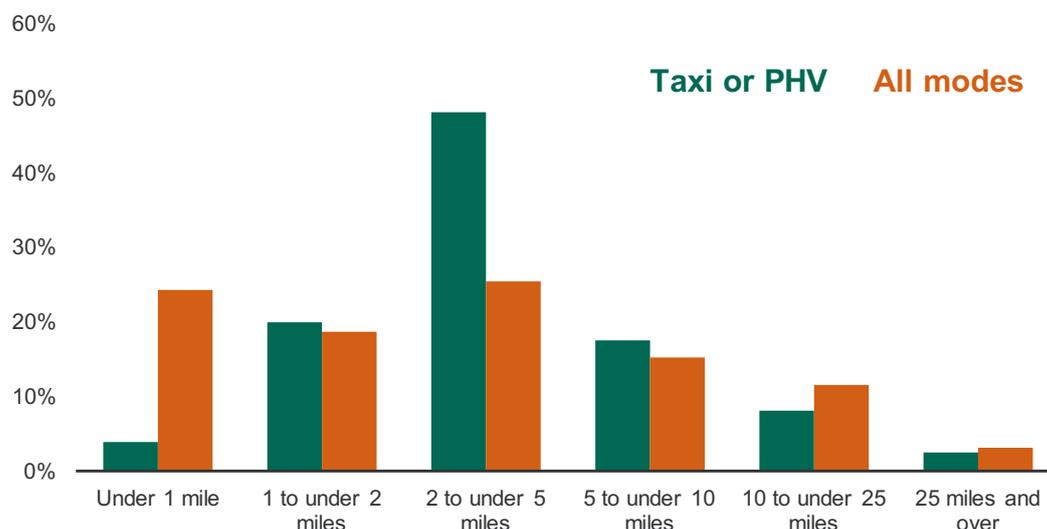
Household income

Similar to 2018, people in the lowest real household income quintile made 15 taxi or PHV trips, more than any other income quintile. However, those in the highest real household income level travelled further by taxi or PHV, on average 70 miles per person per year, while those in the lowest quintile travelled 69 miles per person per year.

How far are taxi or PHV trips?

In 2019, the majority (48%) of taxi or PHV trips were between 2 and 5 miles. This was almost double the proportion of trips of the same distance travelled by all modes (25%). In contrast, the majority (43%) of all trips were under 2 miles: just under a quarter (24%) of taxi or PHV trips were under 2 miles.

Chart 17: Trip length distribution, for taxi or PHV trips and all modes, England, 2019 ([NTS0308](#))

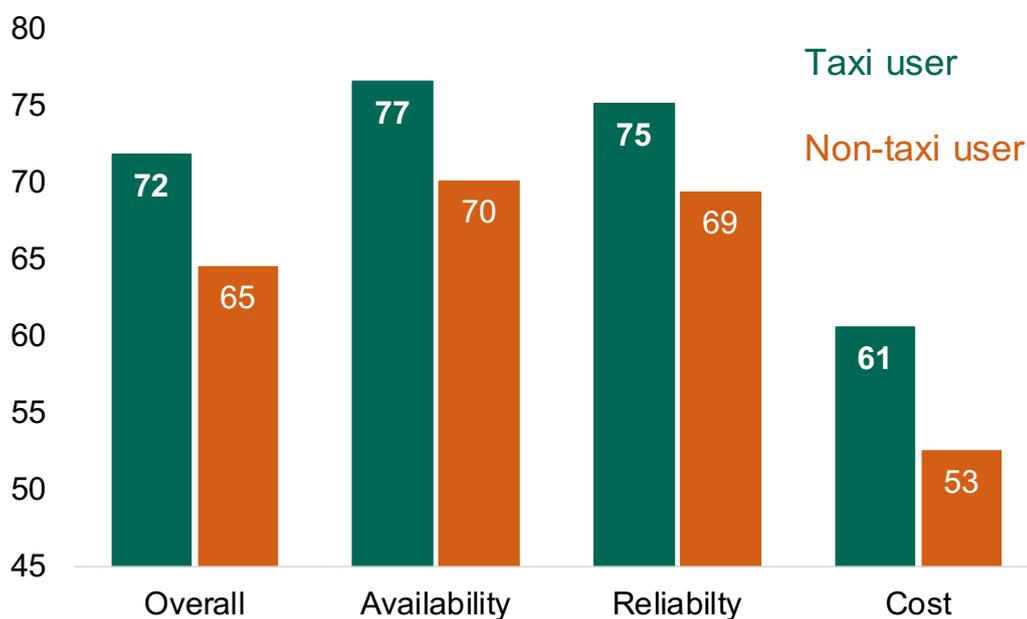


Passenger satisfaction with taxis and PHVs

The National Highways and Transport Public Satisfaction Survey collects public perspectives on, and satisfaction with, highway and transportation services on behalf of several local authorities to inform performance management and local transport plans.

On average, in the areas outside of London surveyed in England in 2020, the overall public satisfaction with taxis and PHVs was 66%, the same as in 2018 and 2019.

Chart 18: Satisfaction with elements of taxi/PHVs for taxi users (who use taxis/PHVs at least once a month) and non-users, England outside of London 2020



Overall satisfaction was 7 percentage points higher for those who use taxi/PHVs at least once a month (72%) compared to non-users (65%). This was reflected across other elements of satisfaction.

Of people who use a taxi/PHV at least once a month, 75% of those with a disability were satisfied compared to 71% of those without a disability.

The National Highways and Transport Public Satisfaction Survey

was launched in 2008. The survey is carried out in July-August of each year. The latest data available is for 2020 and covered 109 local authorities in England.

Detailed statistics

The data at LA level is captured through a randomly selected postal survey of households. However, because not all LAs participate the estimates may not be accurate at the national level.

We have excluded London from the analysis because the coverage in London is low.

The National Highways and Transport Survey results can be found [here](#).

These figures are not National Statistics.

Overall passenger satisfaction

66%

in England outside of London in 2020

Passenger satisfaction with reliability

71%

in England outside of London in 2020

Passenger satisfaction with availability

71%

in England outside of London in 2020

Passenger satisfaction with cost

55%

in England outside of London in 2020

Background information

Users and uses of these statistics

These statistics are used within DfT to inform the development and monitoring of policy relating to taxis and PHVs (for example monitoring how many taxis and PHVs are wheelchair accessible) and for ministerial briefing or to answer public enquires.

These statistics will also be used to monitor the implementation of the [Statutory Taxi & Private Hire Vehicle Standards](#) issued in July 2020.

Outside DfT, the statistics are of interest to various industry bodies and provide information for licensing authorities to compare themselves with other areas.

Strengths and weaknesses of the data

The data collected will cover PHV operators and enlisted drivers who use app-based technology, such as Uber. However, we are not able to disaggregate which drivers are using these apps in the figures presented.

More information can be found in the [Background Quality Report](#).

National Statistics

The continued designation of these statistics as National Statistics was [confirmed in February 2013](#). National Statistics are produced to high professional standards set out in the [National Statistics Code of Practice](#). They undergo regular quality assurance reviews to ensure they meet customer needs. For details of ministers and officials who receive pre-release access to these statistics up to 24 hours before release: <https://www.gov.uk/government/publications/taxis-statistics-pre-release-access-list>

Next Release

The next taxi and private hire vehicle statistics release is due to be published in 2022.



To hear more about DfT statistics publications as they are released please follow us on Twitter via our [@DfTstats](#) account. TWITTER, TWEET, RETWEET and the Twitter logo are trademarks of Twitter, Inc. or its affiliates

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