

LICENSING COMMITTEE
Regulatory Committee
Agenda

Date Tuesday 7 June 2022

Time 9.30 am

Venue Lees Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email Constitutional.services@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Thursday, 2 June 2022.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE LICENSING COMMITTEE IS AS FOLLOWS:
Councillors Azad, Byrne, Cosgrove, C. Gloster, Goodwin, Hamblett, Harrison, S Hussain, McLaren, Nasheen, Sheldon, Shuttleworth, Surjan (Chair) and Wilkinson

Item No

- 1 Election of Vice Chair
- 2 Apologies For Absence

- 3 Urgent Business

 Urgent business, if any, introduced by the Chair
- 4 Declarations of Interest

 To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 5 Public Question Time

 To receive Questions from the Public, in accordance with the Council's Constitution.
- 6 Minutes of Previous Meeting (Pages 1 - 4)

 The Minutes of the meeting held on 22nd March 2022 are attached for approval.
- 7 Licensing Annual Report (Pages 5 - 14)

 The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2021 to 31st March 2022.
- 8 Disclosure & Barring Service Checks (Pages 15 - 20)

 Government statutory guidance issued in July 2020 requires Licensing Authorities to conduct a Disclosure and Barring Service criminal records check every six months on licensed drivers. A new procedure was developed and approved by Committee Members in November 2020 and this procedure has now been updated.
- 9 Amendments to Animal Welfare Policy (Pages 21 - 24)

 This report requests that Members approve an amendment to the Council's animal welfare licensing policy in relation to use of Council land.
- 10 Composition of Panels 2022 2023 (Pages 25 - 26)



LICENSING COMMITTEE
22/03/2022 at 9.30 am

Present: Councillor Taylor (Chair)
Councillors M Bashforth, Byrne, Garry, C. Gloster, Hamblett,
F Hussain, Malik, McLaren, Shuttleworth and Wilkinson

Also in Attendance:

Elise Brophy	Licensing Projects and Hearings Officer
Laila Chowdhury	Constitutional Services
Alan Evans	Group Solicitor - Environment
John Garforth	Trading Standards and Licensing Manager
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors
Alexander, Arnott and Cosgrove.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

A question had been received after the deadline. It was agreed
that a response would be provided offline to the questioner.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 30th
November 2021 be approved as a correct record.

6 **GM MINIMUM LICENSING STANDARDS**

The Committee gave consideration to a report of the Trading
Standards and Licensing Manager which asked Members to
discuss amendments to the Council's Taxi and Private Hire
Licensing Policy following of a request to pause and review
certain elements of implementation.

It was noted that at the meeting held on the 30th November
2021, Members made several policy changes to the Councils
Taxi and Private Hire Licensing Policy in line with the work
carried out and recommendations brought forward from the
Greater Manchester Minimum Licensing Standards programme.

The ten vehicle standards that were considered as part of the programme at the above meeting were:

- Wheelchair accessible purpose built hackney carriages
- Vehicle ages
- Vehicle emissions
- Vehicle colour
- Vehicle livery
- Vehicle testing
- CCTV
- Executive Hire
- Vehicle design and licensing requirements
- Vehicle licence conditions

Members were informed that since that meeting, Officers had received further representations from trade representatives about the availability and costs associated with purchasing new or replacement vehicles. In addition, the GM clean air zone implementation planned for May 2022 had been paused to enable further plans to be tabled with Government by July 2022. As a result of the representations the Chief Executive, following a recommendation by the Leader and Chair of the Licensing Committee authorised a pause to the implementation of the vehicle standards pending further discussion at the next licensing committee.

Members were asked to agree the following policy decisions proposed by Officers:

- Wheelchair accessible purpose built hackney carriages (WAV) - A mixed fleet of hackneys including adapted vehicles may continue to be licensed until 31.12.2029. Any change of vehicle must be to a vehicle that is emissions compliant. Thereafter vehicles must be all purpose built WAV's. Existing WAV's that have a condition on their licence that they must be wheelchair accessible must continue to comply with this condition.
- Vehicle Age - New licence holders will comply with the GM standard of saloon vehicles being under 5 years of age and licensed until 10. Existing licensed vehicles may stay licensed until age 12 (14 for purpose built hackneys) In relation to the next vehicle change, the replacement of an existing licensed vehicle be extended so a vehicle maybe licensed up until 7 years of age and until 10 (15 for WAVs) The above are subject to any emissions transitional requirements which at present state that a non-emission compliant vehicle cannot be licensed beyond 31.12.2025.
- Vehicles Emissions - All new to licence vehicles must be emission compliant to Euro 6 diesel, Euro 4 petrol or zero emission capable. Existing non-emission compliant vehicles have until 31.12.2025 to become compliant (within the age limits outlined above which may result in them ceasing being licensed earlier).



- Vehicle Colour - Hackney saloon vehicles must be white and WAVs either white or manufacturers colour. Private hire vehicles may be any colour.
- Vehicle Livery - Adopt the GM standard when introduced.
- Vehicle testing - Already in place – no changes needed
- CCTV - Await a further GM report on draft policy
- Executive Hire - Already in place – no changes needed
- Vehicle design and licensing requirements - The GM Licensing Managers are reviewing this policy area and a further report will be brought before Members in the future. There is no guarantee to the trade of what future policy may be but in the interim the following is sought for approval: Category A and B vehicles will not be licensed Category C/S vehicles – will consider licensing if it has successfully passed an ‘autolign’ inspection and the report and certificate can be produced. Category N/D vehicles – will consider licensing subject to the review of an automotive engineers report.
- Vehicle licence conditions - Retain the GM new standard conditions.

Members were also asked to approve the policy amendment that would allow current drivers, when the vehicle licence expired, 21 days in which to renew it under the same policy criteria. After that period, any vehicle application would have to meet the criteria that would apply to a new vehicle licence as per policy.

It was noted that Due to the current pause on funding to support the clean air plan that was under review, it was felt necessary and fair to those vehicle owners whose vehicles were coming to their end of licensing life through policy limits, to allow those vehicles to continue to be licensed until the funding situation was confirmed. The initial request was that this be allowed until the end of September 2022 but with the caveat that Officers may extend again if the situation remains unresolved by that time.

RESOLVED that the recommendations and policy changes be agreed.

The meeting started at 9.30 am and ended at 10.47 am

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Licensing Committee

Licensing Annual Report

Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

7th June 2022

Executive Summary

The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2021 to 31st March 2022.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Consider the implications of the report in future licensing decisions
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Licensing Annual Report

1 Purpose of the report

- 1.1 The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2021 to 31st March 2022.

2 Team Objectives

- 2.1 There are two strategic objectives that relate to Licensing
- 2.2 To work with businesses to ensure they are licensed and compliant. This covers:
- Proactively licensing premises and individuals engaged in alcohol supply, entertainment and late night refreshment.
 - Participation in Pubwatch schemes, partnership projects and joint, intelligence led inspections to ensure licence conditions are not being breached.
 - Promotion of the four licensing objectives and three gambling objectives.
- 2.3 The second relates to ensuring safe passenger journeys, in safe licensed vehicles with safe licensed drivers. This covers:
- Undertaking inspections of licensed vehicles.
 - Vetting new applicants for licences to ensure they are fit and proper
 - Ensuring that passengers are safe in vehicles by responding to complaints and investigating offences and breaches of conditions

3 Licensing Act 2003

- 3.1 The Licensing Act 2003 is governed by four licensing objectives:-
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public Safety
 - Protection of children from harm

3.2 Numbers of licensed premises under the Act are in the table below with a comparison to previous years.

TYPE	Year ending 31.3.22	Year ending 31.3.21	Year ending 31.3.20	Year ending 31.3.19	Year ending 31.3.18
Premises Licences for alcohol	534	528	587	580	579
Premises Licences non-alcohol	126	123	142	139	134
Club Premises Certificates	50	53	61	62	62
Premises Total	710	704	790	781	775
Personal Licences	3142	3060	2987	2887	2756
Licensing Act Total	3852	3764	3777	3668	3531

3.3 There have been nine applications considered by the Licensing Premises Panel in the last twelve months.

King William VI, Greenfield	Variation of premises licence	Approved with additional conditions
Eagle Off Licence, Ashton Road	Variation of premises supervisor	Refused
Sunnys Off Licence, Werneth	Review of premises licence	Licence revoked
Donkeystone Brewery, Greenfield	Application for a premises licence	Approved with additional conditions
AVRO Vestacare Stadium, Limehurst	Variation of premises licence	Refused
Chillz, Restaurant, Bar and Lounge, Failsworth	Temporary Event Notice	Withdrawn
Coldhurst off licence, Chadderton Way	Application for a premises licence	Approved with amended hours
Anglers Arms, Failsworth	Temporary Event Notice	Refused

AVRO Vestacare Stadium, Limehurst	Application for a premises licence	Approved with amendments
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4.0 **Gambling Act 2005**

4.1 Applications under this legislation continue to be few and far between although Officers continue to work closely with the Gambling Commission to ensure compliance with licence conditions.

4.2 Current permissions in force under this Act are:

Bingo	1
Adult Gaming Centre	5
Betting Shops	20
Club Gaming Permit	1
Club Machine Permit	6
Alcohol licensed premises machine permits	19
Gaming machine notifications in pubs	177
Small Society Lotteries	97

5.0 **Age restricted sales**

5.1 Under Age Sales continue to be handled by Trading Standards Officers which result in engagement with premises where intelligence suggests attempts to purchase alcohol or other restricted goods by children may be taking place.

5.2 Officers continued to run the half-day course for all businesses that sell any age restricted products such as alcohol, tobacco or knives. It has been developed by the Trading Standards Team and is suitable for managers and staff and includes:

- what the law requires of business and staff
- proxy sales
- An explanation of due diligence
- Challenge 25, proof of age, refusals, training

6 LICENSED DRIVERS AND VEHICLES

Licences and Hearings

- 6.1 Officers continue to work with the private hire and hackney trade to ensure effective communication and consultation takes place. Elected members also attend these forums.
- 6.2 Below are details of the applicants and drivers brought before the Drivers Licensing Panel over the last twelve months.
- 6.3 The Licensing Drivers Panel usually sits monthly to hear applications for new taxi licences, renewal applications of reviews of existing licences where there are offences or conduct issues recorded.
- 6.4 Since May 2021 a total of **11** determinations by the Panel which are broken down as follows:

	Granted with Suspension	Suspended	Refused	Revoked
May 2021		1		
July 2021		2		1
September 2021			1	1
October 2021				1
November 2021				1
January 2022		1		
February 2022		1		1
Total	0	5	1	5

- 6.5 In addition there have been four emergency delegated decisions taken where driver licences have been revoked with immediate effect by the Trading Standards & Licensing Manager.

Appeals lodged from those decisions are as follows:

Appeals withdrawn	0
Appeals dismissed by the court	3
Appeals allowed	1
Appeals still pending	4

6.5 Details of the number of licences in force are detailed below: -

LICENCE TYPE	May 2022	May 2021	May 2020	May 2019	May 2018	May 2017
Private Hire Vehicle Licence	1002	953	1046	1055	1045	950
Private Hire Operators Licence	31	31	29	35	37	38
Dual drivers' licence	1299	1311	1366	1362	1326	1298
Hackney Carriage Vehicles	85	85	85	85	85	85
Total	2417	2380	2526	2537	2493	2371

7 Vehicle testing data

7.1 Data showing details of pass/fail rates of licensed vehicle mechanical compliance tests is extracted below. The details of the main reasons for failures is also reported below.

Hackney Carriage		Private Hire	
Pass	Fail	Pass	Fail
2019			
116 (58%)	83 (42%)	1414 (61%)	900 (39%)
2020			
57 (46%)	66 (54%)	791 (51%)	754 (49%)
2021			
108 (54%)	93 (46%)	1092 (52%)	1021 (48%)
2022 (to 31.3.22)			
11 (41%)	16 (59%)	324 (51%)	306 (49%)

Reason for Failure	2022	2021	2020	2019
ABS Warning System	2	14	10	11
Battery	3	22	26	25
Body External	19	73	60	147
Body Interior	31	200	113	134
Bumpers	14	43	37	42
Condition of Belts	8	48	43	66
Condition of Exhaust	11	70	86	58
Condition of Vehicle	48	181	133	121
Direction of Indicators	47	206	131	197
Door Locks & Handles	2	8	8	14
Doors	5	18	15	27
Effectiveness of Silencer	1	6	6	13
Emissions	11	57	20	0
Exhaust Emission	8	38	47	65
Fire Extinguisher	56	257	140	235
First Aid Kit	37	161	38	61
Front Seat Mountings	2	1	3	7
Fuel Cap	2	5	7	3
General Wiring	0	12	10	0
Headlamp Aim	58	208	128	182
Horn	1	5	8	3
Mirrors (internal/external)	3	14	11	13
Obligatory Front Lamps	49	244	217	225
Obligatory Headlamps	48	128	100	101
Obligatory Rear Lamps	73	324	198	272
Occasional Seats	0	2	0	0
Operation	7	17	12	28
Parking Brake Condition	6	36	42	32
Parking Brake Efficiency	27	78	76	64
Plates Securely Affixed	37	227	106	45
Power Steering	2	10	5	24
Rear Reflectors	6	16	13	17
Rear Seats	4	20	16	27
Registration Plates	14	45	38	45
Road Wheels	9	21	18	33
Security of Mountings	2	5	7	2
Reason	2022	2021	2020	2019
Service Brake Balance	13	49	34	22
Service Brake Condition	100	407	284	230
Service Brake Efficiency	7	13	14	8
Shock Absorbers	21	86	47	49
Steering Control	3	13	2	11

Steering Mechanism	13	69	64	70
Stop Lamps	12	57	43	44
Structure	4	24	5	15
Stub Axle Assemblies	0	2	4	9
Suspension	97	372	298	345
Tariff Sheet	0	1	0	0
Taximeter & Bracket Assembly	3	26	4	5
Transmission Shafts	10	68	55	39
Tyre Condition	58	255	210	225
Tyre Type	18	54	24	23
Upholstery	3	31	13	24
Wheel Bearings	5	28	17	28
Window & Mechanisms	5	14	9	12
Windscreen	2	15	9	9
Windscreen Washers	8	26	13	27
Windscreen Wipers	8	44	34	3

8 Other licences

8.1 As well as the main functions outlined previously in this report the Licensing Team also administers and enforces a wide range of other licences, registrations and permits current numbers of which are outlined below.

Licence type	Number in Force
Marriage Premises	10
Sex shops	1
Second hand dealers	43
Scrap metal sites	35
Scrap metal collectors	9
Street trading consents/licences	49
Pavement licences	16
Animal Activity Licences	51

9 **Future challenges and changes**

9.1 There continue to be regular changes to legislation and guidance affecting licensing together with consultations the summaries of which are detailed below:

- Making the temporary pavement licence legislation permanent;
- Awaiting consultation on the Governments levelling up agenda to review to the number of taxi licensing authorities;
- Responding to the Governments Taxi and Private Hire best practice guidance consultation;
- From April 2022 implementation of the Finance Act relating to tax conditionality for licensed drivers, operators and scrap metal dealers relating to tax registration requirements;
- Changes to the Equality Act under the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 relating to the duties of drivers and operators when carrying disabled persons;
- Implementing changes under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which relate to changes to the national register of refusals, revocations and suspensions and the sharing of information with other licensing authorities;
- Awaiting the publication of a Transport Bill in relation to changes to taxi and private hire legislation; and
- Continuing to work with GM colleagues to deliver minimum licensing standards.

10 **Current Projects**

10.1 Projects underway or due to start in the coming months include:

- Refreshing the convictions policy for taxis alongside GM colleagues
- Assessing the impact of the GM clean air plan on our licensing policy
- Reviewing hackney carriage ranks, licence release policy and unmet demand.
- Reviewing vehicle testing arrangements as part of a joint trade/council working group

11 **Legal Services Comments**

11.1 None- Information report

12 **Co-operative Agenda**

12.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

13 **Environmental and Health & Safety Implications**

13.1 None

14 **Equality, community cohesion and crime implications**

14.1 None

15 **Equality Impact Assessment Completed?**

15.1 No

16 **Key Decision**

16.1 No

17 **Key Decision Reference**

17.1 N/A

18 **Background Papers - None**

19 **Appendices - None**



Licensing Committee

Disclosure & Barring Service Checks

Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

7th June 2022

Executive Summary

Government statutory guidance issued in July 2020 requires Licensing Authorities to conduct a Disclosure and Barring Service criminal records check every six months on licensed drivers. A new procedure was developed and approved by Committee Members in November 2020 and this procedure has now been updated.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Approve the procedure as outlined in the report
-

Disclosure & Barring Service Checks

1. Purpose of the report

- 1.1 The purpose of this report is to inform Members of changes made to a procedure previously agreed in respect of criminality checks of all licensed drivers.

2. History

- 2.1 The Department for Transport (DfT) issued Statutory Taxi & Private Hire Vehicle Standards in July 2020, the focus of which is on protecting children and vulnerable adults.

- 2.2 In respect of criminality checks for drivers the guidance states:

All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.

- 2.3 The DfT wrote to Licensing Authorities stating they expected the guidance be implemented by 31st December 2021.

3. Implementation of the Guidance

- 3.1 Officers across Greater Manchester have discussed the guidance and firmly believe that there is no compelling reason not to implement the recommendations within it.

- 3.2 In order to comply with the guidance Members approved a procedure in November 2020 to mandate the need for new and existing drivers to obtain a new DBS and to register their DBS with the DBS Update Service, which would allow us to carry out 6 monthly criminality checks.

- 3.3 The original procedure permitted existing drivers to continue to drive under their 'old' DBS whilst their new one was being processed, however, as the deadline for implementation has now passed, we have updated the procedure to ensure we are compliant with the guidance relating to 6 monthly checks.

- 4.4 A copy of the proposed procedure can be found at Appendix 1 of this report.

5 Legal Services Comments

- 5.1 Under section 177 of the Policing and Crime Act 2017 the Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm. Under section 177(4) any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under the section. Paragraph 1.3 of the statutory guidance states that public authorities are expected to implement the recommendations in the statutory guidance unless there is a compelling local reason not to. (A Evans)

6 Co-operative Agenda

- 6.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

7 Environmental and Health & Safety Implications

- 7.1 None

8 Equality, community cohesion and crime implications

- 8.1 None

9 Equality Impact Assessment Completed?

- 9.1 No

10 Key Decision

- 10.1 No

11 Key Decision Reference

- 11.1 N/A

12 Background Papers

- 12.1 None

13.0 Appendices

- 13.1 Appendix 1 – DBS Procedure

Appendix 1

PROCEDURE INVOLVING DISCLOSURE BARRING SERVICE (DBS) CERTIFICATION

1.0 Purpose

- 1.1 This document aims to outline the procedure involved for DBS applications and renewals and the requirement to sign up to the DBS Online Update Service.

2.0 Background

- 2.1 This procedure has been implemented to guide drivers and members of the Licensing Team in the correct way to process DBS applications and necessary actions where there is a failure to sign up to the DBS Update Service.

3.0 Procedure

- 3.1 All applicants, new or renewal, are required to apply for their DBS Certificate through Taxi Plus. Taxi Plus are an independent company who have been instructed by Oldham Council Licensing Service to accept and process DBS applications on behalf of the Council. The fee for the application must be paid directly to Taxi Plus.
- 3.3 Document verification associated with the DBS application procedure must be carried out via the Post Office, or as directed by Taxi Plus. Any associated fees with this process must be covered by the applicant.
- 3.4 Applicants must provide their DBS Certificates to the Licensing Service within 30 days of receipt. Within those 30 days the client must have registered for the DBS Update Service. Signing up to this service allows applicants to keep their DBS Certificates up to date and allows employers to check the certificate.
- 3.5 At the time of writing this procedure the current timeframe for being able to register a DBS Certificate to the DBS Update Service is 30 days from the date printed on the certificate.
- 3.6 Where an applicant/driver fails to register their DBS Certificate to the DBS Update Service within those 30 days, they will be required to apply for and

obtain a new DBS Certificate, via Taxi Plus, and sign up to the DBS Update Service upon receipt of the new certificate.

- 3.7 Where a currently licensed Dual Driver fails to sign up to the DBS Update Service in time and is required to re-apply, the Licensing Service will allow the driver to continue to work under their original DBS Certificate, for a maximum of 6 months from the date of the certificate. Where the currently licensed Dual Driver fails to submit a further DBS application and their original certificate reaches 6 months, their Dual Driver Licence will be suspended until such time as they provide a new DBS Certificate that is registered with the Update Service.
- 3.8 Where a new applicant fails to sign up to the DBS Update Service in time and is required to reapply, the Licensing Service will allow the applicant to continue through the Licensing process, however, any licence issued will be suspended upon the DBS Certificate reaching 6 months.
- 3.9 It is the applicant/driver's responsibility to keep the Update Service live by paying the annual amount to the DBS (£13) which will be charged to the credit/debit card they have registered with them. If the credit/debit card details change, the applicant/driver must update the details on their account.
- 3.10 In the instance where the applicant/driver's DBS Update Service registration is terminated for any reason, and their DBS certificate is no longer part of the scheme, the applicant/driver must complete a new DBS application and pay the associated fee. Where the original DBS Certificate is over 6 months old, or the last check completed was 6 months ago or more, the Dual Driver will be suspended until such time as their new DBS Certificate is returned and registered with the DBS Update Service.
- 3.11 For all currently licensed Dual Drivers who already hold a DBS Certificate that is not registered to the DBS Update Service, they will be required to apply for and obtain a new DBS Certificate, via Taxi Plus, and sign up to the DBS Update Service upon receipt of the new certificate. All currently licensed drivers whose existing DBS Certificates are over 6 months of age will be suspended until such time as they produce a new DBS Certificate that is registered with the DBS Update Service.
- 3.12 Only in exceptional circumstances, will the Licensing Office depart from this procedure.
- 3.13 The commencement date for the procedure is **7th June 2022**.

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LICENSING COMMITTEE

Amendments to Animal Welfare Policy

Report of Executive Member for Neighbourhoods

Officer contact: John Garforth – Trading Standards & Licensing Manager

7th June 2022

Executive Summary

This report requests that Members approve an amendment to the Council's animal welfare licensing policy in relation to use of Council land.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Approve the policy
-

1. **Purpose of the report**

1.1 The purpose of this report is to request that Members approve an amendment to the Council's Animal Welfare Licensing Policy.

2. **Introduction**

2.1 The introduction of the Animal Welfare Act 2006 (The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018) brought about new legislation, guidance and a tougher and wider licensing regime for commercial businesses involved with animals in the course of their business.

2.2 Since October 2018 around fifty licences have been in force within the Borough of Oldham covering regimes including:

- Sale of pets
- Hiring our Horses
- Commercial boarding of Dogs and Cats
- Animal Exhibitions
- Breeding of Dogs
- Home boarding of dogs

2.3 The above Regulations set out a system of regulation and enforcement which has been incorporated into local policy together with an inspection regime. Alongside that comes a need to provide a range of business documents and practices.

2.4 The policy also deals with applications made under different legislation which covers:

- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981

3. Proposed Amendment

3.1 Upon reviewing current practices against the policy Officers wish to request that Members approve the following addition to the policy.

3.2 To insert a new Section 16 to the policy relating to the use of council land for licensable activities and for connection purposes which would read:

The Council does not approve the use of its land for animal licensable activities as a general rule. Neither does it approve of any commercial activities on its land without express permission. This includes the sale or giving away of animals/pets/fish as prizes. Interested parties are asked to communicate with the animal welfare team to discuss any such requests.

On land not owned by the Council the Council's position is that it does not approve of land uses that it would not permit on its own land as outlined above.

4 Legal Services Comments

4.1 Licences issued by the Council must be in accordance with the relevant conditions specified in Schedules 2 to 7 of the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018. (A. Evans)

5 Co-operative Agenda

5.1 Not applicable

6 Environmental and Health & Safety Implications

6.1 None

7 Equality, community cohesion and crime implications

7.1 None

8 Equality Impact Assessment Completed?

8.1 No

9 Key Decision

9.1 No

10 Key Decision Reference

10.1 N/A

11 Background Papers

12.1 None

13.0 **Appendices** - None

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COMPOSITION OF PANELS – 2022/23

(a) Licensing Driver Panel (Labour 5 / Lib Dem 1 / Cons 1 / FIP 1)

7 Members to serve on this Panel, with all other Members of the Licensing Committee to serve as substitutes, as required: -

No.	Party	Councillor (7)	Dates of Future Meetings
1.	Lab	Surjan (C)	Tuesday 14th June 2022
2.	Lab	Cosgrove	Tuesday 5th July 2022
3.	Lab	McLaren	Tuesday 6th September 2022
4.	Lab	Shuttleworth	Tuesday 4th October 2022
5.	Lib Dem	C Gloster	Tuesday 8th November 2022
6.	Con	Byrne	Tuesday 6th December 2022
7.	FIP	Wilkinson	2023
			Tuesday 10th January 2023
			Tuesday 7th February 2023
			Tuesday 7th March 2023
			Tuesday 4th April 2023

(b) Licensing Panels

5 Panels consisting of 3 Members, with all other Members of the Licensing Committee to serve as substitutes, as required: -

PANEL 1

No.	Councillor (3)	Dates of Future meetings
1.	Cosgrove	Tuesday 21st June 2022
2.	Nasheen	Tuesday 13th December 2022
3.	Gloster	

PANEL 2

No.	Councillor (3)	Dates of Future Meetings
1.	Goodwin	Tuesday 12th July 2022
2.	Shuttleworth	Tuesday 17th January 2023
3.	Byrne	

PANEL 3

No.	Councillor (3)	Dates of Future Meetings
1.	Harrison	Tuesday 13th September 2022
2.	Azad	Tuesday 14th February 2023
3.	Hamblett	

PANEL 4

No.	Councillor (3)	Dates of Future Meetings
1.	S Hussain	Tuesday 11th October 2022
2.	Surjan	Tuesday 14th March 2023
3.	Sheldon	

PANEL 5

No.	Councillor (3)	Dates of Future Meetings
1.	McLaren	Tuesday 15th November 2022
2.	Surjan	Tuesday 11th April 2023
3.	Wilkinson	