





**Brighton & Hove
City Council**

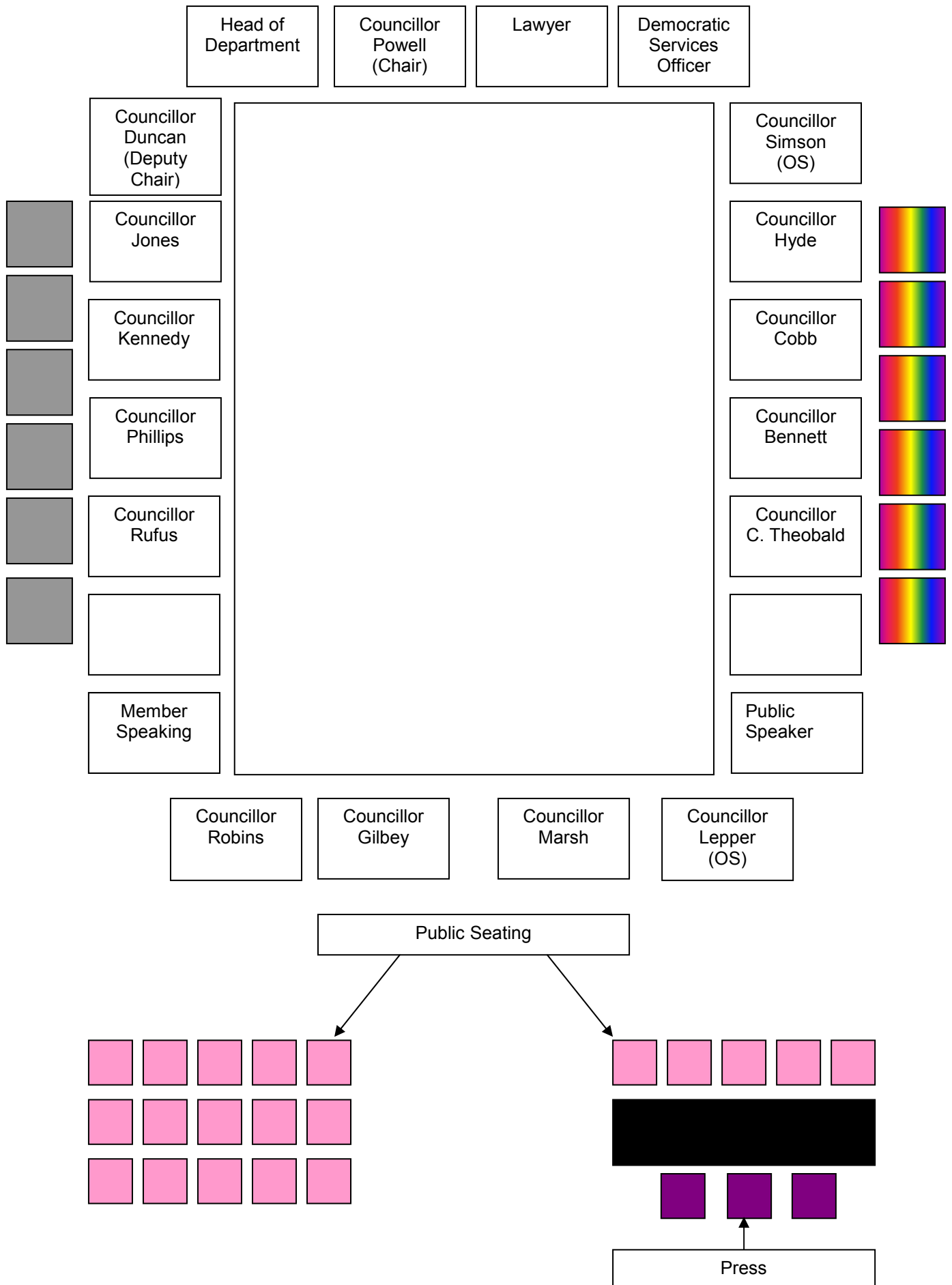
Licensing Committee

(Non-Licensing Act 2003 Functions)

Title:	Licensing Committee (Non Licensing Act 2003 Functions)
Date:	26 June 2014
Time:	3.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Powell (Chair), Duncan (Deputy Chair), Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Bennett, Cobb, Gilbey, Hyde, Jones, Kennedy, Marsh, Phillips, Robins, Rufus and C Theobald
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

1. PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

2. MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 6 March 2014 (copy attached)

3. CHAIR'S COMMUNICATIONS

4. PUBLIC INVOLVEMENT

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself – report of the Head of Law (copy attached)
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on 19 June 2014;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on 19 June 2014 – report of the Head of Law (copy attached).

5. MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

6. NEW MODEL PET SHOP LICENSING CONDITIONS 11 - 60

Report of the Director of Public Health (copy attached)

Contact Officer: Roy Pickard Tel: 29-2145
Ward Affected: All Wards

7. LOWERING EMISSIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES 61 - 94

Report of the Director of Public Health (copy attached)

Contact Officer: Martin Seymour Tel: 296659
Ward Affected: All Wards

8. DEREGULATION BILL 2014 TAXI LICENSING AMENDMENTS - IMPLICATIONS 95 - 136

Report of the Director of Public Health (copy attached)

Contact Officer: Martin Seymour Tel: 296659
Ward Affected: All Wards

9. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 17 July 2014 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 18 June 2014

**LICENSING COMMITTEE (NON
LICENSING ACT 2003
FUNCTIONS)**

Agenda Item 2

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.30PM 6 MARCH 2014

COMMITTEE ROOM L, HOVE TOWN HALL

MINUTES

Present: Councillors Powell (Chair), Deane (Deputy Chair), Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Bennett, Duncan, Hyde, Jones, Marsh, Rufus, Sykes and C Theobald

Apologies: Councillors Pidgeon and Robins

PART ONE

24. PROCEDURAL BUSINESS

24a Declaration of Substitutes

24.1 Councillor Sykes declared that he was substituting for Councillor Kennedy.

24b Declarations of Interest

24.2 There were none.

24c Exclusion of the Press and Public

24.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

24.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

25. MINUTES OF THE PREVIOUS MEETING

25.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 21 November 2013 be agreed and signed by the Chair as a correct record.

26. CHAIR'S COMMUNICATIONS

Hackney Carriage & Private Hire Vehicles – Suspensions & Revocations

26.1 The Chair advised that since the previous meeting of the Committee, 2 drivers have received formal warnings

Brighton and Hove Hackney Carriage and Private Hire Consultation Forum

26.2 The Chair advised that Trade members had requested that the initial “Trade Only” part of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum no longer took place as it had become unproductive with members not attending, arriving late or just attending the main meeting where agenda items were then re-discussed. Officers had agreed to this request for future meetings pending the next amendment to the constitution.

26.3 **RESOLVED** – That the content of the Chair’s Communications be noted and received.

27. PUBLIC INVOLVEMENT

27a Petitions

27.1 There were none.

27b Written Questions

27.2 There were none.

27c Deputations

27.3 There were none.

28. MEMBER INVOLVEMENT

28a Petitions

28.1 Councillor Sykes presented a petition in the following terms signed by 14 local residents:

“Brunswick Place Taxi Rank – Winter 2013-14

“We the undersigned petition Members of the Environment and Sustainability Committee of Brighton and Hove Council to acknowledge ongoing disturbance associated with the taxi rank on Brunswick Place, Hove, near the junction with Western Road. These issues include noise

disturbance, pollution from idling diesel engines and road safety as a result of over ranking. We request that all efforts be made by this Committee to address the matter, including consideration of taxi relocation to the central reservation of Brunswick Place, and/or locating the taxi rank somewhere other than one of the most populous residential streets in Europe. We request also that a written response be given to this petition.”

28.2 The Chair responded in the following terms:

“Please may I thank the Brunswick Place residents for their petition concerning road safety, noise and pollution and over ranking at their local taxi rank.

I would like to reassure residents that the issue of rank appointment and location in relation to:

- the air quality management area,
- the distances to residences, and
- the predicted nitrogen dioxide levels,

This being considered by officers as part of taxi licensing policy informing traffic order requests. There is a report at item 30 on today’s agenda concerning appointing ranks amongst other air quality considerations. Unfortunately, this may not change existing rank locations.

The location of Brunswick Place rank was discussed at a recent Taxi Forum. Forum members can recall that the rank had, prior to 1997, when Hove Borough Council was the licensing authority, been located in the central area of the road. Taxi ranks are appointed by traffic regulation order, under authority delegated to Environment, Transport and Sustainability Committee. There may be issues regarding wheelchair passengers embarking where no curb is available for ramps.

I propose asking Licensing Officers to deal with the over-ranking allegations by investigation and correspondence with the petitioners. Officers investigated complaints regarding this rank in July 2013 and reported to the Ward Councillor. Officers explained the lack of legal powers to deal with traffic noise. Officers did advise licensed taxi drivers regularly using the rank to be good neighbours, at that time.”

28.3 At the invitation of the Chair the Head of Regulatory Services confirmed that officers would make follow up visits to the Brunswick Terrace Taxi Rank in order to monitor compliance, behaviour and over ranking etc., would take action as appropriate and would keep the Local Ward Councillors informed.

28.4 **RESOLVED** – That the contents of the petition be noted and received.

28b Written Questions

28.5 There were none.

28c Letters

28.6 There were none.

28d Notices of Motion

28.7 There were none.

29. BLUE BOOK REVIEW

- 29.1 The Committee considered a report of the Head of Regulatory Services setting out proposed revisions to the conditions. Advice and information for Hackney Carriage and Private Hire Drivers, Vehicles and Operators contained in the blue handbook (The Blue Book).
- 29.2 The Hackney Carriage Officer explained that the handbook was designed to combine and set out in one place, the many bye laws, conditions, advice and information for hackney carriage drivers, vehicles and operators. Some conditions had been amended for this third edition in order to reflect current working practices and changes in legislation and changes of policy already agreed by the Committee. Other minor alterations had also been made to the wording and sequencing in order to make the book more user friendly.
- 29.3 Councillor Duncan stated that he welcomed this detailed report, he was concerned at the cost implications which could arise from any requirement to retain cctv footage for 28 days. He also enquired as to the costs incurred by drivers in having cctv equipment fitted. The Hackney Carriage Officer explained that the cost for each vehicle was £280 for 2 cameras to be fitted. Councillor Duncan stated that he considered the situation was confusing as there was currently no set period for retention of cctv footage. He was concerned that there could be financial implications arising from a 28 day period. As non experts in this matter he did not feel the Committee were qualified to make a judgement as to whether a 28 day retention period was suitable or not.
- 29.4 The Head of Regulatory Services explained that the costs of these works were spread across the fleet as a whole. The Committee had agreed in 2010 following detailed discussion to implement this requirement and this had been accepted by the trade. Various different systems were available and it had been left with the trade to decide on the equipment to be used provided that it was of a sufficient standard to clearly record all persons in the vehicle in order to prevent disorder or crime protect the safety of those in the vehicle and to confirm or rebut complaints made against the driver or as evidence in motor insurance matters. Guidance currently available required a minimum retention period of 28 days and with a view to the cost implications for the trade it had been proposed that this requirement came into force from 1 April 2015 at initial licensing or renewal. This had been discussed at Taxi Forum meetings and it had been accepted that if information was kept for a shorter period of time that might be insufficient in instances where it was alleged that serious offences had occurred.
- 29.5 Councillor Jones thanked the Head of Regulatory Services for this clarification which answered some of the questions he had, namely why a 28 day as opposed to 14 day retention period was proposed. The arrangements that had been put into place appeared to be working and discretion had been left with the trade as to how arrangements were implemented within the guidance given.

- 29.6 Councillor Marsh stated that she considered that approval of a new Blue Book was premature at the present given that Members had recently communication from the GMB expressing concern that they had not been consulted in respect of this matter and stating that the systems currently were likely to overtaken by improved and cheaper technology in the near future. It would have been useful to have had a wider debate about these issues and to be re-assured that these concerns had been addressed.
- 29.7 The Chair, Councillor Powell stated that if re-visited at this stage consideration views would need to be sought from other groups such as the FED as well. The Head of Regulatory Services explained that the amendments and updates currently proposed had been the result of some three and a half years of work and had arisen as the result of widespread consultation to ensure that interested parties including bodies representing the trade had had their say. The resulting document gave equal weight to the need to support local business and to comply with the law; to delay publication could give rise to criticism.
- 29.8 Councillor Hyde considered that work in updating the Blue Book and in relation to provision of cctv had been the subject of discussion and had been on-going for some time. She did not consider it appropriate to delay the process at this late stage especially as these requirements were designed to protect the safety of the public and drivers alike, this requirement should be paramount.
- 29.9 Councillor Deane stated that in her view both the 28 day requirement and the proposed means of implementation were reasonable concurring with Councillor Hyde that the safety issue was very important. Drivers were also protected as a result of cctv equipment being placed in vehicles. Over successive years it was likely that costs would come down either as a result of economies of scale or due to improvements in technology. Councillor Deane asked whether the costs of such provision could be taken account of when fare tariffs were reviewed in future and the Head of Regulatory Services explained that they could.
- 29.10 Councillor Simson stated that much had been said already in respect of the and valuable contribution provided by cctv, she fully supported its use and the recommendations set out in the report, including a requirement that recordings should be retained for 28 days. Councillor Simson went on to refer to the advertisement space available for hire on and inside vehicles. This provided a source of revenue and could assist with costs of such as that associated with cctv. Councillor Simson asked whether the level of income received from adverting was known and whether any feedback had been received about it.
- 29.10 The Hackney Carriage Officer explained that it was hard to assess the level of income achieved from advertising and that no comments had been received in relation to advertising.
- 29.11 Councillor Jones stated that whilst he understood that cctv protected both the driver and the customer had clear indications been received that the technology was working and the current level of take up across the fleet. The Head of Regulatory Services responded that the current level of take up of cctv compliant with recommendations was approximately 60% increasing all the time and that feedback received was that those who had cctv equipment fitted were happy with it.

- 29.12 Councillor Duncan stated that in his view there remained a lack of clarity in respect of the whole cctv issue and for that reason he considered that consideration of this should be deferred at the present time.
- 29.13 Councillor Rufus referred to the views expressed by Councillors Duncan and Marsh enquiring as to the degree of discretion the Committee had in listening to or taking on board comments made by the GMB at this stage. The Head of Regulatory Services stated that comments had been received from the GMB very recently in respect of this matter against the backdrop of discussions which had been taking place since 2010.
- 29.14 Councillor Gilbey referred to the garages at which MOT and other which vehicle testing could take place stating that she had been advised that Westbourne Motors of Portslade had sought to be added to the list on a number of occasions over recent years but without success. It was noted that one of the garages previously on the list had now withdrawn enquiring whether it would now be appropriate for Westbourne garages to apply. The Hackney Carriage Officer explained that garages were added following requests from the trade itself and that they had not requested that any new garages be added. He also stated that it appeared that those garages currently on the list each serviced a small number of vehicles. This was a matter on which officers were guided by the trade.
- 29.15 Councillor Deane stated that notwithstanding that there had been a lot of discussion about cctv a number of wide ranging amendments had been suggested to the existing Blue Book and these were welcomed.
- 29.16 A vote was taken and of the 13 Members present the recommendations contained in officer's report were approved on a vote of 10 with 3 abstentions.
- 29.17 **RESOLVED** – That the Committee agrees the Third Edition of the Blue Book Handbook as set in Appendix A to the report.
Note: Councillors Duncan, Gilbey and Marsh abstained from voting.

30. LOWERING EMISSIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

- 30.1 The Committee considered a report of the Head of Regulatory Services setting out proposals for lowering emissions for Hackney Carriage and Private Hire Vehicles as noted by the Environment, Transport and Sustainability Committee at its meeting on 14 January 2014 in a report proposing a Low Emission Zone for Central Brighton.
- 30.2 It was explained at its meeting on 14 January 2014, the Environment, Transport and Sustainability Committee had discussed proposals which had that included measures for lowering NOx, fine particulate and carbon dioxide emissions from Hackney Carriage and Private Hire Vehicles. The Committee had resolved to declare a Low Emission Zone taking in Castle Square, North Street and Western Road as far as the junction with Holland Road, with the aim of ensuring that all Public Service Vehicles to meet, as a minimum the Euro 5 emissions standard by 1 January 2015, with only licensed exemptions.

- 30.3 Officers were consulting with bus operators, DEFRA and the Department for Transport with a view to making an application to the Traffic Commissioner for a Traffic Regulation Condition to establish the regulatory framework for the Low Emission Zone. The proposals were split into a number of areas and fell within the responsibility of various Committees.
- 30.4 The Head of Regulatory Services explained that the purpose of the report was to set out the various interconnected strands in respect of this issue and to indicate the way in which officers were working across Committee and departmental responsibilities to address these issues. The Air Quality Specialist, Mr Rouse was in attendance from the Transport Team to talk about the measures being undertaken to reduce the level of emissions across the city as a whole but particularly in those areas where these were deemed to be high by proposing a Low Emission Zone for the centre of Brighton. He explained that a staged approach was intended which would use a raft of measures which would also the use of appropriate signage and an assessment of the current location and use of taxi ranks particularly where this was in close proximity to residential dwellings.
- 30.5 Councillors Marsh and Sykes welcomed the report which had identified the health benefits that could be achieved in consequence of such an approach and marked the commencement of a structured and staged process.
- 30.6 Councillors Hyde and Gilbey sought clarification of in the current position in relation to Rottingdean High Street and the junction approach to Wellington Road, Trafalgar Road and Southern Cross in Portslade which were located in their respective wards. Councillor Gilbey also requested an update in respect of the level crossing in Boundary Road, Portslade and its junction with Old Shoreham Road.
- 30.7 **RESOLVED** – (1) That Committee approves the proposals contained in the report;
- (2) That Committee notes the proposed implementation of a Low Emission Zone in central Brighton as approved by Environment Transport and Sustainability Committee on 14 January 2014 as part of a range of measures to reduce vehicle emissions in Brighton and Hove; and
- (3) That Committee notes ongoing work to be undertaken with Planning to implement some of the recommendations.

Note: Following consideration of this item Councillor Sykes left to attend another meeting and was therefore unable to be present during consideration of items 31 and 32 on the agenda.

31. HACKNEY CARRIAGE / PRIVATE HIRE TRADE ETHNICITY MONITORING

- 31.1 The Committee considered a report of the Head of Regulatory Services setting out the results of the Ethnicity Monitoring of the Hackney Carriage/Private Hire Trade for 2012/13.
- 31.2 It was explained that all applications received by the Hackney Carriage Office for the licensing of vehicles and drivers are monitored for ethnic background. The results of this

monitoring were set out in appendix A to the report. Ethnic monitoring was undertaken to ensure that the waiting list was maintained and operated in a fair and transparent way as recommended by the Equality and Human Rights Commission.

- 31.3 Councillor Simson welcomed the report stating that it was encouraging to see that drivers were declaring their ethnicity, noting that it was disappointing to see that female taxi drivers were relatively few in number. Councillor Bennett stated that in the past there had been a ladies only taxi company although unfortunately it appeared that this was no longer operating.
- 31.4 Councillor Deane concurred with the comments made by Councillor Simson stating that whilst there was a long and varied list indicating driver ethnicity, a number fell into the group designated as "other" and that it might be possible to simplify the existing categories. Councillor Simson agreed stating that some of the information appeared to be overly detailed. In answer to questions it was ascertained that it was possible for driver to appear in more than one category. The Head of Regulatory Services stated that the categories were self selecting in that drivers opted to place themselves into a particular category and a weakness of the system was that there could be some "double accounting."
- 31.5 Councillor Duncan referred to the number of groups represented by the data, some of whom would be eligible to vote in EU elections. He enquired regarding whether arrangements were in place to ensure that drivers were aware of their voting and other rights. The Head of Regulatory Service explained that talks were held for new drivers to ensure that they were briefed on a number of issues and that issues such as voting rights would be included within that.
- 31.6 Councillor Powell, the Chair, noted the points that had been raised stating that it would be appreciated if the changes highlighted could be made to the way information was presented in future reports if practicable.
- 31.7 **RESOLVED** – That the Committee notes the results of ethnicity monitoring of the Hackney Carriage/Private Hire Trade for 2012/13.

32. HACKNEY CARRIAGE ACCESSIBILITY POLICY REVIEW

- 32.1 The Committee considered a report of the Head of Regulatory Services reviewing and seeking to amend the existing Hackney Carriage Accessibility Policy.
- 32.2 It was explained that the Committee had endorsed the current Hackney Carriage Accessibility Policy at its meeting on 27 June 2013. As a result of further consultation with the Taxi Forum, The Fed Centre for Independent Living, Manufactures and Suppliers of vehicles it had become necessary to make some changes to the existing policy and to be consistent with the Blue Book. Officers had also organised a WAV day where disabled members of the FED could look at the existing fleet of wheelchair accessible vehicles and potential new vehicles.
- 32.3 Some vehicles were only supplied with or only have parallel ramps rather than single ramp, this had become a contentious issue. The FED centre for independent living were strongly of the view that single ramps were safer as they were less likely to tip. Some drivers had

explained however that parallel ramps reduced the risk of accidents in particular situations. Some vehicles were supplied with parallel ramps or parallel and single ramps. Incorrect manual handling was one of the most common causes of injury at work and should be avoided or reduced, so far as is reasonably practicable. Drivers needed to use equipment provided for their safety properly. To resolve the issue the policy has been amended to:

“The vehicle should normally have a single ramp which can accommodate all four wheels of a wheelchair to load and unload persons wishing to travel in the vehicle whilst remaining seated in their wheelchair. The vehicle may have in addition, parallel ramps where the proprietor requires them for safety reasons or to meet specific needs of their passengers”

Whilst promoting single ramps as the desired option this would accommodate existing vehicles and new vehicles where the manufacturer / supplier would only supply vehicles with parallel ramps.

- 32.4 Another conflict between the current blue book and hackney carriage accessibility policy related to defining the minimum capacity of a wheelchair accessible vehicle. The policy needed to allow modern, versatile, specially adapted vehicles that were popular with drivers and passengers. Some rear loading, small car-derived vans, like Peugeot Premier Partners or VW CaddyMax, were specially adapted to offer quick and easy wheelchair accessibility with passenger and luggage carrying capacity. In practical situations, a single carer was often sufficient support for a passenger. It is proposed therefore that the minimum licensing standard should be set at a vehicle capacity of a passenger in a wheelchair, a second passenger and luggage. The WAV day had demonstrated that having space for at least 2 carers would exclude the small rear loading vehicles so this had been changed to 1. There were situations where specialist, configured vehicles were required, in response to market need, for instance school transport and it was proposed therefore to amend the delegation in the policy to make reference to the Executive Director, Environment, Development and Housing to be consistent with the Blue Book. The Chair had written to a number of manufacturers, converters and suppliers of wheelchair accessible vehicles asking various questions relating to their design and the level of consultation which took place between them at the design stage. Disappointingly only three responses had been received and were set out in Appendix 3 to the report. The WAV demonstration day had provided an opportunity with those who had different disabilities including the ambulant disabled to access the different types of vehicle available. The demonstration day had shown that no vehicle was suitable for all types of wheelchair, some users preferred the rear loaders and some the side loaders.
- 32.4 The Committee was invited to consider the recommendations with a view to providing consistency between the hackney carriage accessibility policy and the Blue Book.
- 32.5 Councillor Simson welcomed the report thanking the Chair for her input in requesting that this update be provided to the Committee. Councillor Marsh stated that she was also pleased to endorse the recommendations set out in the report
- 32.6 Councillor Gilbey sought clarification regarding arrangements to assist wheelchair and other disabled individuals when exiting a vehicle.

32.7 The Chair, Councillor Powell commended the report which would help to ensure that there was a mixed fleet across the city.

32.8 **RESOLVED** - That Committee approve amendments to the Hackney Carriage Accessibility Policy (Appendix 1); specifically to require additional single ramps to be provided for all wheelchair accessible vehicles and allow a minimum capacity for a WAV of wheel chair, passenger, passenger and luggage.

33. ITEMS TO GO FORWARD TO COUNCIL

33.1 There were none.

The meeting concluded at 5.35pm

Signed

Chairman

Dated this

day of

Subject:	New Model Licence Conditions for Pet Vending		
Date of Meeting:	26th June 2014		
Report of:	Director of Public Health		
Contact Officer:	Name:	Roy Pickard	Tel: 29-2145
	Email:	Roy.pickard@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Chartered Institute of Environmental Health (CIEH) have drawn up new model licence conditions for Pet Vending. (See Appendix 1). Contributing consultees were the British Veterinary Association, Cats Protection League, Department for Environment, Food and Rural Affairs (Defra), Dogs Trust, Federation of Companion Animal Societies, Feline Advisory Bureau, Local Government Association, Ornamental Aquatic Trade Association, Pet Industry Federation, Rabbit Welfare Association & Fund, Reptile and Exotic Pet Trade Association, Royal Society for the Prevention of Cruelty to Animals,
- 1.2 Pet Shops in the city are regulated under the Pet Animals Act 1951 and these new model licence conditions are recommended to be adopted.
- 1.3 The Animal Protection Agency has approached the Council to request that the EMODE leaflet is given to pet purchasers by Pet Shops as a condition of the licensing process. (Appendix 2)

2. RECOMMENDATIONS:

- 2.1 That the committee agree the use of the CIEH published model licence conditions for Pets Vending; and .
- 2.2 That committee agree that pet shops be encouraged to stock and distribute the EMODE leaflet to prospective customers on a voluntary basis.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Pet Shops are licensed on an annual basis. There are currently 12 pet shops licensed in Brighton and Hove. A fee is payable and a licence is issued subject to standard conditions which may be augmented if particular circumstances warrant such action. Licences protect animal welfare by creating a minimum standard of accommodation; exercise facilities; stocking numbers and density, records; health, disease and acclimatization; food and drink; diet; cleanliness; transportation; staff competence and pet care advice.

- 3.2 Inspections are carried out by an Animal Welfare Officer and a Council appointed Veterinary Surgeon. Power of entry is granted to authorised officers at all reasonable times and to obstruct or delay is an offence.
- 3.3 Any refusal to grant or renew may be considered by The Magistrates Court on appeal. A person aggrieved by a proposed condition may appeal to the Magistrates Court.
- 3.4 Offences including breach of conditions are considered by The Magistrates Court.
- 3.5 The CIEH has recently published new Model License Conditions on behalf of a national working group that drew up the document. The Model Conditions set out in this document are the working group's recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops. Licensing authorities should consider the advice contained in this document before applying and enforcing licence conditions on such premises which should be done sensibly, appropriately and proportionally.
- 3.6 Key objectives in developing these model licensing conditions have been to encourage conditions in pet shops licensing and a consistency of approach across local authorities which minimise the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.
- 3.7 They differ from the current model licence conditions, by including new requirements under the Animal Welfare Act 2006, such as the Vendors legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice. It also increased the minimum age at which a person can buy an animal to 16.
- 3.8 14.1 of the new model licence conditions states that the licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing etc. The guidance then states that pet care leaflets should be made available. Currently all pet shops in Brighton and Hove provide this information.
- 3.9 Members should be aware that several animal welfare organisations, some of whom object and campaign against pet vending and the sale of animals bred in captivity, or removed from the wild, have strongly expressed their concerns about the content of the model licence conditions. It should be made clear that such organisations and those who are closely associated with them were not connected with the preparation of this document nor were they members of the working group.
- 3.10 A meeting was held recently with the Animal Protection Agency to consider recent research focused on improving the welfare of animals in the pet trade.
- 3.11 In order to reduce impulse purchasing of animals from pet shops, and allow prospective buyers to make informed decisions based on the level of care required for different species and types of animals, the Animal Protection Agency

has proposed that the Council obliges pet shops to hand out clear, independent information to prospective pet buyers.

- 3.12 EMODE is a new, scientific tool for assessing the suitability or unsuitability of any animal as a pet, which was designed by 18 scientists, vets and technicians. This tool has been simplified for general use in the form of a leaflet and contains the key information that was originally published in the Journal of Agricultural and Environmental Ethics.
- 3.13 The Animal Protection Agency, based in Brighton has agreed to distribute the leaflet free to Brighton and Hove pet shops.(See appendix 2)

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 To continue to use Brighton and Hove City Councils existing licence conditions.
- 4.2 Failure to adopt the new national model licence code conditions would run the risk that animal welfare may be compromised by inconsistent pet shop licensing as councils adopt different licensing guidelines.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The City's 12 pet shop have been consulted. A wide variety of views have been expressed. (See Appendix 3)
- 5.2 The Pet Industry Federation, the new name for the Pet Care Trade Association, has also written in with their views. (See Appendix 4). This industry specialists, include groomers, pet boarders, pet retailers and manufacturers.

6. CONCLUSION

- 6.1 The new model licence conditions have been developed nationally and it is expected by the Chartered Institute of Environmental Health that are adopted by Local Authorities.
- 6.2 The Animal Protection Agency would like the EMODE leaflet to given to prospective purchasers as a condition of the licence.
- 6.3 A majority of pet shops that responded to the consultation did not want to use the EMODE system. The Pet Industry Federation has concerns about the origin and validity of this document.
- 6.4 Pet shops are required to made available pet care information. Currently all pet shops in Brighton and Hove provide this information.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated to the recommendations in this report will be met from the existing Animal Welfare revenue budget within Environmental Health. The net

budget for the service in the 2014-15 financial year is approximately £279,000, which includes the cost of support services and management and administration support.

Finance Officer Consulted: Steven Bedford

Date: 09/05/14

Legal Implications:

The relevant legislation is the Pet Animals Act 1951. Breach of a condition is an offence under this Act and liable on summary conviction to a fine not exceeding level 2 (£500) and/or to imprisonment for a term not exceeding 3 months. [The pet animals act 1951 states at paragraph 1 \(3\) that any conditions imposed should be necessary or expedient and related to the objects specified in paragraphs a\) to e\) of the subsection:](#) (a) that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness; (b) that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals; (c) that animals, being mammals, will not be sold at too early an age; (d) that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases; (e) that appropriate steps will be taken in case of fire or other emergency; The act gives a right of appeal against the imposition of any condition and breach of such condition is liable to prosecution. The model conditions contain a condition at 14.1 which states that the licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing etc. The guidance then states that pet care leaflets should be made available. A further condition in recommendation 2.2 relating to this and favouring one particular leaflet is not necessary, or enforceable and is a duplication and open to challenge. Given the resistance expressed in the consultation, legal challenge is likely and would have merit. There would be a potential cost for the Council. Legal advice is that the recommendation in the report at 2.2 should be amended to remove the reference to imposition of a formal condition and instead to suggest a voluntary approach along the following lines: 'The committee agree that pet shops be encouraged to stock and distribute the EMODE leaflet to prospective customers on a voluntary basis.'

7.2

Lawyer Consulted: Rebecca Sidell

Date: 15/05/14

Equalities Implications:

7.3 None.

Sustainability Implications:

7.4 None.

Any Other Significant Implications:

7.5 none

SUPPORTING DOCUMENTATION

Appendices:

1. CIEH published model licence conditions for Pets Vending.
2. The Animal Protection Agency EMODE leaflet.
3. Consultation feedback from the city's Pet Shops.
4. The response from the Pet Industry Federation.

Crime & Disorder Implications:

1.1 none

Risk and Opportunity Management Implications:

1.2 none

Public Health Implications:

1.3 Hygienic, well managed pet trade reduces risk of zoonotic disease transmission.

Corporate / Citywide Implications:

1.4 Adoption of the APA EMODE principles, voluntarily or otherwise would be innovative.



Model Conditions for Pet Vending Licensing 2013



September 2013



This document has been prepared in the best interests of animal welfare and to improve pet shop management. No liability rests with contributing bodies for the circumstances arising out of the application of conditions contained within the document.

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Introduction

The Model Conditions set out in this document are the working group's recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.

Licensing authorities should apply and enforce the licence conditions sensibly and appropriately.

These Model Conditions should not be considered as a complete manual on animal husbandry. It is a living document which will be revised from time to time to take into account new knowledge of animal physiology and behaviour as well as advances and development in standards of animal welfare.

Local authorities in England, Scotland and Wales issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act (1951). Before granting a licence the local authority must be satisfied that the animals are kept in accommodation that is suitable; that they are supplied with appropriate food and drink; and are adequately protected from disease and fire. The local authority may attach conditions to the licence, may inspect the licensed premises at all reasonable times and may refuse a licence if the standards at the premises are unsatisfactory or if the terms of the licence are not being complied with.

Under the Animal Welfare Act (2006)¹ which applies in England and Wales and the Animal Health and Welfare (Scotland) Act 2006² in Scotland those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animals in their care. Under these Acts it is an offence to cause unnecessary suffering to a protected animal, whether by an act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice. The Acts define an animal's needs as including:

- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behaviour patterns
- Any need to be housed with, or apart from, other animals
- Its need to be protected from pain, suffering, injury and disease

During the inspection, prior to the issue of a licence, it is important that the five needs as outlined above are considered. Defra, the Welsh Assembly Government and the Scottish Government have produced various Codes of Practice under the Animal Welfare Acts, which outline in more detail certain species' needs that can be referred to for guidance. Issues specific to pet shops and other pet vendors are covered in this document.

The Animal Welfare Acts also increased the minimum age at which a person can buy an animal to 16 and prohibit giving animals as prizes to unaccompanied children under this age. In Scotland, there is a prohibition on giving animals as prizes.

Another key objective in developing these model licensing conditions is to encourage conditions in pet shops licensing and a consistency of approach across local authorities which minimises the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.

Humankind shares a world with animals; it is unsurprising therefore that we also share some diseases. Zoonoses, or zoonotic disease are infectious diseases transmissible between humans and other animals; many thousands of zoonotic disease have been identified. While the reported instances of transmission are infrequent, they nevertheless represent significant disease prevalence. The risk to humans depends on the kind of disease and the type of exposure.

¹ www.defra.gov.uk/foodfarm/farmanimal/welfare/act

² www.oqps.gov.uk/legislation/acts/acts2006/pdf/asp_20060011_en.pdf

Legislation/Orders that are relevant³:

England

- Pet Animals Act 1951
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- Welfare of Animals (Transport)(England) Order 2006
- Animal Welfare Act 2006
- Docking of Working Dogs' Tails (England) Regulations 2007
- Mutilations (Permitted Procedures)(England) Regulations 2007
- EU Wildlife Trade Regulations: Council Regulation (EC) No. 338/97, implements CITES (Convention on International Trade in Endangered Species of Flora and Fauna) in the European Community
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC.

Scotland

- Pet Animals Act 1951
- Dangerous Dogs Act 1991
- Control of Dogs (Scotland) Act 2010
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- Welfare of Animals (Transport)(Scotland) Order 2006
- Animal Health and Welfare (Scotland) Act 2006
- The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010
- The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

Wales

- Pet Animals Act 1951
- Animal Welfare Act 2006
- The Welfare of Animals (Transport) (Wales) Order 2007
- The Docking of Working Dogs' Tails (Wales) Regulations 2007
- Mutilations (Permitted Procedures) (Wales) Regulations 2007
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC.

The working group agreed that the LGA Model Standards⁴ needed to be updated whilst anticipating secondary legislation under the Animal Welfare Act 2006. These conditions should therefore not be seen as a substitute for secondary legislation.

³ All legislation referred to in this document is intended to represent the most recent version

⁴ Local Government Association (1998) "The Pet Animals Act 1951: Model standards for pet shop licence conditions", LGA Publications

The groups consulted included:

- British Veterinary Association
- Cats Protection
- Chartered Institute of Environmental Health
- Department for Environment, Food and Rural Affairs (Defra)
- Dogs Trust
- Federation of Companion Animal Societies
- Feline Advisory Bureau
- Local Government Association
- Ornamental Aquatic Trade Association
- Pet Industry Federation
- Rabbit Welfare Association & Fund
- Reptile and Exotic Pet Trade Association
- Royal Society for the Prevention of Cruelty to Animals

Special thanks also to:

- Peter Scott – Zoo and Aquatic Veterinary Group/Companion Animal Welfare Council
- William H Wildgoose – Fish Veterinary Society/Midland Veterinary Surgery
- Ian Strachan – Scottish Government
- Wood Green Animal Shelters
- OneKind

Definition of terms

** A batch should be defined as a group of animals arriving from the same supplier, at the same time

**m² is a measurement of area. One m² measures one metre by one metre. Consequently two m² measures 2 metres by 1 metre. (4 square metres measures 2 metres by 2 metres).

Schedule A – General conditions

1. Licence Display

1.1 Condition

The licence or a copy of the licence must be suitably displayed to the public in a prominent position

Guidance

For security reasons, the licence should not display the licence holder's home address.

2. Accommodation

2.1 Condition

Animals must at all times be kept in accommodation designed to prevent escape and an environment suitable to their species and condition with respect to behavioural needs, situation, size, temperature, ventilation, and cleanliness. All accommodation must avoid drafts and overexposure to direct sunlight and must be kept in good repair.

Guidance

Animals should be able to move around freely, climb, fly, swim and jump where appropriate, and be comfortable in their environment. Definitions of appropriate sizes and materials are in the appropriate schedules to this document. Regular maintenance and repair will prevent injury from damaged housing. Temperature monitoring devices should be provided. It is important to avoid draughts.

2.2 Condition

Ventilation must be provided to all interior areas without the creation of excessive, localized draughts. Ventilation is important as an aid to disease control and aims to decrease smell accumulation and prevent excessive humidity of the atmosphere.

Guidance

The spread of airborne infections can be a significant risk. Excessive or inadequate humidity can cause other health problems.

2.3 Condition

If animals are displayed outdoors, they must have protection appropriate to their species

Guidance

This should include shelter from wind, rain or snow and/or the sun and predators if appropriate.

2.4 Condition

In order to control the spread of disease, and to prevent injury, housing must be constructed of non-porous materials or be appropriately treated. Junctions between all sections need to be fully cleanable.

Guidance

Appropriate housing will prevent direct transmission of disease and injuries. This will maintain structural integrity and ensure dry, easily cleansed surfaces. In general, untreated wood is not an appropriate material as it cannot be thoroughly cleaned.

2.5 Condition

Animals must be kept in housing which minimises stress from other animals or the public. Signage must be in place to deter public interference.

Guidance

An area to hide away, if needed, will help to reduce stress levels for the animals. In addition to signs, other measures maybe required, such as limiting access to some sides of animal enclosures. Care should be taken to avoid sensory contact between prey and predator species.

2.6 Condition

All animals for sale must be readily accessible and easy to inspect by staff.

Guidance

This should help to ensure that the cage is kept clean and hygienic and animals can be easily observed for illness or injury

2.7 Condition

Accommodation must be cleaned as often as necessary to maintain good hygiene standards

Guidance

To maintain a clean environment, a cleaning Standard Operating Procedure (SOP) should be provided and should detail the routine daily cleaning regime and the procedure for cleaning between periods of occupation. Soiled bedding should be removed frequently to ensure animals do not have to lie in it.

2.8 Condition

Where accommodation is on a tiered system, water, food or droppings must not be allowed to enter the lower housing

Guidance

This will prevent contamination of the lower cages. This does not apply to centrifuged fish systems or aviaries where perching and ground birds are housed together.

2.9 Condition

All accessories provided for environmental enrichment in the accommodation must be appropriate for the species.

Guidance

To stimulate the performance of natural behaviours.

3. Exercise Facilities

3.1 Condition

Suitable and sufficient facilities must be available where appropriate.

Guidance

Animals must be able to exhibit normal behaviour patterns and this may require the provision of suitable space for exercise.

4. Register of Animals

4.1 Condition

A purchase register must be maintained for all animals detailing their source and identification where appropriate,

Guidance

This can be by cross referenced to an invoice file. The purpose of the register is to ascertain the source of the animals.

4.2 Condition:

A sales register must be maintained for:

4.2.1 Dogs

4.2.2 Cats

4.2.3 Psittacines

4.2.4 Species contained in the Schedule to the Dangerous Wild Animals Act 1976

Guidance

The purpose of the register is for emergency contact of purchasers. The name, address and telephone number of the purchaser should be obtained. This is not required for other species.

4.3 Condition

Animals under veterinary treatment must be identifiable.

5. Stocking Numbers and Densities

5.1 Condition

No animals other than those specified in the licence, may be stocked.

The licence conditions should clearly state the numbers for each species or species group that may be kept on the premises, except fish. Please refer to Schedules for individual species for more details.

Animals are defined as any vertebrate animals; invertebrates are exempted from the regulations.

5.2 Condition

Where appropriate, all animals must be housed in social groups of suitable size.

Guidance

Details can be found in the relevant schedules.

6. Health Disease and Acclimatisation

6.1 Condition

All animals for sale must be in good health

Guidance

Vendors and staff are responsible for providing the animals' needs including good health care. Illness and obvious parasitic infection should be addressed before the animal is sold. Veterinary advice should be sought in any case of doubt.

Transport and the introduction to a novel environment are stressful and animals should be allowed to acclimatise before being further stressed by being offered for sale. Where animals are obtained for sale to a specific client it may be acceptable for the animal to be sold immediately.

All animals should receive appropriate vaccination where required for the species, as advised by the retailer's veterinary surgeon. Veterinary advice must be sought whenever necessary.

A Record of Treatment should be provided to the purchaser. Vaccination courses should begin at the appropriate age for each species.

6.2 Condition

Any sick or injured animal must receive appropriate care and treatment without delay. These must only be treated by appropriately competent staff or veterinary surgeons.

Guidance

"Care and treatment" may include euthanasia but under no circumstances may an animal be euthanised other than in a humane and effective manner. In case of doubt, veterinary advice must be sought.

6.3 Condition

Provision must be made for the isolation of sick/injured/infectious animals and those that might reasonably be expected to be carrying serious infectious diseases.

Guidance

Isolated animals should be kept in a secure, comfortable location where their condition and needs can be kept, also detailing treatment. For ornamental fish, in-line UV treatment or other sterilising devices effectively provide a means of isolating individual tanks in multiple tank systems. They must be of a proper size and maintained in accordance with manufacturers' recommendations.

6.4 Condition

Any animal with an abnormality which would materially affect its quality of life, must not be offered for sale. When in doubt, veterinary advice should be sought.

Guidance

Information on any known conditions should be provided to the new owner.

6.5 Condition

All reasonable precautions must be taken to prevent the outbreak and spread of disease. No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.

Guidance

Precautions should include regular cleaning (see 2.6) and good personal hygiene of staff in addition to effective quarantine of incoming groups of animals except for fish. Staff handling animals should wash or disinfect, and rinse if appropriate, their hands between groups. The shop should be registered with a veterinary practice and there should be veterinary input to SOPs where appropriate. It is important that the supplying breeders should have a policy for inherited and infectious disease control agreed. Staff should be aware of zoonotic transmission.

6.6 Condition

All necessary precautions must be taken to prevent harbourage, or the introduction to the premises, of rodents, insects and other pests.

Guidance

"Rodent" and "Insect" excludes animals for sale or feeding

7. Food and Drink

7.1 Condition

Animals must be supplied with adequate amounts of food and drink, appropriate to their needs at suitable intervals. All food must be suitable for the species concerned.

Guidance

Water should be available at all times except for those species where it may be harmful. An SOP should be produced for basic nutritional needs for each species or species group, and age group if appropriate. The owner should be advised to continue feeding consistent with the diet given by the pet shop.

7.2 Condition

Food and Drink receptacles must be appropriate to the species, constructed and positioned to minimise faecal and urine contamination and spillage. Receptacles must be cleaned out at regular intervals.

Guidance

Faecal and urine contamination is a risk to health. Maintaining a clean environment may require regular cleaning of receptacles. Receptacles should be thoroughly cleaned before being moved between batches/groups

8. Food Storage

8.1 Condition

All food, excluding live foods intended for feeding to animals on the premises, must be stored in impervious closed containers.

Guidance

Such containers prevent spoilage of the food or attraction of rodents or pests to the premises.

8.2 Condition

The containers and equipment used for feeding must be kept in a clean and sound condition.

Guidance

There must be suitable facilities for cleaning of receptacles and equipment which should be separate from staff facilities.

9. Observation

9.1 Condition

All animals must be attended to at regular intervals, except where defined in the schedule, at least once daily, and appropriate to the individual animal.

Guidance

Regular checks and observation records aid in early detection of illness, injury or behavioural problems and should be considered very important for all animals.

A system of recording observation should be maintained.

10. Disposal of Waste

10.1 Condition

All excreta and soiled bedding for disposal must be kept in a hygienic manner and stored in impervious containers with close fitting lids - away from direct sunlight.

Guidance

This is important for biosecurity and odour reduction.

Excreta and soiled bedding should be removed from the premises on a regular basis, at least weekly, disposed of to the satisfaction of the appropriate local authority, and in accordance with current regulations and good waste management practice. Premises should maintain a contract for removal with an appropriate company and adhere to local authority regulations.

There should be appropriate arrangements in place for removal of dead animals.

11. Transportation to the Premises

11.1 Condition

When receiving animals, the licensee must make reasonable effort to ensure that they are transported in a suitable manner.

11.2 Condition

Any animals received or consigned shall be transported according to the regulations laid down in current legislation.

11.3 Condition

Animals must be transported or handed to purchasers in suitable containers,

Guidance

Buyers should be advised how to transport animals home so as to minimise stress.

12. Sale of Animals

12.1 Condition

No mammal shall be sold un-weaned or, if weaned, at an age at which it should not have been weaned.

Guidance

Young mammals require nutritional and behavioural support from their mothers.

12.2 Condition

In the case of non-mammals, they must be capable of feeding themselves.

13. Dangerous Wild Animals as defined by the Dangerous Wild Animals Act 1976

13.1 Condition

When dangerous wild animals are kept, the cages must be of a secure construction appropriate to the species and kept locked.

Guidance

Safety of staff and the general public should be of utmost importance and safety barriers may aid in this, as well as prevention of escape.

13.2 Condition

The local authority must be notified in the event that the pet shop wishes to offer for sale, any animal on the Schedule to the Dangerous Wild Animals Act.

Guidance

The primary requirements of the Act are to protect the public but there are also welfare implications.

Although it is acknowledged that there is an exemption contained within the Act in relation to pet shops, it is recommended that consideration should be given to complying with any special requirement(s) specified in the Act for the safe accommodation and care of the animal.

Licensees selling animals on the Schedule to the Dangerous Wild Animals Act should inspect the purchaser's licence to keep such an animal, and inform the issuing authority of the details of the purchase. Licensees should take note of the latest guidance from Defra/Scottish Government.

14. Pet care advice, staff training and knowledge

Condition

New applicants must have a qualification or be registered with a recognized body such as City & Guilds. They must have suitably progressed in 12 months and have completed the qualification within 2 years.

Guidance

Qualifications should be City & Guilds or Level 3 equivalent and appropriate to the species kept.

14.1 Condition

The licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing, handling, husbandry, accessories and veterinary care.

Guidance

Pet care leaflets or other similar written instructions suitable for the species (or group of species) in question should be made available to customers free of charge at the time of purchase, in addition to any offer to purchase pet care books or leaflets. Information can be in the form of Codes of Practice issued by governments. In addition, information may also be made available electronically.

14.2 Condition

Appropriate reference materials on the care of each species must always be available for use by staff.

Guidance

Further advice can be obtained from the organisations listed in the 'Useful Contacts' section at the back of this document.

14.3 Condition

Staff members must be able to provide suitable advice to purchasers and answer questions as required by them.

No animal should be stocked or sold unless the staff or at least one member of staff on call is familiar with the care and welfare of the animals stocked and has a recognised qualification and/or suitable experience/training.

14.4 Condition

The licensee must be able to demonstrate appropriate staff training is carried out and that that staff are competent in pet shop management and animal handling.

Guidance

Further advice, guidance and training can be obtained from the organisations listed in the Useful Contacts section.

15. Fire and other emergency precautions

15.1 Condition

Suitable emergency precautions and written procedures must exist and be made known to all staff, including arrangements for evacuation of animals.

Guidance

Staff should be aware of these procedures and a copy should be displayed for staff to refer to as and when needed. Evacuation should be regularly practised and practices recorded. All staff should undergo regular training and records should be kept of such training.

15.2 Condition

Entrances and exits must be clear of obstructions at all times.

Guidance

To facilitate risk free evacuation if needed, when designing accommodation, consideration should be given to using systems which would allow timely removal of the animals in the case of emergency. This provision would not usually apply to aquaria and ponds.

15.3 Condition

Suitable fire fighting, prevention and detection equipment must be provided, maintained, regularly serviced and sited as advised by the local fire protection/prevention officer and approved by the local authority.

Guidance

This will ensure that, if needed, the equipment will function correctly. Staff should be properly trained on the use of equipment provided.

15.4 Condition

The licensee, or a designated key holder, must at all times be within reasonable travelling distance of the premises and available to attend in case of emergency.

Guidance

A reasonable distance would, in normal conditions, be interpreted as no more than 20 minutes travelling time.

15.5 Condition

A list of key holders must be logged with the local police and local authority.

Guidance

For contact in cases of emergency.

15.6 Condition

In the interests of animal welfare, the following notice must be displayed prominently at the front of the premises: "In case of an emergency dial 999".

Guidance

For information of the public in cases of emergency, when a staff member is not on site.

15.7 Condition

When pet shops are sited within other premises, the licensee or key holders must have access at all times to the premises containing the animals.

Guidance

This is vital for access to the animals at all times to ensure correct care is provided

15.8 Condition:

All electrical installations and appliances must be maintained in a safe condition.

Guidance

For health and safety of staff and animals.

15.9 Condition

There must be an effective contingency plan for essential heating, ventilation and aeration/ filtration systems, as appropriate.

Guidance

Some species are very sensitive to temperature fluctuation.

Schedule B – Dogs

1. Condition

Puppies must be weaned before leaving the mother.

Guidance

To ensure puppies can eat the food provided. Puppies must be 8 weeks old or over. Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations prohibits the transport of puppies without their mother before this age.

2. Condition

The minimum kennel size must be:

- 2.1 For a batch of small breed puppies – max 6 pups – 1.5m² for sleeping, plus 2m² for exercise
- 2.2 For a batch of medium breed puppies – max 4 pups – 2m² for sleeping, plus 2m² for exercise
- 2.3 For a batch of large breed puppies – max 2 pups – 2m² for sleeping, plus 2m² for exercise

These are minimum requirements, for larger batches the size of the pens should be adjusted pro-rata accordingly. Ideally the puppies should have free access to the exercise area at all times. Any covered pens should have a minimum height of 1.8m or removable covers to allow adequate access by staff for cleaning. These are minimum standards and meeting the correct size of pens alone are not a defence if the welfare of the animals are in question.

Guidance

The kennel area should be large enough to allow separate sleeping and activity areas. The kennel should allow each puppy to be able to walk, turn around and wag its tail without touching the sides of the kennel. The puppies should have sufficient room to play, stand on their hind limbs and to lie down without touching another individual. The kennel size required will increase in relation to the size and number of puppies housed at any one time. The length and the width should be sufficient to allow all the puppies to lie outstretched without their noses or tails touching the walls or other individuals. In certain circumstances it is permissible to have separate exercise areas to sleeping areas but in such cases puppies must be given access to the exercise area at

least four times a day. Any separate exercise area should be fully cleaned and disinfected between its use by different batches of puppies.

3. Condition

Suitable and sufficient exercise facilities must be available and accessible where appropriate..

4. Condition

Extreme temperatures must be avoided.

Guidance

Puppies are relatively sensitive to high/ low temperatures. Temperatures should not normally go below 12°C or exceed 26°C

5. Condition

General bedding must include an adequate amount of absorbent material.

Guidance

The use of enough absorbent material allows urine and faeces to be contained and reduce contamination of the puppies.

6. Condition

Any soiled material must be removed at least four times a day or as required to ensure the puppy does not have to lie in a soiled area.

Guidance

Puppies do not discriminate in where they toilet and this maintains a clean environment. A cleaning schedule or SOP should be provided

7. Condition

A specific lying place must be provided lined with soft material,

Guidance

The use of soft material will prevent skin lesions being caused by soiling or pressure sores.

8. Condition

Puppies must be fed at least four times daily, at appropriate intervals.

Guidance

The diet should be appropriate for puppies.

9. Condition

Puppies must have frequent, quality contact time with staff.

Guidance

“Suitable intervals” for puppies to be visited are frequent, as they require to be socialised. It is recommended that this should be a minimum of 4 times per day with 20 minutes of interaction per batch. There should be an SOP.

10. Condition

Batches of puppies must not be mixed until they have been on the premises for seven days or have shown no sign of infectious disease for seven days.

Guidance

Puppies are particularly susceptible to disease as they have immature immune systems. The new owner should be advised to register the puppy with a vet.

11. Condition

Ideally, single puppies must not be left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When they are mixed they should be of similar size, age and temperament and there should be good supervision of mixing.

Guidance

Isolating healthy puppies does not allow them to exhibit natural behaviour patterns.

12. Condition

There must be environmental enrichment in all kennels.

Guidance

To allow puppies to exhibit normal behaviour patterns. Toys should only be given under supervision and should be easily cleaned or replaced between batches.

** Please see ‘Schedule A – General Conditions’ for food, water and isolation conditions

Schedule C – Cats

1. Condition

Kittens must be weaned before leaving the mother.

Guidance

To ensure kittens can eat the food provided. Kittens must be 8 weeks old or over. Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related legislation prohibits the transport of kittens without their mother before this age.

2. Condition

The minimum pen floor area for a batch of up to 4 kittens, up to 12 weeks of age, must be 1 m², with a minimum height of 0.6m (for example, 0.6m x 1 x 1) No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional kitten must have 0.25m² additional floor space.

Guidance

Kittens require adequate space to play together and to have space for a litter tray and bed. Varying heights to enable climbing should each also be provided. There should be adequate space for feeding, drinking, sleeping and litter tray to be kept separate.

3. Condition

Extreme temperatures must be avoided.

Guidance

Kittens are relatively sensitive to low temperatures owing to their small body weight. Temperatures should not normally go below 15°C or exceed 26°C.

4. Condition

Disposable or washable bedding must be provided and kept clean.

Guidance

Kittens need a warm sleeping, soft area, away from the litter tray and food.

5. Condition

A litter tray and appropriate litter must be available at all times and cleaned and disinfected at least once daily with an

appropriate disinfectant which is safe for use with cats and cleaned as appropriate. The disinfectant should be anti-viral and used in accordance with manufacturers' instructions, as some disinfectants are toxic to cats.

6. Condition

Kittens must be fed at least four times daily, at appropriate intervals.

Guidance

The diet should be appropriate for kittens.

7. Condition

Batches must not be mixed and if several batches are kept in one area then the pen must have solid sides.

Guidance

Diseases spread very easily between litters, both by direct contact or by sneezing. Kittens are particularly susceptible to disease as they have immature immune systems. The new owner should be advised to register the kitten with a vet.

8. Condition

Kittens must have frequent, quality contact time with staff.

Guidance

It is recommended that this should be a minimum of 4 times per day with 20 minutes of specific interaction per batch. Kittens should be protected from over-handling by staff or the public as they require time to rest.

9. Condition

There must be environmental enrichment in all cages such as toys, climbing frames and platforms.

Guidance

To allow kittens to exhibit normal behaviours, particularly climbing. Toys should be easily cleaned or replaced between batches.

Schedule D – Rabbits

1. Condition

Rabbits must be correctly sexed and housed in same sex groups.

Guidance

Rabbits are easier to sex at 8 weeks than any earlier, which will help prevent mis-sexing and unwanted litters.

2. Condition

The minimum enclosure size must be:

0.4m² for up to 4 standard juvenile rabbits and a height of 0.4m. 0.5m² for up to 2 giant breed juvenile rabbits and a height of 0.5m.

These are minimum requirements, for larger batches, larger breeds or adult rabbits the size of the pens should be adjusted pro-rata accordingly.

Guidance

Dwarf Lops/Dutch rabbits are the most commonly available in pet shops and weigh up to 4kgs. The height should allow the rabbit to rear up to perform natural behaviour. Rabbits should be kept in store in groups. Rabbits need to be able to move freely and to be able to perform vital behaviours such as caecotrophy and rearing.

3. Condition

There must be environmental enrichment in all enclosures. A hiding place must be provided.

Guidance

To allow rabbits to exhibit normal behaviours, indestructible toys; cardboard boxes; chewing substrates should be provided. Toys should be easily cleaned or replaced between batches. Rabbits are prey animals and should have the opportunity to hide if scared or stressed.

4. Condition

Extreme temperatures must be avoided.

Guidance

Ambient temperature should not normally go lower than 12°C or exceed 26°C. Providing cool water, cool packs in their bedding, air movement and air conditioning may each help to avoid the stress caused to rabbits by high environmental temperatures.

5. Condition

Rabbits must be provided with a suitable substrate and bedding material in sufficient amounts.

Guidance

Rabbits need a warm, softly-bedded sleeping area away from the litter and food/water.

6. Condition

Visibly soiled substrate and bedding must be removed daily. The pen should be thoroughly cleaned and disinfected before introducing a new animal.

Guidance

The disinfectant should be effective against both viral, bacterial and parasitic infection and safe for use on rabbits. Check with a vet or manufacturer if unsure. Diseases such as E-cuniculi can be spread via urine, so thorough cleaning is required between new occupants. Rabbits often choose to toilet in the sleeping area of a hutch and a litter tray could be placed here.

7. Condition

If batches are mixed you must ensure all animals are free from obvious parasitic infection.

Guidance

Diseases spread very easily between litters. Rabbits should be housed with batch mates where possible.

8. Condition

Rabbits must have a constant supply of fresh hay and water, and be offered an appropriate amount of dry food for the breed and age. Feed dishes should be suitable to ensure feed does not get contaminated by urine or faeces.

Guidance

Rabbits teeth are open rooted and therefore constant access to good quality hay is essential, for dental health, gastrointestinal health (without a constant supply of fibrous food, rabbit GI tracts slow down) and behavioural reasons (to relieve boredom). It is vital that hay is available throughout the day and sufficient provided for them at closing time to last them until the next business day. Dry food should be provided for youngsters to assist growth, see manufacturers instructions, but should not be fed ad-lib.

9 Condition

Animals must be provided with an appropriate diet and any new feeds must be introduced slowly.

Guidance

Due to the delicate digestive system, particularly under stress, if diets are to be changed then a slow transition between diets is advisable.

Schedule E – Other small mammals

1. Condition

All small mammals must be correctly sexed and housed in single sex groups unless a solitary species (or sold as a breeding pair),

Guidance

To help avoid unwanted litters, all animals should be sexed immediately on arrival to the premises and housed in single sex groups. Animals from different sources should not be mixed.

2. Condition

Animals must at all times be kept in suitably sized accommodation.

Guidance

Animals should be able to freely move around the accommodation and be able to perform natural behaviours. See attached table for species relevant sizing.

3. Condition

Animals must be provided with a suitable substrate in sufficient amounts.

Guidance

Providing sufficient and appropriate substrate keeps the accommodation clean and dry and allows digging where appropriate. There are a number of substrates available and the type used will depend on the animal kept.

4. Condition

Animals must be provided with a suitable bedding material in sufficient amounts.

Guidance

Bedding provides a place to sleep and rest, the type used will depend on the animal kept. It should be provided in sufficient quantities to enable the animal to feel secure and warm.

5. Condition

Animals must be provided with places to hide. Accessories and enrichment should be provided, suitable to the species.

Guidance

Animals must be given the opportunity to hide as a natural instinct and be given suitable accessories to allow for stimulation and to

reduce stress. Chinchillas and Degus should be given the opportunity to use a sand bath by offering one on a regular basis, e.g. 10 minutes daily. Rodents need to express natural behaviour such as running and chewing/ gnawing. Toys such as hides, tunnels, paper bags filled with hay and fruit twigs are ideal for expressing natural foraging behaviour. Animals should be able to move away from direct lighting. Cool hides should be provided to prevent over heating.

6. Condition

Suitable food and drink receptacles must be provided and positioned to avoid faecal contamination.

Guidance

Water for small animals is usually provided in clean gravity fill drinking bottles,(which should be of a suitable size for the species) or automatic or semi – automatic drinking systems. Fresh water should be available at all times, or as appropriate to the species; some desert-dwelling species such as jerboas [family Dipodidae] should not be given water ad- lib. Bottles should be kept clean and free from algae.

7. Condition

All rodents must be fed a suitable diet, ad lib and have free access to hay where required.

Guidance

The diet should be appropriate for the breed, life stage and species. Food should be refreshed regularly. Guinea pigs should have sufficient vitamin C in their diet. Guinea pigs are unable to synthesise Vitamin C.

8. Condition

All rodents must be fully weaned on admission.

Minimum accommodation requirements – small rodents

Area in square metres

No. of Animals	1-4	5	6	7	8	9	10	Minimum Cage Height (m)	Minimum Cage Depth (m)
Mice, Hamsters, Gerbils	0.068	0.079	0.09	0.100	0.113	0.124	0.135	0.30	0.25
Rats	0.135	0.157	0.18	0.202	0.225	0.247	0.27	0.30	0.28
Guinea Pigs, Degus	0.225	0.263	0.3	0.338	0.375	0.413	0.45	0.30	0.30
Chinchillas	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.45	0.45
Chipmunk	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.90	0.45

Schedule F – Ferrets

1. Condition

Ferrets must be at least eight weeks old

Guidance

Ferret kits can find separation from their mother very stressful and the stress response in a ferret often results in diarrhoea which can prove fatal.

2. Condition

Ferrets must be housed with batch companions

Guidance

Ferrets are naturally social animals that depend on the companionship of their own kind. Lone ferrets often suffer depression including poor appetite and lack of enthusiasm to move or play.

3. Condition

Ferrets must be housed in groups or pairs of either sex. Adult hobs (males) require individual accommodation.

Guidance

Ferret kits can be easily sexed at 8 weeks of age. Adult, un-neutered hobs (males) may exhibit dominant behaviour and fight, so requiring individual accommodation. House the Jill (female) kits at a reasonable distance to prevent aggression between the hobs as they mature at around 20 weeks. Adult jills (females) should be prevented from having repeated seasons. Jills (females) left in season are prone to estrogen induced anaemia, a factor in shortening their normal lifespan. Veterinary advice should be sought.

4. Condition

Batches of ferrets must not be mixed.

Guidance

Not mixing will reduce the risk of disease spreading. Mixing can be stressful for ferrets.

5. Condition

The minimum pen floor area for a litter of up to 4 ferrets, up to 12 weeks of age, must be 1 m², with a minimum height of 0.6m. No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional ferret must have 0.25m² additional floor space.

Guidance

Enclosures should be placed on a hard surface and anchored to the ground. Ferrets require space for their toilet area removed from their sleeping or eating areas. Ferrets require space to exhibit their normal active behaviour – running backwards, forwards and sideways and to climb, explore and play. Ferrets are naturally clean and will usually select one corner as their toilet

6. Condition

Sleeping quarters must be draught free and dark.

Guidance

Ideally sleeping quarters should be raised. Ferrets seek dark areas for sleeping and sleep for long hours, up to twenty a day in the winter. Their natural instinct is to hide whilst sleeping.

7. Condition

Ferrets must have suitable bedding.

Guidance

Suggested bedding includes fabric items that can be laundered, straw and dust extracted wood shavings.

8. Condition

Extreme temperatures must be avoided.

Guidance

Temperatures should not normally go below 12°C or exceed 26°C. Ferrets tolerate cold better than heat. Provide plenty of warm bedding for when it is cold. Be aware heat prostration is likely at 32°C.

9. Condition

Ferret kibble must be provided at appropriate intervals.

Guidance

Feed a recognised and branded ferret kibble / biscuit. Small, frequent meals or ad lib feeding are recommended as ferrets have a rapid rate of digestion

10. Condition

Water must be supplied in both a heavy based bowl and a water bottle attached to the side of the enclosure.

Guidance

Ferrets are renowned for tipping bowls

Schedule G – Birds

1. Condition

There must be adequate perching space for all birds at the same time. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.

Guidance

Stocking densities will depend on the type of bird as well as cage dimensions and number of perches. Access to rain can be beneficial for plumage. Some species will need adequate space to fly. Chickens require an appropriate area and substrate to perch.

2. Condition

Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species.

3. Condition

Ambient temperature must be appropriate for the species. Extremes of temperatures must be avoided.

Guidance

Birds are more sensitive to high temperatures.

4. Condition

There must be adequate drinkers/feeders commensurate with the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water.

Guidance

Birds should not have to compete for drinkers/feeders and risk exclusion. Passerines should have food available at all times. Enrichment and feeding devices need to be provided for larger psittacids. For parrots, it is preferable to use swinging systems such that the keeper does not need to enter the cage in order to change food/ water. Bowls should not be able to be removed from holders by the parrot.

5. Condition

Cages must be constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.

Guidance

Enclosures should be placed on a hard surface. Some species require more robust materials. Materials such as loose zinc coating can be toxic to birds.

6. Condition

Windproof nest boxes must be provided in all outside housing and inside where appropriate.

Guidance

Many birds find sleeping or sheltering in nest boxes an essential form of security or for sheltering from inclement weather but it is recognised that some species, such as canaries, will rarely if ever voluntarily enter nest boxes.

7. Condition

Flooring must be drop-through or easily washed/hosed.

Guidance

If ground living birds are kept with perching birds then attention should be paid to flooring such that bumblefoot issues are addressed - i.e. no concrete/rough stone. Where natural turf flooring is used, parasite status of the birds should be checked on a regular basis every few weeks.

Stocking Densities for Birds in Cages

Type	Length of Bird (cm)	Floor Area (m ²) housing up to 4 birds	Linear cms per additional bird on either cage length or depth ^{*3}
Budgerigar		0.15	5
Canary		0.15	5
Cockatiel		0.48	7.5
Finches	Less than 12.5	0.113	5
	12.5 – 17.5	0.15	5
	more than 17.5	0.225	7.5
Parakeets and Lovebirds ^{*1}	less than 25	0.42	7.5
	25-30*1	0.48	7.5
	more than 30*1	0.675	7.5
Parrots	less than 30	0.225	10
	30 – 35*2	0.4050	15
	more than 35*2	0.4725	20
Chickens		1.6	
Bantams		1.6	
Quail		16	

- *1. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights rather than cages per se.
- *2. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights if more than two birds are housed together.
- *3. The extra-linear centimetre per additional bird, is intended to refer to an increase in either width or length or a combination of the two ie, a 20cm increase could refer to 20cm width, 20cm length or say 10cm width combined with 10cm length.

Stocking Densities for Birds in Aviaries and Flights

Type	Length of Bird (cm)	Number of Birds per 'Standard' Aviary (1.8 x 0.9 x 1.8 m)
Budgerigar		18
Canary		18
Cockatiel		8
Finches	Less than 12.5	24
	12.5 – 17.5	18
	more than 17.5	12
Parakeets and Lovebirds *1	less than 25	10
	25-35	6
	more than 35	4
Parrots	less than 30	10
	30 – 35	6
	more than 35	4
Chickens		4 (min height 0.9m)
Bantams		6 (min height 0.9m)
Quail		8 (min height 0.9m)

Schedule H – Reptiles and Amphibians

1. Condition

Stocking and density must be appropriate to the species.

Guidance

Most reptiles and amphibians are not social and may, therefore, be kept individually. Communal enclosures should not be stocked as to appear overcrowded, common sense should be observed.

Mixing of species, although possible, should be undertaken with caution. Some species may require or seek seclusion or privacy either sporadically or permanently and provision for this should be made.

Snakes: may be housed individually or in small groups, of the same species. Snakes known to be cannibalistic, e.g. king snakes (*Lampropeltis* sp.), should be housed individually.

Lizards: only species of similar size and from similar habitat and geographical areas should be kept communally. Lizards known to be cannibalistic, e.g. *Gambelia* sp, should be housed individually. Generally adult male lizards in breeding condition should not be housed together and groups of lizards housed communally should be regularly observed for signs of aggression.

Tortoises and Terrapins: only terrapins of similar size and habit and from the similar geographical area should be kept communally. Tortoises of different species should be housed individually. Also, adult males in breeding condition should be housed individually.

Frogs and Toads: only species of similar size, and from similar habitats and geographical areas, should be kept communally. Mixing of taxa (e.g. frog & toad) is not generally recommended. Cannibalistic species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) should be housed individually.

Newts and Salamanders: only species of similar size and from similar geographical areas should be kept together.

Generally mixed taxa [e.g. lizards and tortoises] are not recommended, although paludaria

which combine fish with small reptiles and/or amphibians of appropriate species are acceptable.

2. Condition

The enclosure size must be appropriate to the species and adjusted according to its size.

Guidance

Snakes: the length of the enclosure should be no less than two-thirds the overall length of the snake,.

Lizards: the length of the enclosure should be three times the full length of the lizard, or larger.

Tortoises and Terrapins: the length of the enclosure should be a minimum of 90cms, or four times the length of the animal, or larger. For aquatic species [turtles, terrapins] the enclosure should allow the animal to swim adequately, i.e. have water depth at least 4 times that of the animal, although some terrapins (e.g. *Cuora* sp., *Terrapene* sp. and *Glyptemys* sp.) do not require such deep water. Terrapins must also have an adequate land basking area.

Frogs and Toads: the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the length of the animal, or larger. For sedentary species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) the enclosure can be smaller. Fully aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

Newts and Salamanders: the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the full length of the amphibian, or larger. Aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

Height and Width: of the enclosure should be appropriate to the species, with arboreal species requiring more height than terrestrial species.

3. Condition

Temperature, humidity, lighting and ventilation must be appropriate to the species.

Guidance

Ambient and basking temperatures should be appropriate to the species concerned, with the following guidance for commonly kept species.

These are guidelines only and individual species should be researched as requirements for some species will fall outside of these recommendations. Vendors and staff must have access to relevant reference material (books, internet etc.). Basking spots may be provided by convection or radiant heat sources (e.g. light bulb, or heat mat), as appropriate to the species. Ventilation should be appropriate to the species and should allow sufficient change of air without jeopardising the temperature or humidity in the enclosure.

4. Condition

Lighting must be appropriate to the species.

Guidance

An appropriate light period should be observed. Species requiring UVB lighting, e.g. diurnal lizards and tortoises, should have appropriate UVB emitting lamps. These should be replaced according to manufacturer's recommendations. Mercury Vapour or Metal Halide UVB emitting lamps may also be used to provide a daytime heat source. UV light sources must not be screened by non UV transmitting glass or plastic. Animals should have areas of shade so that they can escape from the light if desired.

5. Condition

Substrate appropriate to the species must be present.

Guidance

Substrate should be appropriate to the species concerned and may include, but not be limited to: newspaper, paper towel, bark chip, wood chip, terrarium humus, moss, gravel, calcium carbonate, terrarium sand etc. Measures should be taken to ensure that substrate is not ingested.

6. Condition

Enrichment must be provided appropriate to the species.

Guidance

Décor should be appropriate to the species and should not be harmful, e.g. sharp rocks, toxic or injurious plants. Décor should be secure and not able to fall and cause injury. Enclosure should be furnished in such a fashion as to allow inhabitants to exhibit natural behaviour, e.g. climb or hide where appropriate.

7. Condition

Food and water must be provided in the appropriate manner for the species.

Guidance

Feeding habits vary between species and between individuals. Staff should have knowledge of the requirements for all the species held. Food should be presented in a form or pattern that is acceptable to the species concerned. Food supplements [vitamin and minerals] should be provided as appropriate to the species concerned. Live food intended for use should be housed in suitable escape proof containers, and fed appropriately. Fresh foods [salads] should be kept refrigerated where appropriate. Frozen foods intended for use must be stored in an appropriate deep freeze and defrosted thoroughly before use. Feeding records for hatchling snakes should be kept and made available to purchasers. Fresh water should be available at all times, with the exception of certain desert species, such as *Uromastyx* sp. which should be offered water periodically. Certain species, such as chameleons, do not drink from standing water and should be offered water appropriately, e.g. by a dripper system or sprayer.

8. Condition

Hygiene: enclosures must be cleaned appropriately.

Guidance

Spoiled food stuffs should be removed at appropriate time periods, at least daily. Substrates should be replaced as appropriate, and spot cleaned daily. Décor should be sanitised as appropriate. Enclosures should be disinfected with appropriate disinfectant as necessary and always between different batches of animals. Disinfectant should be

appropriate for the contaminants likely to be encountered. Disinfectant hand gels should be available for staff to use between animals, to prevent the external environment being contaminated. Water bowls should be cleaned as appropriate and disinfected at least weekly. Slough [shed skins] should be removed daily.

9. Condition

Handling must be kept to a minimum at all times.

Guidance

Handling must be kept to a minimum at all times. Staff should receive training on how to handle animals and animals which may be aggressive should only be handled by competent staff. Staff and customers should wash hands after handling specimens, and any equipment used should also be disinfected.. Customers handling animals prior to purchase should be supervised and offered facilities to wash their hands afterwards.

Schedule I – Fish

1. Condition

Water quality is a key determinant of fish welfare. To assess it, levels of ammonia and nitrite must be checked first. Only if such measurements exceed the recommended standards below, or there is an unexplained problem, is there any need to proceed further. Minimum water standards must be:

Cold Water Species

Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water

Tropical Freshwater Species

Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water

Tropical Marine Species

Free Ammonia	max 0.01mg/l
Nitrite	max 0.125mg/l
Nitrate	max 100mg/l
pH	min 8.1
Dissolved Oxygen	min 4.0 mg/l

Guidance

It is virtually impossible to determine the quantity of aquatic organisms to be kept in a system purely on a weight or number of aquatic organisms per unit, volume, or water surface area. The variation in holding system used, the quality of husbandry and the types of aquatic organisms stocked vary so greatly that it would render any such system too complicated to be practical or too simple to be useful. The maintenance of water quality standards can be used to determine working stocking densities. The water quality standards should not be met at the expense of a correct feeding regime. Exceptions to these standards might occur e.g. when aquatic organisms are diseased, after transport or other stress. However in these cases appropriate remedial actions e.g. treatment,

acclimatisation or isolation should be undertaken. Sea water holds less oxygen than fresh water. The recommended level is 5.5 mg/l so extra care is needed to ensure that levels do not routinely fall below this.

2. Condition

Water quality must be checked regularly and records kept of all tests. Centralised systems must be tested weekly. 10% of individually filtered tanks or vat must be tested weekly. On aquaria or vats in which visual inspection indicates unusual behaviour or deaths, water quality inspections should be undertaken.

Guidance

One test is representative of all the water in the system of centralised systems. Standalone systems must each be tested. Poor water quality is often the underlying cause of problems presenting as disease or mortalities.

3. Condition

Holding systems must be cleaned and checked regularly.

Guidance

Aquaria must be checked daily and cleaned as often as is necessary to maintain good hygiene standards, consistent with the rate of stock turnover and consequent stocking densities.

4. Condition

No aquatic organisms should be exposed to excessive light or heat, or lack of adequate warmth.

Guidance

No fish or other aquatic organism should be subject to rapid fluctuation in light (lights should be on dimmers if automated), temperature and chemical composition of their water, other than for the controlled treatment of disease or as part of a controlled breeding programme. There are in excess of 4000 fish species in trade and thus the acceptable conditions may vary substantially and often counter intuitively. In case of doubt expert advice should always be sought.

Information

Register of Wild Animals and Endangered Species

Some species are listed on the Annexes of EU Wildlife Trade Regulations which implement CITES [Convention on International Trade in Endangered Species]. Species listed on Annex A of EU Wildlife Trade Regulations [Council Regulation (EC) No. 338/97] must have a valid Article 10 Certificate and may require microchipping or closed ring. Species listed on Annex B do not require Certificates but the vendor should be able to provide proof the animal was acquired legally.

Further information is available from Animal Health, Wildlife Licensing and Registration Service:
1-15 Temple Quay House, 2 The Square,
Bristol, BS1 6EB

Wild-caught specimens listed on Annex IV of the EU Habitats Directive [Council Directive 92/43 EEC] collected within the EU require the appropriate Certification. Captive-bred specimens are exempted from such requirements.

Breeding and Sale of Dogs Act

Puppies/dogs should be identifiable whilst at the shop. Under this legislation, the record should show:

- The identification of the animal
- The date of birth, breed, sex and any distinguishing features
- Details of any veterinary care provided while under care of the shop In addition, it is also good practice to record:
 - Details of any feedback provided to the breeder on health issues such as disease or inherited defects
 - Details of any health screening tests performed on the parents

Microchip is the preferred method of identification.

Useful Contacts

All pet shop licences are issued by your local authority who should be your first point of contact

General

British Veterinary Zoological Society

Email: secretary@bvzs.org

Chartered Institute of Environmental Health

Chadwick Court, 15 Hatfields, London SE1 8DJ
Telephone: 020 7928 6006
www.cieh.org

Department for Environment, Food and Rural Affairs

Animal Welfare Unit, Nobel House, 17 Smith Square
London SW1P 3JR Telephone: 08459 33 55 77
Email: helpline@defra.gsi.gov.uk
<https://www.gov.uk/government/topics/wildlife-and-animal-welfare>

Local Government Association,

c/o LGconnect, Local Government Group,
Local Government House, Smith Square,
London SW1P 3HZ
Telephone: 020 7664 3000
Email: info@local.gov.uk
www.lga.gov.uk

Veterinary Contacts

British Small Animal Veterinary Association

Woodrow House, 1 Telford Way,
Waterwells Business Park, Quedgeley,
Gloucester GL2 2AB
Telephone: 01452 726700
www.bsava.com

British Veterinary Association

7 Mansfield Street,
London W1G 9NQ
Telephone: 020 7636 6541
Email: bvahq@bva.co.uk
www.bva.co.uk

Royal College of Veterinary Surgeons

Belgravia House, 62-64 Horseferry Road,
London SW1P 2AF
www.rcvs.org.uk

All Species

The Blue Cross

Shilton Road, Burford, Oxon OX18 4PF
Tel: 01993 822651
Email: info@bluecross.org.uk
www.bluecross.org.uk

Pet Industry Federation

Bedford Business Centre,
170 Mile Road, Bedford MK42 9TW
Telephone: 01234 273 933
www.petcare.org.uk

People's Dispensary for Sick Animals (PDSA)

Head Office, Whitechapel Way,
Priorslee, Telford, Shropshire TF2 9PQ
Telephone: 01952 290999
www.pdsa.org.uk

Royal Society for the Prevention of Cruelty to Animals

RSPCA Enquiries Service, Wilberforce Way,
Southwater, Horsham, West Sussex RH13 9RS
Telephone: 0300 1234 555
www.rspca.org.uk

Wood Green Animal Shelters

Kings Bush Farm, London Road,
Godmanchester, Cambs PE29 2NH
Telephone: 0844 248 8181
Email: info@woodgreen.org.uk
www.woodgreen.org.uk

Cats

International Cat Care

Taeselbury, High Street, Tisbury,
Wiltshire SP3 6LD
Telephone: 01747 871872
Email: info@icatcare.org
www.icatcare.org

Governing Council of the Cat Fancy

5 King's Castle Business Park,
The Drove, Bridgwater, Somerset TA6 4AG
Telephone: 01278 427575
Email: info@gccfcats.org
www.gccfcats.org

Dogs

Dogs Trust

17 Wakley Street, London EC1V 7RQ
Telephone: 0207 833 7685
Email: info@dogstrust.org.uk
www.dogstrust.org.uk

The Kennel Club

1-5 Clarges Street, Piccadilly, London W1J 8AB
Telephone: 08444 633 980
Email: info@thekennelclub.org.uk
www.thekennelclub.org.uk

Fish

Ornamental Aquatic Trade Association

1st Floor Office Suite, Wessex House,
40 Station Road, Westbury,
Wiltshire BA13 3JN
Tel: 01373 301353
www.ornamentalfish.org

Permanent identification databases

Microchipping Advisory Group

[www.bsava.com/Advice/MicrochipAdvice/
tabid/154/Default.aspx](http://www.bsava.com/Advice/MicrochipAdvice/tabid/154/Default.aspx)

National Dog Tattoo Register

Telephone: 01255 552455
www.dog-register.co.uk

Animalcare

Telephone: 01904 487 687
Email: office@animalcare.co.uk
www.animalcare.co.uk

AVID Plc

PO Box 190, Lewes, East Sussex BN7 9GD
Telephone: 0800 652 7 977
Email: pettrac@avidplc.com
www.avidplc.com

Petlog

The Kennel Club, 4A Alton House,
Gatehouse Way, Aylesbury, Bucks HP19 8XU
Telephone: 0844 463 3999
Email: petlogadmin@thekennelclub.org.uk
www.petlog.org.uk

Pet Protect

Furness House, 53 Brighton Road,
Redhill, Surrey RH1 6RD
Telephone: 0800 587 0660
www.petprotect.co.uk

Rabbits and small mammals,

British Rabbit Council

Purefoy House, 7 Kirkgate,
Newark, Notts NG24 1AD
Telephone: 01636 676042
www.thebrc.org

Rabbit Welfare Association and Fund

PO Box 603, Horsham,
West Sussex RH13 5WL
Telephone: 0844 324 6090
Email: hq@rabbitwelfare.co.uk
www.rabbitwelfare.co.uk

Reptiles

REPTA (Reptile & Exotic Pet Trade Association)

Telephone: 02380 440999
Email: info@repta.org www.repta.org

Qualifications and Training

Contact your trade association, local technical or agricultural college for information on current training and qualifications

Animal Medicines Training Regulatory Authority

Unit 1c, Woolpit Business Park,
Windmill Avenue, Woolpit,
Bury St. Edmunds IP30 9UP
Telephone: 01359 245801
Email: info@amtra.org.uk
www.amtra.org.uk

City & Guilds

1 Giltspur Street, London EC1A 9DD
Telephone: 0844 543 0000
www.cityandguilds.com

LANTRA

Lantra House, Stoneleigh Park,
Coventry, Warwickshire CV8 2LG
Telephone: 0845 707 8007
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www.lantra.co.uk



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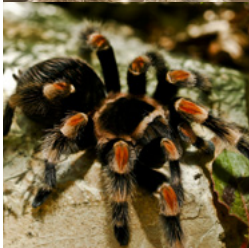
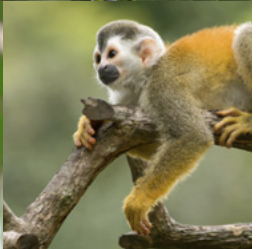
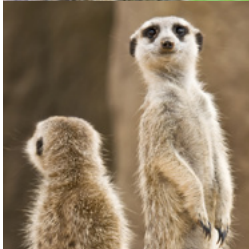
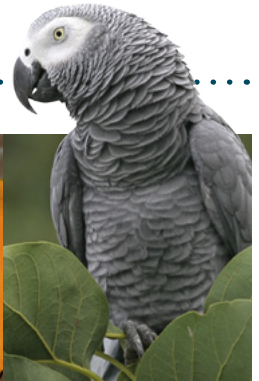
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POL027

Pets

easy or difficult to keep?



When assessing whether an animal may make a suitable or unsuitable pet, important questions need to be asked - and carefully answered.

Key areas to address are the biological needs of any animal, public health and safety issues, and the general responsibilities of keeping animals in the home.

Some animals are clearly 'easier' (or less demanding) to keep than others but many are far more difficult to care for than people might believe.

A new 'tool', designed by scientists and vets, is now available to determine whether - or to what degree - certain

animals may make suitable or unsuitable pets. This tool is called **EMODE** and classifies animals as '*easy*', '*moderate*', '*difficult*' or '*extreme*' in terms of how challenging they are to keep.

EMODE

Easy

Moderate

Difficult

Extreme

The **EMODE** system has been developed both for use by anyone who may be thinking of acquiring an animal and also by official personnel when considering assigning species to restrictive lists of 'suitable' animals (e.g. for 'positive lists' as used by governments to control animals in trade and keeping).

How does EMODE work?

EMODE considers how challenging an animal is to care for with respect to its biological needs and also has regard for human health and safety issues. Therefore, the **EMODE** system takes into account:

- the biology and behaviour of animal species and types
- the welfare needs of the animals according to the 'five freedoms' principles
- the degree to which impartial and qualified husbandry guidance is available
- the potential public health and safety risks that animals may present to their keepers and others

Using EMODE in three easy steps!

Step One



First, find the 'Class' or 'Group' that an animal belongs to (if you're not sure, check the following box)

Invertebrates	(e.g. crabs, crayfish, snails, insects, spiders, millipedes)
Fishes	(e.g. fishes, eels, rays)
Amphibians	(e.g. frogs, toads, newts, salamanders)
Reptiles	(e.g. crocodiles, turtles, tortoises, lizards, snakes)
Birds	(e.g. parrots, cockatiels, cockatoos)
Unusual Mammals	(e.g. bats, foxes, meerkats, kinkajous, sloths)
Primates	(e.g. monkeys, apes, prosimians)
Domesticated Animals	(e.g. rats, mice, guinea pigs, rabbits, ferrets, chickens, ducks, geese, pot-bellied pigs, goats, donkeys, horses)

When you know the class or group an animal belongs to (e.g. a reptile), simply look for 'Reptiles' in Table 1. This will give you an

immediate quick general guide (i.e. any reptile will immediately 'score' 'Moderate' to 'Extreme', thus none are 'Easy' to keep).

Step One continued ↓

Table 1.

EMODE: indication of degree of ease or difficulty to keep animals by class or group.

<i>'Easy'</i>	<i>'Moderate'</i>	<i>'Difficult'</i>	<i>'Extreme'</i>
	Invertebrates		
	Fishes		
	Amphibians		
	Reptiles		
	Birds		
	Mammals (unusual)		
	Mammal-primates		
	Domesticated animals		
	Dogs and cats		

Step Two

To refine this result, you will need to find information about the specific animal in order to answer the 6 questions in Table 2. Do not rely on online forums, many 'pet care' books, and other sources that may not be independent and objective.

Instead, find the answers to questions 1-6 from online or library searches for academic sources such as scientific publications, professional encyclopaedias, and university websites.

Step Two continued

Table 2.

EMODE: indication of degree of ease or difficulty to keep animals by species or breed. Questionnaire and categorisation.			
Foundation question			
<i>Which class or group of animal does the species or breed belong to? Assign the animal the number of points (pts) indicated.</i>			Points
Invertebrate			5pts
Fish			5pts
Amphibian			18pts
Reptile			18pts
Bird			18pts
Mammal (unusual)			18pts
Mammal-primate			20pts
Domesticated animal			10pts
Dog or cat			5pts
Specific questions			
a.	<i>If answer is 'yes', assign 5 points.</i>		
b.	<i>If answer is 'no', move to next question.</i>	Answer	Points
1.	Is the animal an especially sensitive species (e.g. marine tropical fish, chameleon, human-imprinted bird, bat); or an especially small and/or delicate animal (e.g. stick insect, neon tetra fish, newt, baby crested gecko); or an especially sensitive breed (e.g. bulldog, great Dane, Bengal cat)?	Yes/No	
2.	Does the animal have a long potential lifespan (e.g. >10 years)?	Yes/No	
3.	Does the animal have specialised feeding habits that can make its dietary requirements subject to restricted supply (e.g. unusual live food or unusual plants)?	Yes/No	
4.	Does the animal require a specialised habitat/microhabitat (e.g. is the animal dependent on sharing its life with a particular plant)?	Yes/No	
5.	Is the animal poisonous, venomous, capable of growing large or inflicting appreciable injury at any point in its life?	Yes/No	
6.	Is anyone in the household/extended circle immunocompromised (e.g. under 5 years, elderly, pregnant, diagnosed with HIV or other immune disease, drug user, receiving chemotherapy such as cancer and anti-rejection drugs)?	Yes/No	
Total points (check total points in row below to find EMODE score)			
'Easy'		'Moderate'	
'Difficult'		'Extreme'	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Step Three



Take the pre-set points from the **Foundation question** in Table 2 (e.g. the minimum score of 18 for Reptiles) and add these to all the accrued points from answering the 6 **Specific questions** in Table 2. From this you will get your **Total points**.

Go to the bottom of Table 2 and you will see there is a numbered line from 1–40. If, for example, the animal you researched scores 33, then it falls into the 'Extreme' category in terms of how difficult it is to keep. Obviously, other animals will score higher or lower!



For further information or guidance please contact:

mail@emergentdisease.org
mike@ashvets.co.uk
info@apa.org.uk

For more background information, explanation and worked examples please refer to the full article:

Warwick, C., Steedman, C., Jessop, M., Toland, E. and Lindley, S. (2013) Assigning Degrees of Ease or Difficulty for Pet Animal Maintenance: The **EMODE** System Concept, *J Agric Environ Ethics*, DOI 10.1007/s10806-013-9455-x.

Or [link to the full article here](#) →

Appendix 3

Pets at Home

Comments were:

- We are aware of the EMODE concept and that it is trying to be promoted as a tool for establishing the 'difficulty' of pets. We will not be prepared to use this in our stores and would discourage the promotion of it as a suitable tool. It is not a sound and unbiased way of determining the 'difficulty' or 'suitability' of a pet as it does not take into account any factors of the potential owner apart from their health status. By far the biggest determining factor for the 'difficulty' or 'suitability' of the most commonly kept animals is that of the resources of the potential owner (such as space, budget and time). If a potential owner has appropriate resources and knowledge then there may be no inherent 'difficulty' of them owning a particular pet – e.g. a person living in a 10th floor single-room flat will almost certainly find catering for the needs of an large breed dog significantly more demanding than catering for that of an aquarium, reptile or Syrian hamster.
- The Companion Animal Welfare Council (CAWC), set up to conduct independent studies into the welfare, care and treatment of companion animals and their role within society found that....“it may be easier to keep some non-domesticated species to high welfare standards than some that are domesticated. Thus, meeting all the requirements - space, dietary, social, thermal, and so on - of a small, hardy, reptile may be more readily achievable for many people than adequately fulfilling all the needs of some breeds of dog” (CAWC, 2003).
- The EMODE assumes an inherent difficulty level for certain groups (such as reptiles) and gives the whole category a base score of 18. This is not appropriate as the fact that within the reptile group there are species with vastly different requirements as there are within the dog group. The requirements of a bearded dragon are well within the reach of most potential owners, whereas the requirements for a caiman would be less so, but not impossible. It is a system which is based on the individuals opinions and does not include any stakeholder input, such as owners societies etc.
- We feel the focus of any assessment of a pets 'difficulty' or 'suitability' must be to start with the potential owners 'resources' and then to link in with the animals specific needs and requirements and then guide the owner to the best choice of pet for them. What is a 'difficult' or 'unsuitable' pet for one person, may not be for another.

A Coombes in Baker Street

Comments were:

- The leaflet is not relevant to the species they sell, it does not cover budgies and canaries. And indicates that all birds are difficult to keep which is not a fact. On the front of the leaflet it has 12 pictures of animals of which they sell two , the rabbit and the zebra finch.
- The leaflet is complicated and not simple to use. The outcome is not relevant to their sales.
- Most of the species on the leaflet can be easily obtained through web sites and off of Gum Tree.
- The leaflet does not match the branding of the pet care trust which is their preferred literature and that Pet care are a widely nationally recognised body who have worked with the Pet shop trade for years.
- Could they be licensed to sell all the species on the cover of the leaflet?

A Coombes Portland Road

Comments were:

- Would rather use literature from a more widely accepted body who has the respect of other trade respected bodies.
- The species it covers are not relevant to the pets they sell, it is complicated to use. Question six is difficult and he would not expect his staff or himself to discuss this with any customer, and if queried by a customer would not be comfortable explaining it.
- They supply care leaflets and would be prepared to give out a more relevant leaflet with a similar message which had the correct national acknowledgement.
- Why haven't the group approached the Pet care trust directly?

Paws for Claws Portland Road

Comments were:

- Did not feel it was relevant to the species they sell.
- They already ask questions and sometimes require a potential customer to bring in photos of accommodation they are intending to use for the animal being sold.

- They give out pet care leaflets and would like to use something from them on this subject.
- The leaflet states birds are difficult, but it does not cover budgies and canaries which are easier.

Pet Pet Pet

Comments were:

- Seems a complicated leaflet to use, it's not relevant to the species they sell.
- Are they affiliated to the Pet Care Trust. Have they approached the Pet Care Trust.
- How would they order them? Do they cost anything?

Fish Tank.

Comments were:

- Is happy to give out any leaflet that improves people's knowledge of pet ownership and animal welfare

Pets Corner

Comments were:

- After much discussion we don't think the leaflet will be the right fit for our stores.
- We found the leaflet a little confusing in layout and difficult to follow. The questions are not specific enough, as it doesn't explain what is meant by a specialist breed for example, simply stating 'bull dog', but what makes a bulldog specialist? That part is unclear.
- The EMODE leaflet doesn't directly relate to the animals that we stock as it gives no specific information about the livestock that we sell with regards to care and needs. We believe it is necessary for new owners to fully understand the responsibility of the animal they are looking to own, this can only be done with being taught about their pet of interest.
- At pets corners we have only trained staff that are able to sell our pets, all of which are taught to give the customers the best information possible to ensure that the pet wanted is the right fit. And we will refuse sale if we think that the prospective owner is not the correct fit for that animal.

- We already have literature in place that explains the needs of each of the animals that we sell. I have attached examples for your viewing.
- The literature that we provide and the advice given by trained staff as well as the policies and procedures we have in place, we feel gives us the ability to protect our animals already.

Pet Pet Pet

Comments were:

- Thanks for the chance to look at those leaflets, but I don't quite think they're right for my shop. They tend to be oriented towards the more exotic animals and at the moment I tend to do just the basic fluffies: rabbits, gerbils and hamsters.
- Much as I love to give out information with an animal sale, I wouldn't be gaining much by storing a pile of these.



The Pet Industry Federation's response to the *Pets: easy or difficult to keep* (EMODE) publication

The Pet Industry Federation welcomes any initiative which improves animal welfare but has concerns about the origin and validity of this document.

Publication content

The concept of a traffic light system for establishing the complexity of keeping different types of animals is not new and in theory could be a useful tool for the pet trade and potential owner alike. However the system is flawed as it is too rigid to be useful in a practical situation.

The ability to keep and ultimately the commitment to sustaining responsible ownership is broader than scoring against a set of six questions.

There is no allowance in this document for the potential owners' resources, knowledge and experience of keeping animals or a certain type of animal, which has to be crucial to the welfare of the animal. If an owner or keeper has the relevant knowledge and experience then the pet is neither unsuitable nor difficult to keep.

There is little consideration for the ability and commitment of the potential owner, apart from question six which could be seen as discriminatory.

The Companion Animal Welfare Council (CAWC), set up to conduct independent studies into the welfare, care and treatment of companion animals and their role within society found that...."it may be easier to keep some non-domesticated species to high welfare standards than some that are domesticated. Thus, meeting all the requirements - space, dietary, social, thermal, and so on - of a small, hardy, reptile may be more readily achievable for many people than adequately fulfilling all the needs of some breeds of dog" (CAWC, 2003).

The EMODE scoring system seems irrational; for instance the whole taxa of reptiles and amphibians are scored 18 which predetermines that this taxa are difficult to keep. Certainly some taxa in this group do have specific needs which may be difficult for a novice owner to fulfil but others, such as a Bearded Dragon and Corn Snake, can be fairly easily kept with all their welfare needs catered for.

The converse of this is all dogs are scored five which assumes all dogs are easy to keep. On the whole this is true, however, there are some breeds of dogs that have special requirements in terms of exercise, mental stimulation and coat care. The same can be said of certain breeds of cat which need extra stimulation or grooming.

The authors

The document has been written by a set of individuals, some of whom have strong views on keeping certain taxa. We understand that the document has had no input from stakeholder groups, or specialist societies or groups, nor has it been peer reviewed. We would also advise that this method of scoring 'difficulty' is not a sound and unbiased way of determining the 'difficulty' or 'suitability' of a pet.

Sale of pets in pet shops

All pet shops are licensed by their local authority and are 'viewed' daily by the pet owning public. Under the Animal Welfare Act(s) husbandry advice must be given at the point of sale (verbally), and the Model Licence Conditions reinforce this by stipulating written instructions must be given in the form of a care sheet (CIEH Model Conditions for Pet Vending Licensing 2013 14.1).

The MLCs also stipulate that one person at the pet shop must hold the City & Guilds qualification in Pet Store Management (or equivalent), a qualification which is equivalent to the RCVS Veterinary Nursing qualification.

The criteria also stipulate that staff members must be able to provide suitable advice to purchasers and answer questions as required by them (14.3) and that the licensee must be able to demonstrate appropriate staff training is carried out and that that staff are competent in pet shop management and animal handling (14.4).

Pet shop staff are trained and well placed to guide owners to choose a pet which suits them and their lifestyle. An emphasis on educating the public on responsible pet ownership is for more conducive to animal welfare than using an inflexible, and in this instance, a biased list of questions.

LICENSING COMMITTEE (NON LICENSING FUNCTIONS)

Agenda Item 7

Brighton & Hove City Council

Subject:	Lowering Emissions for Hackney Carriage and Private Hire Vehicles		
Date of Meeting:	26 June 2014		
Report of:	Director of Public Health		
Contact Officer:	Name:	Martin Seymour and Sam Rouse	Tel: 29-2550
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report on the proposals for lowering emissions (harmful to human health and Green House Gases) for Hackney Carriage and Private Hire Vehicles.

2. RECOMMENDATIONS:

- 2.1 That Committee approves cut engine / cut pollution signs on all taxi ranks.
- 2.2 That Committee requires all Hackney Carriage and Private Hire Vehicles to have cut engine / cut pollution signs on the rear of the vehicle as part of its livery.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 6 March 2014 Committee supported the investigation of proposals that would assist with the lowering of emissions from licensed vehicles such as "Cut Engine Cut Pollution" signs at ranks and amendments to vehicle licence requirements to be based on emission and not age.
- 3.2 The proposed design for use at taxis rank can be found at appendix A. The estimated cost is approximately £2000 although there may be additional costs if post extensions are required at installation. The cost of these signs to come from the hackney carriage budget.
- 3.3 It is also proposed that stickers based on the same design as the taxi rank sign should become part of the required livery for hackney carriage and private hire vehicles. It is hoped that this will get the message to members of the public to cut their engine when not moving.

3.4 The taxi forum has also discussed proposals to change vehicle age limits to the requirement Euro5 and Euro6 standards. However at this stage there are real concerns regarding the costs to proprietors Officers and trade representatives carefully considered the issue of vehicle standards twice in consecutive taxi forum meetings. There are benefits in moving from age limits to emission standards (Euro5 and Euro6): more scientific and evidence based, comparable with clean bus technology fund work and establishment of the low emission zone. However, public policy must be predicated on a partnership approach. The licensing authority works with local taxi businesses as stakeholders to make sure regulation is clear, proportionate and effective and ensure the concerns of business are heard and there is appropriate opportunity to influence policy. At this time the local industry reports experiencing fundamental uncertainty: political, with proximity of local and general elections, economic, with challenging trading conditions and regulatory, with both the Law Commission's proposals and the deregulation bill clauses potentially increasing the differences and standards between the two tiers, taxis and private hire. Licensing and air quality officers are researching opportunities with the Office For Low Emission Vehicles, the cross government, industry-endorsed policy and funding body promoting ultra low emission vehicles. There is a potential for supporting ultra low emission taxis; OLEV has pledged funding opportunities local authorities. The innovative work already undertaken by the transport planning authority for a low emission zones and the high standards of taxi fleet the trade and licensing authority has developed is likely to place the city at an advantage. Government is expected to publish criteria in the autumn. Collaboration between the taxi trade and Council could be the basis of bidding for funds for both vehicles and supporting infrastructure.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Alternative options considered that the option of 'doing nothing' has been considered but that levels of Nitrogen Dioxide would be likely to remain at levels above the EU limit, with a negative impact on public health. Consideration of substituting age restrictions with emissions standards will continue to be explored

5. COMMUNITY ENGAGEMENT AND CONSULTATION

Finance and Legal Services, Environmental Protection, Transport Operations, Taxi Forum. Some members of the Forum had concerns that there would be increased costs to businesses due to the cost of replacing vehicles to meet Euro Standards and had concerns regarding Deregulation Bill and Law Commission proposed changes.

6. CONCLUSION

That members consider the recommendations.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

The costs associated to the recommendations in this report will be met from the existing Taxi Licencing revenue budget. The Taxi Licencing revenue budget is fully funded by licensing fees in accordance with relevant regulation.

Finance Officer Consulted: Steven Bedford: Date: 16/05/14

7.2 Legal Implications:

By Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as it considers reasonably necessary.

Lawyer Consulted: Rebecca Sidell

Date 16/05/14

7.3 Equalities Implications:

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

7.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities.

7.5 Any Other Significant Implications

The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

SUPPORTING DOCUMENTATION

Appendices:

- 1. Cut Engine Sign**
- 2. Office for Low Emission Vehicles**

Documents in Members' Rooms

1. None.

Background Documents

1. Map of AQMA (Air Quality Management Area)

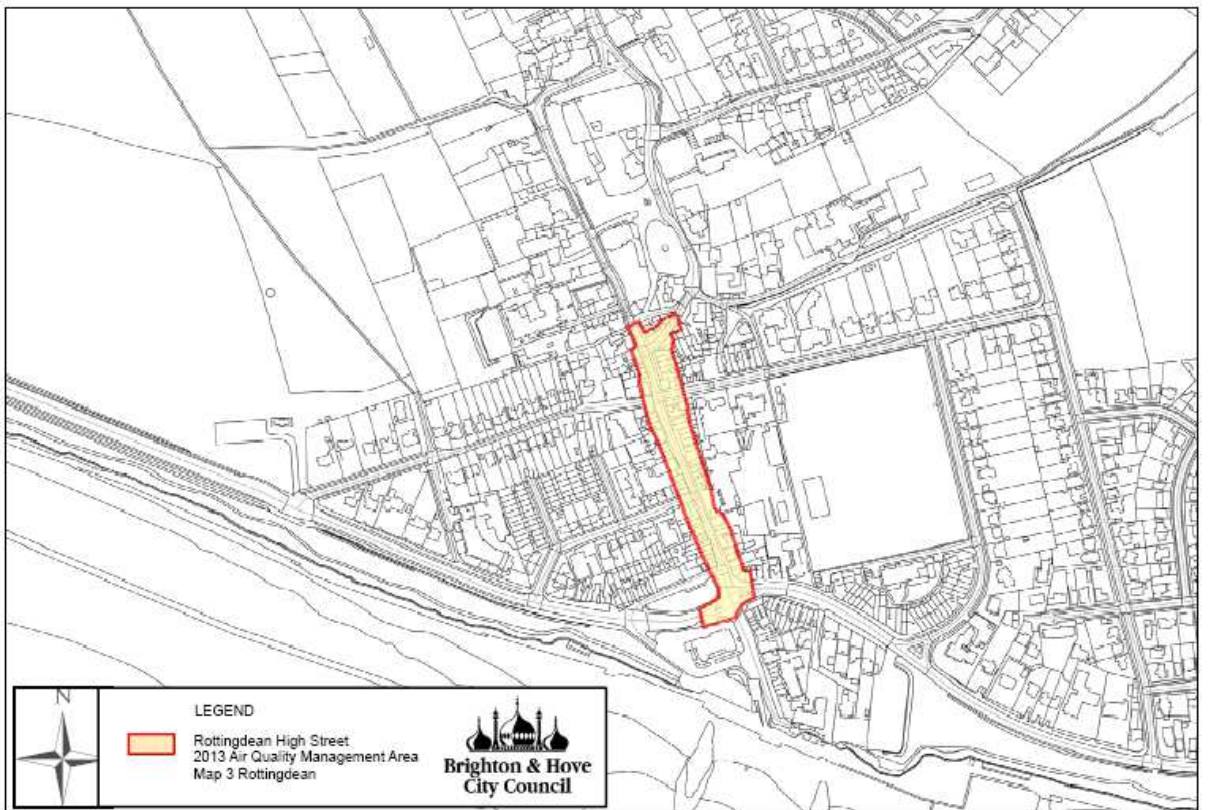
Local Authorities have a duty under the Environment Act 1995 to review and assess air quality in their area. Where pollutants are found to exceed standards set out in the air quality strategy for England the local authority has a legal duty to declare an air quality management area (AQMA). This must be followed by an air quality action plan; that states measures to reduce human exposure to pollution in the AQMA; justified with reduced risk of disease and improvements to health and wellbeing.

In accordance with its statutory duties Brighton & Hove City Council has assessed air quality in its area since the 1990s. Based on recent evidence a new AQMA was declared in August 2013. This area is priority for general air quality improvement and compliance with the outdoor limit for nitrogen dioxide.

Figure 1 Brighton & Hove 2013 AQMA Part of Central Brighton, Hove and Portslade



Figure 2 Brighton & Hove 2013 AQMA Rottingdean High Street



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Cut engine
Cut pollution



Office for
Low Emission
Vehicles

Investing in ultra low emission vehicles in the UK, 2015 to 2020



April 2014

The Office for Low Emission Vehicles (OLEV) is a cross Government, industry-endorsed, team combining policy and funding streams to simplify policy development and delivery for ultra low emission vehicles. OLEV currently comprises people and funding from the Departments for Transport (DfT), Business, Innovation and Skills (BIS), and Energy and Climate Change (DECC). The core purpose is to support the early market for electric and other ultra low emission vehicles (ULEVs). OLEV is based in DfT and this document is published by the Department for Transport.

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

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Great Minster House
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Website www.gov.uk/olev
General email enquiries olev.enquiries@olev.gsi.gov.uk

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Cover image:

Ultra low emission vehicles from BMW, Nissan, Renault, Toyota and Vauxhall at the launch of the Go Ultra Low campaign in January 2014.

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Introduction

This document sets out key elements of the Government's proposed package of support for ultra low emission vehicles (ULEVs) in the period 2015-20. It follows the announcement in the 2013 Spending Round that the Government was making £500m available to support ULEVs in this period.

The outline package of measures set out here confirms the UK Government's strong commitment to making the UK a premier location for the design, manufacture and adoption of ULEVs. It also confirms a long term, stable and comprehensive policy framework backed by a significant funding commitment. The package gives certainty on grant support for consumer incentives, provides funding for vital infrastructure, recognises the importance of other vehicle sectors including buses, taxis and HGVs and provides guaranteed funding for ULEV-specific R&D. It also encourages innovative measures from cities to turn their areas into exemplars for ULEV take-up.

All further detail on the high level measures included here will be made available by autumn 2014. The Government is also seeking to adopt a flexible approach - not all the £500m funding is allocated here and minimum allocations are given which could be extended to reflect market conditions. Many elements of the package, including the consumer incentives, are also subject to securing the necessary State Aid approvals from Europe.

Office for Low Emission Vehicles

April 2014

1. Summary of responses to the call for evidence

Introduction

- 1.1** In November 2013 the Office for Low Emission Vehicles (OLEV) launched a call for evidence to inform the design of the 2015 to 2020 phase of Government measures to support the early market for ultra low emission vehicles. 134 responses were received from a range of organisations and individuals, including vehicle manufacturers, supply chain companies, trade associations, academics and local authorities. The summary below gives an overview of the key themes that emerged from the responses.

Consumer incentives

- 1.2** Over 90% of responses suggested that Government should continue to provide upfront consumer grants for cars and vans. Many also suggested that the emissions threshold for vehicle incentives should be reduced from its current value of 75g CO₂/km.
- 1.3** The majority of responses considered that the incentive offered to consumers should continue to be technology neutral.

Infrastructure

- 1.4** Responses indicated a desire to further improve the rapid charger network to address “range anxiety” for battery electric vehicles (BEVs) and encourage uptake of electric vehicles beyond urban environments.
- 1.5** Other key themes were the importance of strategic positioning of chargepoints and their interoperability.
- 1.6** Several responses commented that since the majority of charging takes place at home and in the workplace, support should be focused on these areas.
- 1.7** A strong case was also suggested in several responses for Government support to encourage early investment in hydrogen refuelling infrastructure as hydrogen fuel cell vehicles come to market from 2015.

Research & development

- 1.8** Many reported that the Technology Strategy Board has been a highly successful and appropriate channel for OLEV's funding of essential research, development and demonstration work. However it was also

frequently noted that for various reasons it was more difficult for smaller companies to access funding through this source. Some form of early stage equity was suggested as a possible alternative to address this concern.

- 1.9** Wireless technology and hydrogen propulsion systems were commonly suggested as the areas of ULEV technology that would benefit most from further trials and demonstrations.
- 1.10** In order to boost investment in the UK, there were several suggestions that UK successes should be better promoted at an international level. Similarly, participation in European collaborative projects should be encouraged.
- 1.11** Strong arguments were put forward that for the UK to achieve pre-eminence in the development of ULEV technology then incremental improvements in R&D funding would be insufficient. Instead a genuine step-change in funding would be required to put the UK on an equal footing with competitor nations.

Taxis, private hire vehicles and car clubs

- 1.12** Responses acknowledged the importance of support for the roll out of ULEV taxis, private hire schemes, and car clubs not only to deliver emissions reductions, but also to provide a valuable means of showcasing the technology. On the other hand, some vehicle manufacturers argued that funding should instead be prioritised and targeted towards passenger vehicles to deliver the greatest benefits.
- 1.13** Suggested approaches to encourage uptake of these categories of vehicles included reduced licensing fee for taxis, free parking, use of bus lanes, creation of low emission zones, subsidised retrofitting, working with operators to better understand the problems faced by industry, and providing advice on deploying the vehicles and understanding the potential cost savings.

Regional/city schemes

- 1.14** Responses were largely in favour of some form of regional funding model. Some argued in favour of including rural areas while others felt funding should be targeted towards cities only where air quality problems were greatest.
- 1.15** Several local authorities commented that if some form of regional scheme was taken forward, the application process should not be too onerous.

Other vehicle segments

- 1.16** Infrastructure to support heavy goods vehicles was popular, with particular emphasis on gas refuelling. Several responses suggested that supporting infrastructure was preferable to vehicle subsidies in order to

deliver greater longer term benefits and avoid temporarily distorting the market.

- 1.17** Opinions were split on whether government should support the uptake of smaller ULEVs such as motorcycles. Those in favour highlighted the potential for this market to grow in the UK, while those who were against argued that it would be more effective to target activity on vehicle segments with the greatest CO2 emissions.
- 1.18** It was widely commented that the Green Bus Fund had been a success, and that additional Government support in this area should be introduced with longer term funding certainty.

2. Supporting the early market

Consumer grants to support ULEVs

- We will commit at least £200m in the period 2015-2020 to bridge the additional cost of ultra low emission cars. This is a minimum provision and may change to reflect market conditions.
- The current £5,000 grant incentive will remain in place. This level will remain until at least 50,000 cars have been sold or until 2017, whichever is the sooner; at which point we will review its future level.
- From that point we will hold annual reviews to ensure the right level of grant is in place, giving as much notice as possible of any changes.
- We will also commit at least £30m over the period to support other vehicles including vans.

2.1 In 'Driving the Future Today',¹ the Government's ultra low emission vehicle strategy published in September 2013, we gave a commitment to continue the existing plug-in vehicle grants to May 2015, and to retain a consumer incentive beyond this date.

2.2 In the early market for ULEVs, the higher upfront cost of vehicles is one of the biggest barriers to uptake. The difference in cost between a petrol or diesel vehicle and an ULEV can be significant and the need for market intervention remains if we are to support a sustainable and growing ULEV mass market. Over 90% of respondents to the call for evidence supported a continuation of the current Plug-in Car Grant offer of up to £5,000 per car; and emphasised the need for long-term certainty of these incentives.²

2.3 We will therefore make at least £200m available to continue the plug-in car grant, and commit to retain the £5,000 cap until at least



50,000 cars have been sold or until 2017, whichever is the sooner; at which point we will review its future level. From this point we will hold

¹ Driving the Future Today - a strategy for ultra low emission vehicles in the UK, September 2013, Office for Low Emission Vehicles.

² Pictured, five of the eligible vehicles for the current Plug-in Car Grant. From left to right - Renault ZOE, BMW i3, Toyota Prius plug-in, Nissan LEAF and Vauxhall Ampera, crossing Westminster Bridge.

annual reviews to ensure the right level of grant is in place, giving maximum notice of any changes.

- 2.4** There is also a need to bridge the high upfront costs of ultra low emission vans. We currently offer a grant to vans of less than 3.5 tonnes. Uptake of this grant has been low, primarily due to limited product availability. We will therefore consider whether the scope of the grant should be widened to include larger vehicles, and possibly other vehicles which we have not supported to date.³



Geographic availability

- 2.5** The grants will be available UK-wide.

Next steps

- 2.6** The extension to the existing plug-in car grant will take effect from April 2015. We will announce any significant changes to the current car grant criteria shortly.
- 2.7** For the other vehicle grant, we will publish the scope and criteria of the grant by autumn 2014. Vans smaller than 3.5 tonnes will continue to be incentivised on a similar basis to the current plug-in van grant, but this will be subject to regular reviews.

Q&A

Q. Who can access the car grant?

The grant will be available to business and private buyers across the UK, including for leased vehicles.

Q. Will there be any changes to the eligibility criteria?

The criteria for the plug in car grant are in need of updating to reflect the changing car market, although the purpose of the grant itself remains unchanged. Details of any amendments will be announced very shortly.

Q. Will this be technology neutral? What about hydrogen vehicles?

Grant funding will be available to any vehicle which meets the eligibility criteria, regardless of technology type.

³ Source: Fruit 4 London. Renault Kangoo Z.E. - one of the eligible vehicles for the current Plug-in Van Grant

Q. What happens when the £200m runs out?

We are providing a minimum of £200m funding. We will review the market in advance of 50,000 cars being sold, or pre-2017, whichever is the sooner and announce any changes to the grant. We will hold regular reviews thereafter to ensure that we are responding appropriately to market developments.

Q. Will the 50,000 cars include the ones already on the road today?

Yes, the 50,000 is a cumulative figure. It will include all the claims made before April 2015 (the current running total is c.10,000).

Q. Is there a time limit on the grant?

The £5,000 grant cap will remain in place until at least 50,000 cars have been sold or until 2017, whichever is the sooner. We will hold regular reviews thereafter to determine future levels, ensuring that we respond appropriately to market developments. As much notice as possible of any changes will be given.

Q. What types of "other vehicle" will the £31m support?

We will continue to support vans up to 3.5 tonnes and consider the case for extending this to include larger vehicles, quadricycles and powered two wheelers. More details of the scope of this grant, and eligibility criteria will be published by autumn 2014.

City scheme

- We will make up to £35m available to the 2 to 4 cities that commit to supporting a step change in ULEV adoption in their areas through measures like access to bus lanes, ULEV car club support, infrastructure for residents, parking policy and changing their own fleets.
- These cities will lead the way in increasing uptake through improving the offer to businesses and consumers and will become international exemplars.

- 2.8** International experience suggests that drivers place significant value on softer measures which improve their overall driving experience, for example offering free parking for ULEVs or access to bus lanes. When such perks are packaged together, it will help to make a strong case for buying a ULEV.
- 2.9** We want to give a small number of UK cities the opportunity to become flagship cities for ULEVs through implementing a suite of measures and trialling new ideas. These cities will then be in a position to advertise their successes to other cities looking to reduce their emissions and improve their local air quality.
- 2.10** The UK has also been infracted by the EU for breaching local air quality limits in some areas. As the majority of these infractions are in urban areas, the city scheme will directly help to combat this.
- 2.11** The cities will also attract international attention and so positively influence inward investment decisions.

Geographic availability

- 2.12** We are currently working with colleagues in the Devolved Administrations to determine scope. It will be announced along with further details in the autumn.

Next steps

- 2.13** By autumn 2014 we will publish the funding framework and the geographic extent of the scheme. The criteria by which the city bids will be judged will also be defined.

Q&A

Q. Who can access the funding? Is this just open to cities?

Yes, the scheme will only be open to cities.

Q. How will you make this funding available?

The details of the scheme will be published finalised by autumn 2014.

Q. What is the criteria for successful bids?

The details of the scheme will be published by autumn 2014. It is likely that local air quality will be important in the evaluation.

Q. What sort of measures are you expecting?

Winning cities will need to show real ambition and innovation in their proposals. We will not prescribe measures but we would expect cities to consider things like: their own vehicle fleet procurement policies, infrastructure provision, building codes and planning standards, car clubs, parking policy (especially for residents without off-street parking) and bus lane access.

Q. How will ULEV access to bus lanes work?

This will be a matter for local authorities to decide – it is in their gift as they have the powers to designate access to specific portions of the road. However, all the evidence from other countries shows that these sorts of softer measure can really drive early adoption of the technology. Clearly this wouldn't have to be a permanent measure but would send a strong signal to prospective purchasers.

Q. Why are you focussing on individual cities? Won't the money be best used spread across several areas?

By concentrating the funding on 2-4 individual cities we are most likely to realise the benefits on a visible scale. The selected cities will be in a position to share their experience of introducing different measures to other areas of the country.

Ultra low emission taxis

- We will make at least £20m available to local authorities who commit to supporting a step change in cleaning up the taxi fleets in their areas through the introduction of ULEV taxis.

- 2.14** Increasing uptake of ULEV taxis is an important part of our overall commitment to increasing the number of ULEVs on the road. Taxis provide a direct means of demonstrating the benefits of ULEVs to passengers, and could encourage them to consider ULEVs when they next buy a car.
- 2.15** Taxis can also be significant contributors to air quality problems, due to the stop start nature of their driving and their high mileage in urban areas. Targeting improvements to taxi fleet emissions will make a significant improvement to local air quality.
- 2.16** Increasing the uptake of ULEV taxis also supports our commitment to encouraging investment in the UK automotive industry; a number of market entrants are likely to be built in the UK.

Geographic availability

- 2.17** We will publish further details of the scope of this scheme by autumn 2014.

Next steps

- 2.18** By autumn 2014 we will publish the criteria of the scheme and announce when the scheme will be open for applications.

Question and answers

Q. Who can access the funding? How will we make this funding available?

The details of the scheme will be published by autumn 2014.

Q. Will the funding be available to private hire vehicles?

The details of the scheme are still to be confirmed, but forms of support to encourage ULEV uptake as private hire vehicles remain under consideration. In the event that the scheme is restricted to taxis only, private hire vehicles would still be eligible for the Plug-in Car Grant.

Q. What exactly are you proposing to fund?

It is likely that funding will be available for both vehicles and supporting infrastructure. Scheme criteria will be published in autumn 2014.

Low emission buses

- We will commit at least £30m from 2015 to clean up bus fleets. This could put over 1,000 new low emission buses onto the roads.
- We are also working with the Green Investment Bank to explore additional financing options.

Introduction

- 2.19** The Department for Transport (DfT) has supported the Green Bus Fund for the last five years to encourage the uptake of low emission buses in England. Building on the success of this initiative, we are committing additional funding to the deployment of low emission buses in order to influence purchase decisions and speed up the transition to a low emission bus fleet.
- 2.20** Low emission buses, including electric and hybrid buses, offer significant CO2 savings, for example, every low carbon bus in London saves around 26 tonnes of CO2 per year. Buses are also a significant contributor to the UK's local air quality problems (particularly in city centres) and are highly visible, so are a good way to demonstrate the benefits of new technology to millions of passengers.
- 2.21** The UK is a leading manufacturer of low emission buses and technologies, so incentives that encourage their uptake in the domestic market can have a positive impact on levels of UK manufacturing. They will also encourage investment in the UK from bus manufacturers looking to establish themselves in the EU market. Our towns and cities have a global reputation for showcasing and demonstrating the very latest in buses and bus technology and so a large fleet of low emission buses in service in UK also provides our manufacturers with global export opportunities.
- 2.22** This funding for low emission buses will be provided on a declining basis in step with a closing cost differential for these vehicles and as the total operating costs become more attractive. Future details of the scheme, the trajectory of up-front support and any details of complementary financing opportunities, will be announced by autumn 2014.
- 2.23** DfT has been working with the Green Investment Bank, as part of its mandate to improve the energy efficiency of the UK's infrastructure, to explore options for meeting the financing challenges facing organisations who wish to purchase low emission buses in the UK.

Geographic availability

- 2.24** We will publish further details of the scope of this scheme by autumn 2014.

Next steps

- 2.25** By autumn 2014 we will publish further details on the scheme, including eligibility criteria, scope and potential applicants.

Q&A

Q. Who can access the funding? How will we make this funding available?

The details of the scheme will be published by autumn 2014.

Q. Is this the same as the Green Bus Fund?

The new initiative will build on the success of the Green Bus Fund in increasing the number of low emission buses on UK roads. The precise details will be published by autumn 2014.

Q. Will this be technology neutral?

There will be no specific technology requirements. The precise details of the scheme, including emissions thresholds, will be published by autumn 2014.

Q. What role will the Green Investment Bank have?

We are working with the Green Investment Bank to explore options for meeting the financing challenges facing organisations who wish to purchase low emission buses in the UK.

3. Shaping the required infrastructure

Charging infrastructure

- There will be a rapid chargepoint at every motorway service station by the end of 2014 and we will have a network of over 500 rapid chargers across the country by March 2015 – the best network in Europe (see map on Page 18).
- We need to go further to ensure that worries about charging are never a barrier to ULEV adoption.
- We will provide a £32m fund for charging infrastructure in the period 2015-2020. Among other things, this will ensure that ULEV drivers can easily find a rapid chargepoint to help undertake any journey they choose.

- 3.1** We expect rapid chargers to play an important role in the uptake of electric vehicles, particularly through facilitating longer journeys, by allowing drivers to top up their charge at key locations around the strategic road network. They can also aid the adoption of plug-in vehicle by fleets, by allowing vehicles to quickly top up their charge during natural breaks in their duty cycles.

Geographic availability

- 3.2** This will be confirmed when the details of the scheme are published by autumn 2014. There may be key target areas where coverage of rapid chargers needs to improve in order to ensure a truly national network which meets drivers' requirements.

Next steps

- 3.3** We are undertaking analysis of the UK rapid network as it currently stands, and what that network will look like in March 2015. This will inform decisions around the geographical extent of the available funding, how it is targeted and to whom, as well as any specific conditions that may be placed on the funding.
- 3.4** Full details will be published by autumn 2014.

Q&A

Q. Who can access the funding? How will we make this funding available?

The details of the scheme are still to be confirmed, but will be published by autumn 2014.

Q. What is a rapid chargepoint?

A rapid chargepoint can charge a battery electric car from almost fully discharged to at least 80% in as little as 30 minutes.

Q. Will the £32m be used purely on rapid chargepoints?

The £32m is for chargepoint infrastructure funding. Rapid chargepoints are key element in this, but some of the £32m will be used to support chargepoints in other settings.

Q. What other type of chargepoints will this cover? And how much for each?

The £32m covers all recharging infrastructure, not just rapids. Several responses to the call for evidence commented that since the majority of charging takes place at home and in the workplace, that support should be focused on these areas. Details of the infrastructure schemes will be published by autumn 2014.

Q. How will you ensure ULEV drivers can find a rapid chargepoint whenever they need one?

All publicly accessible chargepoints that are funded by the Government have to be placed on the National Chargepoint Registry, a freely available dataset of chargepoints used by website, app and sat-nav developers to communicate the locations of chargepoints to drivers.

Q. Will the funding also be available for grid reinforcement and connections?

The cost of grid reinforcement and connections when installing a rapid chargepoint can be significant and in some cases prohibitive. We are considering with the Department of Energy and Climate Change, Ofgem (the energy industry regulator) and industry how this can be addressed.

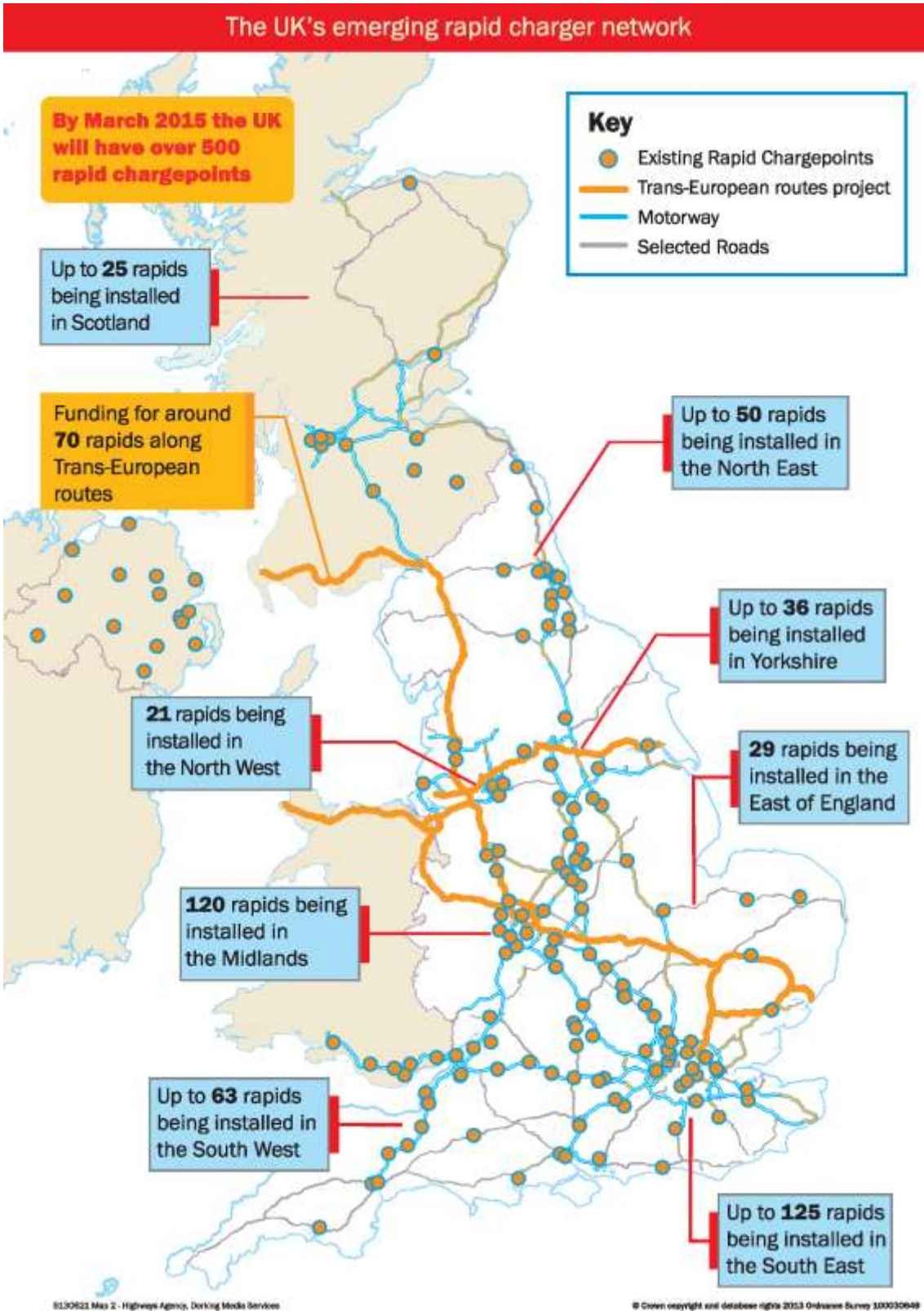
Q. What about the reliability and maintenance of chargepoints?

The Government recognises that the reliability of charging infrastructure is crucial for drivers, and we are committed to ensuring they receive the best possible 'offer'. To date, all chargepoints funded by the Government through OLEV have to be maintained in a serviceable condition for 3 years, otherwise the Government can seek to recover the funding. We will consider whether this approach is still sufficient. There will be at least a similar requirement around maintenance for this new funding scheme, and we will work with industry to ensure drivers can have access to chargepoints as and when they need them.

Q. Will the rapids work with all electric cars?

The Government is technology neutral and to date has not made particular requirements regarding connector types on rapids. We secured a multi-standard approach to future legislative requirements during recent negotiations in Europe and have long emphasised to grant recipients the importance of ensuring that their rapids are compatible

with as many vehicle types as possible. This message has been heeded – almost all of the rapids being installed under the current funding round cater to all three of the main rapid charging standards. We will continue to reinforce that message with recipients of future funding.



4

⁴ Source: Office for Low Emission Vehicles

Gas refuelling infrastructure

- We are allocating £4m to ensure the UK has an initial network of gas refuelling stations to support freight and logistics operators in their efforts to reduce the environmental impact of their businesses.

3.5 Government is committed to supporting the development of low and ultra low emission alternatives across all vehicle sectors. The lack of publicly accessible gas refuelling infrastructure has been identified as a significant barrier to the increased uptake of cleaner gas fuelled HGVs. Infrastructure grants supporting the rollout of natural gas (and biomethane) refuelling facilities for HGVs would give freight operators more confidence to invest in this market-ready low emission technology.

3.6 A joint Government and industry HGV Task Force was established under the Government's 2011 Logistics Growth Review to identify and promote low emission, fuel efficient road freight technologies. In its recent report 'Recommendations on the use of methane and biomethane in HGVs' the Task Force considers switching more HGVs from conventional diesel onto gas will provide greenhouse gas (GHG) and local air quality benefits as well as the potential for lower fuel costs for operators. HGVs using fossil gas are estimated to emit between 5% and 16% less GHG than those burning diesel. If biomethane is used GHG savings are estimated to be between 33% and 65%.

3.7 There are currently a limited number of gas refuelling stations across the UK, with larger operators favouring their own on-base refuelling stations. A better public refuelling infrastructure would enable operators without their own refuelling facilities to use gas vehicles and allow those who tend to refuel at base to operate more efficiently through increased payloads and/or the ability to cover larger trip distances.⁵



3.8 The establishment of a strategic network of cleaner natural gas (and biomethane) refuelling infrastructure for HGVs, linked to potential demand from freight operators and other users, could create the right conditions for road freight operators to invest in new technologies and deliver a breakthrough in the take up of cleaner gas HGVs. This does not preclude support for the development of other carbon reduction technologies as part of an overall approach which remains technology-neutral.

⁵ Picture source: Stobart Group

- 3.9** The 2013 Autumn Statement announced that the fuel duty differential for road fuel gases (natural gas and biomethane) would remain in place until 2024. This increases freight operators confidence that they can recover the additional up-front cost of the vehicles through the fuel duty differential over the lifetime of the asset.

Geographic availability

- 3.10** UK wide.

Next steps

- 3.11** We will work through the joint Government and industry HGV Task Force, as well as direct with key stakeholders, to determine how best to support the efforts of freight and logistics operators to reduce the environmental impact of their business.

Q&A

Q. Does this mean the Government will provide funding to support gas refuelling infrastructure?

Our trial of low carbon trucks and infrastructure included the launch of several gas refuelling points with open access to encourage other operators to consider using gas or dual-fuelled HGVs. We will work with the joint Government and industry HGV Task Force, as well as key stakeholders to ensure that infrastructure is built in a co-ordinated and planned way.

Q. What vehicles will this support?

So far, there are only a few hundred gas powered HGVs in use in Great Britain. In order to achieve a significant contribution to CO2 reduction, there needs to be a step-change in the scale of gas HGV usage. There are around 460,000 HGVs over 3.5 tonnes registered in Great Britain in 2012 (DVLA data). The long haul and regional delivery duty cycles, identified as making the greatest contribution to HGV CO2 emissions, typically use articulated vehicles up to 44 tonnes and rigid vehicles in the 18 to 26 tonne categories. Around 192,000 registered HGVs are over 18 tonnes, which gives an idea of the scale of the potential market for gas powered HGVs. This will include some vehicles mainly used on other duty cycles (including municipal refuse and some construction vehicles), but these can still make a contribution to CO2 reduction. There are a further 90,000 vehicles between 8 and 18 tonnes, where gas may be a more feasible low carbon option than electric power.

Q. Compressed natural gas (CNG) or liquefied natural gas (LNG)?

Operators tend to have a preference for either liquefied or compressed gas, depending on their location, operations and routes, including return to base frequency. CNG use normally requires access to the gas grid, while LNG stations can be located more flexibly in line with demand as they are supplied by road tanker. LNG can also be evaporated and

delivered in CNG form at LNG refuelling points. Therefore a range of infrastructure for both LNG and CNG refuelling is required.

Q. Where can I find out more on the recommendations from the HGV Task Force?

The Department for Transport have published the recommendations on the www.gov.uk website⁶.

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287528/taskforce-recommendations.pdf

Hydrogen infrastructure

- We are positioning the UK to be a lead market for the introduction of hydrogen fuel cell vehicles and will announce soon, and no later than autumn, 2014 the actions that both Government and industry stakeholders will be taking to achieve this.

3.12 'Driving the Future Today' identified that we would explore the options for Government grant funding to support industry's investments in the initial network of hydrogen refuelling stations required to support the commercial deployment of hydrogen fuel cell electric vehicles (FCEVs) in the UK.

3.13 It also gave a commitment that we will work with industry to identify and resolve outstanding practical issues around the refuelling and use of hydrogen FCEVs, including the hydrogen quality assurance process, integration of hydrogen refuelling into conventional fuel retail forecourts and ensuring an optimal consumer experience.

Geographic availability

3.14 UKH2Mobility, a joint Government-industry project evaluating the potential of hydrogen as a transport fuel, has concluded that an initial network of 65 hydrogen refuelling stations across the UK, covering major population centres and the connecting roads, could provide sufficient coverage for the early market.

Next steps

3.15 Phase 3 of UKH2Mobility – focused in implementation planning – has not yet completed. An announcement will be made soon, and no later than autumn 2014, on the actions that both Government and industry stakeholders will be taking to position the UK as a lead market for the introduction of hydrogen fuel cell vehicles.⁷



Q&A

Q. How does hydrogen fit with other technologies?

We have always said that the decarbonisation of road transport will be achieved through a portfolio of technologies. We believe battery electric vehicles, plug-in hybrids and hydrogen fuel cell vehicles will all have a role to play.

⁷ Pictured, Toyota FCV-R fuel cell car. Source: Toyota

Q. When will you make an announcement on hydrogen support?

We are positioning the UK to be a lead market for the introduction of hydrogen fuel cell vehicles and will announce by autumn 2014 the actions that both Government and industry stakeholders will be taking to achieve this.

4. Investing in UK automotive capability

Research & development

- We will make £100m available to further bolster the UK's position as a key destination for ultra low emission vehicle R&D.
- This builds on the £1bn joint government/industry commitment on an Advanced Propulsion Centre announced last summer and will focus on the technologies needed to deliver mass market ultra low emission vehicle motoring.

4.1 Manufacturing is central to the Government's strategy for growth and our resurgent automotive industry, supported by a strong partnership with Government, has undergone a dramatic transformation in recent years. It is now at the heart of the productivity growth of the UK economy. Government and industry investment of £1bn over ten years in the Advanced Propulsion Centre represents a step change in the scale of activity and will enable the next generation of propulsion technologies to be commercialised and produced in the UK safeguarding over 30,000 existing jobs.

4.2 For the longer-term, it is vital that we capitalise on this momentum and that we secure a leading global competitive position in ultra low emission vehicle R&D to ensure the future health and continued growth of the automotive industry in UK.⁸



4.3 A growing and sustainable UK automotive sector is one that is playing a decisive role in developing and commercialising ultra low emission vehicles and technologies. Our academic institutions, established research centres and industry have globally recognised expertise in areas such as electric machines and power electronics, lightweighting and energy storage and management. These generic technologies can be commercialised and exported around the world provided investment in R&D is sustained at the right level to achieve and maintain global competitive advantage.

⁸ Jaguar XJ-e plug in electric hybrid car. Source: Jaguar Land Rover

- 4.4** By engaging vehicle manufacturers and tier one suppliers with companies in the UK supply chain and our academic institutions, we ensure R&D is focussed on market need, whilst the requirement for at least match-funding reduces the investment risks in step change innovation and ensures participants have the necessary competence. Since many UK manufacturers are foreign owned the UK needs to be attractive to inward investment in advanced technologies and Government investment in R&D can boost the UK supply chain to make the most of the available opportunities.

Geographic availability

- 4.5** UK wide and creating high value opportunities for attracting inward investment.

Next steps

- 4.6** Office for Low Emission Vehicles will continue to co-ordinate ultra low emission vehicle R&D and supply chain support activity across Government, working through the Automotive Council to identify opportunities and closely with industry on how best to target funding to maximise value for the UK. We will continue to work closely with the Technology Strategy Board, the UK's innovation agency, and ensure alignment with activities of the Advanced Propulsion and Energy Storage Centres.
- 4.7** The first call for new projects will be published by the end of 2014.

Q&A

Q. How will we make this funding available?

We will continue our existing dialogue with industry and key stakeholders, including the Automotive Council, the Technology Strategy Board and the Automotive Investment Office to determine how best to make this funding available out to 2020.

Q. Who will be able to access the funding?

We will encourage Original Equipment Manufacturers, suppliers, small and medium-sized companies, R&D organisations and academic institutions with the potential to build on the UK's existing capabilities, deliver a global competitive advantage and achieve economic benefit for the UK to apply. We will welcome participants already established in the UK, as well as those looking to set up a base in the UK intending to expand their activity in the UK beyond the end of any funding arrangement.

Q. Will funding be restricted to on-vehicle technologies?

No, we expect to consider supporting a range of areas, including infrastructure and the wider technologies associated with this sector.

Go Ultra Low - Key Facts

Go Ultra Low - Key Facts.

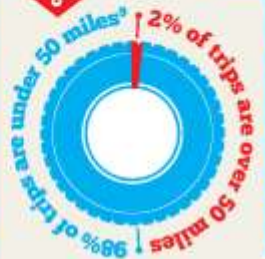
A new national campaign for ultra low emission vehicles.



Visit Go Ultra Low.com
@goultralow
for more information



Public charge points in the UK have now been used over **150,000** times...



Motorway services

By the end of 2014 the majority of motorway service stations will have a rapid charger that can charge up your electric car in less than 30 minutes⁴



There are now over 20 different ultra low emission cars to choose from. All top 10 of the best selling car manufacturers in the UK will have ultra low emission vehicle options this year!



0 Emissions

Government vision is that by 2040 all new cars and vans will be effectively zero emissions⁶



Go Ultra Low campaign partners are: BMW, Nissan, Renault, Toyota and Vauxhall, the Office for Low Emission Vehicles, and the Society of Motor Manufacturers and Traders.
Source: 1. Bureau of Census - 1,200 metropolitan & non-metropolitan counties in 2011 and County and Municipal Degree 2012 & Commission on the Structural Effects of the Population; 2. Department for Transport - 2011; 3. Department for Transport - 2011; 4. Office for Low Emission Vehicles - The UK's Low Emission Vehicle; 5. Go Ultra Low advertising campaign - based on Nissan LEAF - 1.7 litres per 100 miles in a range of 100 miles based on British Gas Drive & Save Economy 1 and rates for a customer using the Direct Drive fuel of 14p per litre as of 19th November 2013, assuming 17 litres of charging of the right size and one hour on display; 6. 98% charging efficiency & daily spending charge of 20p per mile; 7. 2011 census - average car journey length of 7.7 miles; 8. The ultra low emission car with the furthest range can drive up to 700 miles in one journey; 9. Projected charging range in suburban setting using battery electric, connected and fuel cell options. The figures quoted are based on full manufacturer's EV range and a 40 litre (20 gallon) fuel tank in a Toyota Prius Plug-in Hybrid. EV figures for full manufacturer are rounded from official EV registered test results and do not include a specific vehicle. These figures are provided only for the purpose of comparison and may not reflect your actual driving conditions. Fuel consumption and projected driving range will vary significantly depending on driving style, conditions, vehicle weight and age etc. © 2013 Go Ultra Low. All rights reserved.

LICENSING COMMITTEE (NON LICENSING FUNCTIONS)

Agenda Item 8

Brighton & Hove City Council

Subject:	Deregulation Bill 2014 Taxi Licensing Amendments - implications		
Date of Meeting:	26 June 2014		
Report of:	Director of Public Health		
Contact Officer:	Name:	Martin Seymour	Tel: 29-2550
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report on the amendments to the Deregulation Bill 2014 that has implications to the Hackney Carriage and Private Hire trades.

2. RECOMMENDATIONS:

- 2.1 That Committee notes the proposed amendments to the Deregulation Bill 2014 and possible implications.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 14 March 2014 the Department for Transport wrote to taxi and private hire stakeholders to inform them that amendments have been introduced to the Deregulation Bill as part of its drive to reduce the overall burden of regulation on business and individuals and cut 'red tape' during this Parliament. Ministers have identified for inclusion in the Bill three measures which are straightforward to make in isolation and which they consider will generate significant benefits for the taxi and private hire trades.

The three measures which have been added to the Deregulation Bill are:

- (i) Allowing private hire operators to sub-contract bookings to operators licensed in a different district. This change will improve operators' ability to meet passengers' needs. And it will help to make the passenger's experience so much more convenient.
- (ii) Allowing anyone with an ordinary driver's licence to drive a private hire vehicle when it is "off-duty". The principal benefit of this measure is that a PHV could be used as a family car, freeing up many families from the need to run a second car and saving them money.

- (iii) Making the standard duration for all taxi and PHV driver licences three years; and five years for all PHV operator licences. Shorter durations will only be granted on a case by case basis, where it is justifiable for a particular reason. This will reduce the financial and administrative burden of having to make more frequent licence renewals.

The Dft also asked the taxi and private hire trades outside London to give examples of conditions attached to their licences which they consider to be overly restrictive or unreasonable so that they could consider the case for Government involvement in the licence conditions set by local authorities.

- 3.2 The Trade, Unions, NALEO, LGA, Meeting of the Minds Group and Suzy Lamplugh Trust all have concerns over these proposals which are thought to be ill thought out especially as the Law Commission is due to publish its Draft Bill on the 23rd May 2014. Labour has tabled a motion to remove the amendments at the report stage.
- 3.3 Licensing officers are concerned that the change to 3 year driver Licences would reduce the licensing funding stream necessary to fund administration of the licensing framework, because fee setting is so tightly regulated and local authorities are facing unprecedented budget challenges. Although the vast majority of licence holders are responsible and transparent, annual licensing can pick up criminal convictions and relevant medical conditions that licensees may have omitted to declare, changed addresses, etc, during the currency of the licence. Triennial Licences would increase that risk.
- 3.4 The city taxi trade appears to fear that opening the market to out of town operators may facilitate big transport companies using a loss leader approach to drive out local operators, to the detriment of local business, and eventually passengers, as competition reduces as local operators are displaced. Fares would rise as a result of newly formed monopolies muscling in on the market.
- 3.5 The call for 'examples of conditions attached to licences considered to be overly restrictive or unreasonable' is viewed with concern. There could be diminution of our standards that have been developed over time, using local partnership with business and local evidence, to meet local economy conditions of a unique visitor destination and leisure and conference based local economy. Examples could be conditions relating to livery, English language standards, driver standards, vehicle emissions standards and air quality and local community safety (CCTV requirements).
- 3.6 The Law Commission published a report explaining and setting out its recommendations on 23 May 2014, together with a draft Bill for Taxi and Private Hire Licensing. The draft Bill sets out a new single legal framework for the regulation of taxi and private hire services across England and Wales, including London and Plymouth. A Summary of the Law Commission's recommendations can be found at Appendix 4. The Law Commissions full report can be found at <http://lawcommission.justice.gov.uk/publications/2717.htm>

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

None

5. COMMUNITY ENGAGEMENT AND CONSULTATION

Finance and Legal Services, Environmental Protection, Transport Operations, Taxi Forum. Members of the Taxi Forum are very concerned about both proposals and how they would change the current workings of the trade.

6. CONCLUSION

That members consider the recommendations

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

There are no direct financial implications associated with the recommendation in this report, other than for the cost of officer time. The costs associated to the licensing functions of the council are funded from existing revenue budgets within the Environmental Health and Licensing service.

The taxi licensing revenue budget is funded from income generated from licence fees. Licence fees are approved annually at Licensing Committee and are set at a level that it is reasonably believed will cover the costs of providing the service in accordance with the requirements of the legislation under which they are charged.

Finance Officer Consulted: Steven Bedford

Date: 19/05/2014

7.2 Legal Implications:

These are contained in the body of the report

Lawyer Consulted: Rebecca Sidell

Date: 21/05/14

7.3 Equalities Implications:

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the council's Equality Scheme.

7.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities.

7.5 Any Other Significant Implications

The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

SUPPORTING DOCUMENTATION

Appendices:

- 1. Department for Transport Letter to Taxi and Private Hire Stake Holders**
- 2. Meeting of the Minds Minutes**
- 3. Suzy Lamplugh Trust Briefing**
- 4. Law Commission Taxi and Private Hire Services Executive Summary**

Documents in Members' Rooms

1. None.



Department for Transport

Taxi and private hire
stakeholders

JAMES PADDEN
HEAD OF TAXI AND PSV REGULATION BRANCH
BUSES AND TAXIS DIVISION
DEPARTMENT FOR TRANSPORT
2/12 GREAT MINSTER HOUSE
33 HORSEFERRY ROAD
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Web Site: www.dft.gov.uk

14 March 2014

TAXI AND PRIVATE HIRE MEASURES: DEREGULATION BILL

The purpose of this letter is to draw your attention to several changes to taxi and private hire vehicle (PHV) legislation which are being proposed by the Government. The changes affect the legislation which applies in England outside London and Wales.

Please cascade this letter to your membership and others with an interest.

The Government has introduced the Deregulation Bill as part of its drive to reduce the overall burden of regulation on business and individuals and cut 'red tape' during this Parliament. Ministers have identified for inclusion in the Bill three measures which are straightforward to make in isolation and which will generate significant benefits for the taxi and private hire trades.

The three measures which have been added to the Deregulation Bill are:

- (i) Allowing private hire operators to sub-contract bookings to operators licensed in a different district. This change will improve operators' ability to meet passengers' needs. And it will help to make the passenger's experience so much more convenient.

(ii) Allowing anyone with an ordinary driver's licence to drive a private hire vehicle when it is "off-duty". The principal benefit of this measure is that a PHV could be used as a family car, freeing up many families from the need to run a second car and saving them money.

(iii) Making the standard duration for all taxi and PHV driver licences three years; and five years for all PHV operator licences. Shorter durations will only be granted on a case by case basis, where it is justifiable for a particular reason. This will reduce the financial and administrative burden of having to make more frequent licence renewals.

Finally, we want to consider the case for Government involvement in the licence conditions set by local authorities. For the next three weeks, we are asking the taxi and private hire trades outside London to give us examples of conditions attached to their licences which they consider to be overly restrictive or unreasonable. We are often told about burdensome conditions attached to taxi and private hire licences, and we know that appealing against these conditions in the magistrates court can be a costly process.

We want to understand whether these are in fact unreasonable licence conditions.

We will then consider those examples and weigh up the case for changing the law in such a way as to qualify local authorities' powers to attach conditions to licences.

We have set up a survey facility to enable taxi and PHV licence holders outside London to provide examples of unreasonable licence conditions. Details of, and a link to, the survey are in the Annex.

Once we have received information about unreasonable licence conditions we will give licensing authorities the opportunity to explain why they consider the conditions to be important and necessary.

I would stress that whilst the information gathered in this exercise will help Ministers to make a decision about whether Government intervention is justified, we would carry out a consultation exercise before actually making any regulations.

The three measures described above, along with the possible fourth measure, represent the first steps of a longer journey towards a deregulated

trade; a journey which will be continued when the Government is ready to take forward the more comprehensive reforms being proposed by the Law Commission.

The Law Commission is due to publish its report and draft Bill at the end of April. The Government will then have a year in which to consider the report and prepare a response.

This timescale for considering the Law Commission's report means that there will not be time to take forward a dedicated Taxi Bill before the next General Election.

That is why these changes are being introduced using the Deregulation Bill.

The Deregulation Bill itself is being considered by Parliament and progress on the passage of the Bill can be found on the Parliament web-site at: <http://services.parliament.uk/bills/2013-14/deregulation.html>

I hope this is a helpful explanation of the latest developments.

Yours sincerely,

James Padden

ANNEX

Taxi and private hire licensing – a call for evidence. Deadline 5 April 2014

Are you a taxi owner or a taxi driver?

Are you a private hire vehicle owner, driver or operator?

Are you licensed by a local authority outside London?

Do you think that your licensing authority attaches unreasonable conditions to your licence?

If so, we want to hear from you.

The Government is considering the case for using legislation to intervene in the setting of taxi and private hire vehicle licence conditions by local authorities.

We want taxi and private hire licence holders (based outside London) to send us examples of conditions attached to their licences which they consider overly restrictive or unreasonable. We are principally interested in the standard conditions applied by a licensing authority to all licence holders of a particular category, though if you have unhappy about a personal condition then please feel free to include it.

So, if you have any such examples, [please complete the survey form by 5 April 2014](#).

It is quite simple and straightforward. You will be asked (i) what sort of licence you are referring to; (ii) what district you are licensed in; (iii) a description of the condition which you think is unreasonable; (iv) why you think the condition is unreasonable; (v) what sort of cost is being imposed on you in complying with this condition; and (vi) any other relevant information.

We will then collate all the examples and provide local authorities with several weeks to provide explanations or justifications as to why the conditions in question are important.

Using the information obtained from this exercise, we will then weigh up the case for taking forward some sort of measure which would qualify local authorities' powers to attach conditions to licences.

Please note that any information supplied could be released under The Freedom of Information Act 2000.

Buses and Taxis Division
Department for Transport
14 March 2014



Meeting of Minds- Britannia Hotel Bolton, Tuesday 15 April 2014

Apologies:

Pippa A Brown, DfT- Zak Kowalski- Birmingham-Karl Stamper- Cambridge- Marie Claire Frankie, Sheffield CC

Attendees:

**Clive Stephenson- NALEO National Chair (Meeting Chair) and Sheffield CC Licensing Officer
John Thompson- NALEO National Treasurer (Minute taker) and Knowsley MBC Licensing Officer
Anne Aspinwall- NALEO National Secretary (Meeting Facilitator)
Roger Butterfield- NALEO National Honorary Solicitor
Des Broster- Leeds CC Licensing (for the 5 Yorkshire Licensing Authorities)
James Newton- Warrington BC Taxi Licensing
Phil Morton- Salford City Council Licensing
Steve Garelick- GMB Professional Drivers
Councillor Nick Peel- Bolton MBC Executive Member Licensing
Sarah Schofield- Bolton Council AGMA Representative
Councillor Jimmy Hunt- Salford CC Vice Chair Licensing
Peter Cook- Stockport CC Licensing
Councillor Chris Gordon- Stockport CC
Councillor John Mullen- Salford CC
Councillor John Warmisham – Salford CC Licensing Chair & GMB member
Ian Leete- LGA Licensing Lead
Councillor Eddie Moores- Oldham MBC Chair Licensing
Councillor Chris Cavendish- Trafford MBC Licensing Chair
Ian Millership- CTS Traffic & Transportation
David Crausby, MP Bolton NE & Unite Parliamentary Secretary
Ian Patterson- Parliamentary Secretary to Julie Hilling
Julie Hilling- MP Bolton West
Yasmin Qureshi- MP Bolton South East
Ian Whistlecroft- Wigan MBC Licensing
Councillor Gina Merett- Salford CC Assistant Mayor Environment
Councillor Mike Freeman- Trafford CC Licensing
Paul Brent – National Taxi Association Chair
Wayne Casey- National Taxi Association Secretary
Bryan Roland- National Private Hire Association General Secretary
Donna Short- National Private Hire Association Company Secretary/ Co Director
Tommy McIntyre- Unite National Taxi Convenor (90 minute debate 29.4.2014)
Mike Hedges- Unite Vice Chair National Taxi Committee
Pat Connor- GMB Greater Manchester area,
Trevor Boaler- National Taxi Trades Group National Chair
Dafydd Jones, Institute of Licensing Taxi group and Anglesey CBC Licensing
Tony Lloyd, Police Crime Commissioner Greater Manchester
Richard Percival & Jessica Uggucioni- Law Commission on Taxi/ PH Reform (observers)**

Reason for Meeting

This meeting was called to discuss:

1. The additional "Taxi and Private Hire" clauses now added to the current Deregulation Bill before parliament. It is at the outset felt that any purported discussions/ consultations with the Law Commission cannot be regarded as validating these clauses as these clauses are outside of the Law Commission process.
2. The problems currently being experienced with Hackney Carriage vehicles licensed by one Council being used as private hire vehicles and private hire minibuses wholly within another licensing area outside of either council's effective control.

The meeting was opened by the NALEO National Chair (CS) and attendees proceeded to go around the room with each person stating their name, position and interest and a brief view on the proposals and the Out of Borough vehicle problem.

New Clause 10

This clause is designed to allow an operator based in and licensed by one district to subcontract work to another operator who may be based within or without the home district. This would change the position outside London to reflect the position currently within London. It was commented that the Local Government (Miscellaneous Provisions) Act of 1976, is outdated, riddled with inconsistencies, and has resulted in a whole raft of stated cases, many of which relate to cross border hire.

The current situation whereby some Councils' even issue operator licences to bases outside of their area (which we consider ultra vires of those council's powers). The current drafting of this legislation will almost inevitably result in many of the long standing stated cases being over-ruled with the statutory aims of the 1976 Act being thwarted. The Act of 1976 and indeed the Town Police Clauses Acts 1847-1889 both enshrine the principle of local control with the assistance of local knowledge.

The NALEO Chair (CS) outlined an example where NE Derbyshire DC has licensed an operator based in Sheffield who now uses hackney carriages licensed by Gedling BC to undertake private hire journeys. **This effectively means that no one council has regulatory control and the home authority of Sheffield CC is effectively powerless when complaints of overcharging, poor driver behaviour etc are received.**

The NPHA Chair (BR) then provided figures for out of area hackney carriages licensed by various areas which are now being used as private hire vehicles in Manchester City Council's area totally outside that council's regulatory control. Rossendale was cited as one council which has over 1000 hackney carriages licensed, the majority of which are used elsewhere and therefore without effective compliance checks on a routine basis.

The GMB Professional Drivers representative Steve Garelick (SG) then detailed the three types of subcontracting:

1. London model which appears to work reasonably well;
2. Cross Border Hire which can be fraught with danger;
3. Apps used for bookings.

SG suggested that a National Register would seem to be a necessary prerequisite to allowing such multi licence use. BR stated that the Law Commission had confirmed that a T1 TAXI category could not be placed on a DVLA licence as it did not meet the European directive constraints.

It was also suggested that the different strengths of licensing rules and policies makes it advantageous to licence where cheapest with least constraints. This leads to a lowest common denominator service to the public rather than the best appropriate level of service to best ensure the safety of the public in any particular area.

This then could lead to low quality vehicles/ drivers working elsewhere outside of effective control. Also the point was made (BR) that councils cannot charge for enforcement only compliance and with local authority financial pressures it is clear many councils cannot afford this. Des Broster (DB) stated that Rossendale does often refuse driver applicants but that the ability to check out unsupported references is limited and councils can be effectively hamstrung. Poor or low quality vehicle conditions however help no-one especially not the travelling public.

SG made the point that fare prices are artificially low and so investment in vehicles can often be lacking. SG also made the point that were council's to advertise apps on their websites they may be giving an unfair advantage to large firms.

NALEO National Treasurer John Thompson (JT) then advised the meeting that he was aware should this clause be enacted then one major operator intended to open booking offices nationwide which would pass all bookings to one centralised control and then we would then not know what would turn up from where at any point of hire. Surely what was needed was National Licensing Conditions as suggested by the Law Commission which would ensure that there was need to go to other areas as the rules would be the same.

This meeting considers that, in the absence of the granting of extra powers to licensing officers, as currently being considered by the Law Commission, this clause would create a free-for-all which would make it impossible to ensure the safety of the public.

New Clause 8

This clause proposes that, as confirmed by Pippa A Brown of the DfT, any persons, who do not hold valid private hire driving licences, could drive a licensed vehicle for social domestic and pleasure purposes. It further proposes that there would be a reverse burden of proof which means any such driver would have to prove their observed use was not for hire and reward.

The Yorkshire authority's representative Des Broster (DB) opened this item by stating that this suggestion that any person could drive a vehicle for non private hire use filled him personally with great concern. It appears that to allow this leaves the travelling public (worse for wear or otherwise) at significantly increased risk from unlicensed drivers and un-vetted vehicles.

SG then expanded on a suggestion from the (sadly deceased) Bill Edwards that plates should be adopted which will display whether the vehicle is on or off duty at any time. This symbol would be placed above the GB part of most vehicle registration plates. The Unite National Taxi Convenor Tommy McIntyre (TM) asked if the suggestion was for the information of the police, licensing officers or the public at large?

BR then also stated that he believed this clause to be a rapists charter and that as Council officers had no power to stop a vehicle and indeed no power to require, at risk of penalty, the name and address of drivers (or indeed passengers).

Yasmin Qureshi MP then queried why we do not have a full vetting pre issue for drivers. She also asked why vehicles have different standards.

JT then explained and gave examples of unlicensed persons who have already been found to be driving licensed vehicles even before this clause is enacted. The meeting generally accepted that this clause would be a backward step.

The Greater Manchester Police and Crime Commissioner Tony Lloyd (TL) then stated that he understood why this clause could cause problems and undertook to circulate the briefing note to his fellow PCC's countrywide to alert them to this problem. He stated that this legislation as it currently stands is a clear danger and is frankly a backward step. Several speakers then stated that they did not believe that this legislation in any way aided public safety and would inevitably result in danger.

The National Private Hire Association Company Secretary Donna Short (DS) stated that the existing legislation requires that the plates etc must be displayed. It is mandatory and requires primary legislative change to be varied. Councils cannot do it on their own initiative.

SG also commented that the new apps in existence did present the possibility of unlicensed persons accessing a licensed person's app and acting illegally for hire and reward. It currently would be simple to do.

The National Taxi Association Secretary Wayne Casey (WC) stated the NTA policy to be that only licensed drivers should drive licensed vehicles at any time. This proposal would be a backward step to pre Benson v Boyce days. **The view was expressed that in respect of this proposal the response should be "just say no."**

The ramifications from this were stated to even extend to bus lane access. If a council allows bus lane access to private hire vehicles then how would non-licensed use be monitored and would that not remove the sense of having such restrictions as unlicensed drivers would be almost certain to "nip through" to save time.

3.New Clause 9

Currently Councils may not issue a drivers licence for more than three years but may issue for a lesser period. Many councils mandate a one year or three year period.

This meeting considered that the ability to mandate a one year licence or three year was an unnecessary burden to the trade and unhelpful to process.

JT reminded the meeting that the previous Meeting of Minds had It was recommended that: *"the Council should initially set its' administration and issue fees based upon a one year licence as standard but legislation should also allow for the following:*

- (i) One year licence at a fee to cover 100% costs OR;*
- (ii) Three year licence at a pro rata reduced fee (based from the 1 year fee);*
- (iii) Or such a licence length as the driver might request/ Council may specify at a monthly base calculated from the one year rate.*

Currently councils can issue a one year up to a 5 year licence either as they see fit or on request. This meeting sees no need to mandate a five year licence but recommends that:

- (i) One year licence at a fee to cover 100% costs OR;*
- (ii) Three year licence at a pro rata reduced fee (based from the 1 year fee);*
- (iii) Or such a licence length as the operator might request/ Council may specify at a*

monthly base calculated from the one year rate.”

In response to a question from the GMB Representative Pat Connor (PC), Julie Hilling MP (JH) stated that the Bill is waiting for the Report stage and as the clauses were inserted at Committee stage it is unlikely to come back before the 25 May 2014 (possible but unlikely).

She continued to say that the best course of action would be to get interested parties like Private Hire Operator Associations etc who are opposed to these clauses to lobby ministers and every MP and Member of the House of Lords possible. In the absence of such lobbying these clauses may well be enacted.

Any party or grouping present needs to highlight to all MP's just why these proposals are such a danger to public safety and face-to-face meetings are most likely to secure parliamentary support for these clauses to be removed from the Deregulation Bill. Bolton MBC representatives stated that it was their intention to get Bolton-licensed operators to lobby relevant MP's and the Minister in a sustained effort to negate these clauses.

SG suggested that approaching Cross party Members of the House of Lords to act against these clauses would also be effective and TM confirmed that the Bill had originated in the Commons so this could be effective, if pursued.

(The meeting then adjourned for luncheon and then reconvened at 1330 hours).

Out of Borough Hackney Carriage Vehicles

The Meeting Chair Clive Stephenson (CS) restarted the meeting and handed the discussion open to NALEO's Honorary Solicitor Roger Butterfield (RB) to open the event. RB then discussed the legality of what fees can be charged, how those fees can be disposed of and whether or not such Out-Of-Borough Hackney Carriages are in fact validly insured when used as a private hire vehicle. It should also be considered as to whether the driver has informed the insurer of the area within which the use takes place.

RB continued to query what policy such issuing authorities (such as Rossendale and Gedling BC's) had put into place so as to ensure the Council performed its' duties and in particular in the absence of policies could the council be made a party to proceedings under the Corporate Manslaughter legislation.

BR then detailed the law post the Berwick BC case. The judge indicated council's could pose the question "Is the HCV to be used as an HCV in this district" and if the response was "No" to normally refuse the issue of such a licence. BR continued that a Council could adopt such a policy which, if first consulted on, would then only be challengeable via Judicial Review.

BR continued to ask why sorely affected councils such as Manchester CC have not inserted a similar licensing conditions on their Private Hire Operators which again, if adopted by policy after consultation could again only be challenged via Judicial Review. BR invited discussion on this proposition.

It was stated that whilst this could work it would not remove the possibility of persons setting up in an area as a “private hire” operator using solely Out-Of-Borough Hackney Carriage Vehicles and who would therefore not require a S55 Operator licence. BR conceded that point but restated his view that such conditions should be pursued as the best method currently available to affected authorities.

The suggestion was then made that the question which should be asked is “*whether a private hire operator licensing condition is appropriate given that the licence in question is covering a vehicle type which, by statutory definition, is excluded from the term private hire*”. The view was expressed that such a condition could well be challengeable via the courts and likely to be overturned but that perhaps only a court decision will resolve the matter.

BR then asked for Councillors opinions. One Stockport councillor stated that their council has asked for and obtained authorised officer status from Rossendale so that these vehicles can at least have Rossendale’s conditions applied to it to ensure the safety of the travelling public within the Stockport area. It was stated to be a working solution not a 100% cure to the problem.

Councillor Freeman from Trafford MBC stated that in an effort to deal with this joint police/Licensing operations are being arranged to deal with these possibly unfit vehicles. Councillor Freeman then expressed the view that a National Register of drivers and vehicles seems to be needed to assist with this problem. SG suggested that the principle of a National Register was becoming more and more valid if this problem is to be effectively addressed.

The suggestion was then raised that by imposing a condition on Operators that any operators using such Out-Of-Borough HCV’s should be required to keep records of all such vehicles, drivers, insurance cover etc. This could deal with bona fide operators in the interim pending any legislative changes which may occur.

One representative who was also an AGMA attendee stated that Rossendale have stated an intended use policy is to be implemented at an as yet unspecified future date. Ian Millership (IM) of CTS Traffic and Transportation stated such a declared intention could backfire with more applications being received prior to the policy introduction.

As regards to national standards it was confirmed that, should the Law Commission’s work be enacted, then it is envisaged that any setting of national standards would be subsequent to public consultation and via a technical panel of trade experts, licensing officers and similar stakeholders. That of course presupposes that such a recommendation was taken up by the Government of the day.

It was then detailed to the meeting that if this situation is favourably resolved then attendees should be aware of the problems that can arise from a flexibus service under a Traffic Commissioner issued restricted Bus Service licence. Such a service requires all vehicles used to be licensed in the name of the “Bus” Operator licence holder(s), that stringent records are kept and that VOSA expects the licensing authority issuing the vehicle licence to ensure vehicle compliance. Any failure to

fully comply with the “flexibus” rules almost always constitutes an offence under taxi and private hire legislation.

Following a discussion it was proposed that:

All relevant persons present advise their members of the serious concerns expressed in relation to the proposed Deregulation Clauses and the use of Out of Borough Hackney Carriage and Flexibus services. Relevant attendees are actively encouraged to contact all Licensing Committees, Councillors, Local MP’s, Members of the House of Lords and Ministers to ensure all are aware of the serious concerns these matters cause in relation to ensuring the continued safety of the travelling public.

Unanimously agreed.

ADDENDUM

The Local Government Association have today sent the following information and requested that it is added to the Minutes from yesterday’s meeting.

From Ian Leete:

Thank you very much for inviting me along to the meeting. It was very helpful from both the point of view of our work on the deregulation bill, and in better understanding the issue of cross-border work.

The LGA was specifically challenged on what it was going to do around the Deregulation Bill, but I didn’t have a chance to formally respond at the meeting so I’d be very grateful if we could slot the information into the minutes?

The LGA will be:

- Liaising with front-bench members of all parties as the Bill goes to Report stage, and Tom Brake MP as proposer of the clauses
- Issuing a briefing (on the whole bill, but covering the taxi clauses) to a targeted selection of key MPs, including the LGA’s Vice-presidents in the Commons and Lords
- Issuing a similar briefing for the debate on 29th April.
- Writing to the responsible Ministers (at Dft and the Cabinet Office) to express concern about the clauses
- Seeking a meeting with DfT at official level

Suzy Lamplugh Trust Briefing

Taxis and Private Hire Vehicles Regulation Reform

12 May 2014



Key messages

- Suzy Lamplugh Trust has campaigned for safer taxis and minicabs since the early 1990s and was instrumental in campaigning for the Private Hire Vehicles (London) Act in 1998
- Since then the Trust has continued to raise awareness of the danger of illegal minicabs and the importance of planning in advance to get home safely. In 2011, it worked with TFL, Travelwatch and other groups to raise the issue of the necessity of enhanced CRB checks being made available to all taxi licensing authorities as part of the licensing process.
- Suzy Lamplugh Trust responded to the Law Commission's consultation on taxi and PHV (private hire vehicle). Ahead of the planned publication of the Law Commission's in-depth report, the Government has used the Deregulation Bill Committee Stage to bring forward new clauses on taxi and PHV regulation. Doing so pre-empts the outcome of this more detailed review of all related legislation. Suzy Lamplugh Trust believes that changes to regulations should be considered in the context of the legislation as a whole, rather than in piecemeal fashion.
- Suzy Lamplugh Trust is disappointed not to have been made aware of these proposed clauses until they were brought before the Deregulation Bill Committee, or to have been included in the Department for Transport's 'targeted informal consultation' which was sent to a small number of stakeholders in early 2014. Inclusion in this consultation or notification of the Government's plans to bring the proposed clauses into the Deregulation Bill would have given Suzy Lamplugh Trust and others to provide considered feedback on the proposals.
- Suzy Lamplugh Trust's position on the three new clauses introduced to the Deregulation Bill by the Government is detailed below.

CLAUSE 8 – PRIVATE HIRE VEHICLES: CIRCUMSTANCES IN WHICH DRIVER'S LICENCE REQUIRED

- This clause permits anyone to drive a licensed vehicle when it is not being used for work purposes. Should anyone be able to drive a PHV, it would therefore be impossible to be assured that the person driving a vehicle is in fact the person who has been through the proper vetting process for licensed drivers. We believe that passengers and potential passengers of these vehicles need to be assured that drivers are thoroughly checked and that by allowing unchecked, unlicensed drivers to drive a licensed vehicle, the potential for a member of the public to be picked up by an unscrupulous individual purporting to be a legitimate driver in a licensed vehicle would increase.
- We believe that the reverse burden of proof in the Clause does not provide the necessary protection and assurances for passengers, as it relies on the vehicle being stopped once the passengers are in it. We believe that it is right that licensing officers should not have the power to stop moving vehicles, as this is a role best carried out either with or by the police, but because of this, the opportunity for intervention is limited only to when the passenger is embarking or disembarking. We therefore think that, in practice, there will be relatively little that licensing authorities will be able to do to maintain safety clause is introduced as drafted.

- We also believe that PHV vehicles are clearly marked as licensed vehicles and, in many areas, it is not possible to remove these markings to distinguish between times when the vehicle is actively available for hire and when it is not. There is therefore a great risk that people will enter the marked vehicle in the belief that the driver has been through the proper vetting process for licensed drivers. This could be addressed through a strengthened enforcement system, but only limited action could be taken with the present system.
- We understand that this clause is proposed to provide consistency with existing practice in London, where it is already possible for an unlicensed driver to drive a licensed vehicle when it is not being used for work purposes. However, Suzy Lamplugh Trust remains concerned by the persistent issue in London of rape and sexual assault by drivers of illegal minicabs, despite an enviable level of resource dedicated to enforcement of licensing regulations which we think is unlikely to be matched nationwide.
- We would further suggest that, if consistency with London is seen as important, it would be more appropriate to strengthen the requirements in London so that it was not possible for an unlicensed driver to drive an 'off-duty' taxi or PHV anywhere in England and Wales.

Suzy Lamplugh Trust therefore believes that this clause is fundamentally flawed as drafted and should be withdrawn.

CLAUSE 9 – DURATION OF LICENCES

- This clause would standardise the duration of licences to 3 years for drivers or 5 years for operators. Many licensing bodies currently renew licences annually.
- Both the IoL (Institute of Licensing) and Unite, GMB and RMT report that, while, most local authorities impose conditions on Private Hire drivers' licences and Private Hire operators licences requiring them to report criminal convictions within a specified period of time, these conditions are often ignored, and that, as a consequence, it is only the annual renewal process which enables the local authority to ensure that licensees have remained fit and proper for the duration of their licence. Furthermore, the IoL reports that the provision of information about drivers' convictions by the police is "haphazard", especially where information is requested from a constabulary not covering the local authority area.
- We therefore share the concern of these bodies that if the duration of licences was extended to 3 years (or 5 years in the case of operators) a great many unsuitable and potentially dangerous persons would remain licensed for longer, putting the public at greater risk.

Suzy Lamplugh Trust therefore believes that this clause should be withdrawn.

CLAUSE 10 – SUB-CONTRACTING

- In principle, Suzy Lamplugh Trust is open to sub-contracting between operators, on the grounds that it is often a lack of supply of taxis or PHVs which encourages individuals to take less safe means of transport, including unlicensed minicabs. However, in practice, sub-contracting should only be permitted if all personal safety risks to passengers are addressed.

- For example, if sub-contracting led to increased cross-border working, Suzy Lamplugh Trust would wish to see a commitment to empowering enforcement officers to take action against drivers licensed by another authority.
- We would also wish to see steps taken to ensure that passengers could identify and complain to the correct licensing authority, which could be on the other side of the country. This is a serious concern, as the legislation currently limits enforcement to a designated officer of the licensing authority, leaving enforcement officers from other councils powerless to intervene even where a journey takes place in a different local area.
- We would hope that the implications of sub-contracting could be better considered and mitigated by the fuller proposals for reform from the Law Commission, which may enable this clause to be brought forward again as part of any wider necessary reform.

Suzy Lamplugh Trust therefore believes that work on cross-border sub-contracting should wait until the Law Commission has reported and that this clause should be withdrawn.

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TAXI AND PRIVATE HIRE SERVICES

EXECUTIVE SUMMARY

INTRODUCTION

- 1.1 The Law Commission for England and Wales is an independent, non-governmental body which reviews the law and recommends reform. Our report *Taxi and Private Hire Services* presents our recommendations for wholesale reform of the law. Our remit did not extend to making recommendations about the regulation of public service vehicles, or bus services, except to the extent that there is an overlap with taxi and private hire services. The report is accompanied by a draft Taxis and Private Hire Vehicles Bill, which would give effect to those of our recommendations which would require legislative change, and an impact assessment containing the costs and benefits of our proposals.¹

BACKGROUND TO THE REPORT

- 1.2 The current law on taxis and private hire vehicles has evolved piecemeal since taxis in London were first regulated in 1630, primarily as a means of reducing congestion. The regulation of private hire vehicles developed in the latter part of the twentieth century in response to the growing demand for pre-booked services and concerns about the potential dangers associated with unregulated providers.
- 1.3 The law is to be found in numerous pieces of legislation, with different laws applying in London, Plymouth, and the rest of England and Wales. Detailed requirements are determined by individual local licensing authorities, and there is a lack of consistency in the standards applied. This is potentially harmful to public safety, and has a restrictive effect on business. There are overlaps with the regulation of some public service vehicles, in particular those with fewer than nine passenger seats, and there is confusion as to the proper licensing regime for vehicles such as stretch limousines and other novelty vehicles which do not necessarily sit comfortably in any regime. The current law also includes some restrictions which we think impose unnecessary burdens on business, and which we recommend for removal.
- 1.4 The report considers the current law in detail and makes recommendations which would result in the repeal of much of the existing legislation and its replacement with a single legislative framework to regulate both taxi and private hire services.

¹ The full report, draft Bill and impact assessment are available on our website: <http://lawcommission.justice.gov.uk/areas/taxi-and-private-hire-services.htm>.

This would consist of a new Act of Parliament, underpinned by secondary legislation and guidance. The new regime would see the introduction of national standards for all taxis and private hire vehicles, set by the Secretary of State, with the power for local licensing authorities to set additional standards for taxi services only. Local authorities would, however, remain responsible for issuing licences and enforcement in relation to both taxis and private hire vehicles.

- 1.5 The terms of reference for this project required us to consider the potential advantages of deregulation. We took this into account in the formulation of our recommendations, scrutinising each aspect of the regulatory system to determine whether the level of regulation it imposed could be justified. This approach underpins the recommendations made in the Report. In particular we have considered how a lighter-touch and more flexible regulatory regime for private hire services may benefit an industry which is more susceptible to the standard-raising effect of competitive forces than the taxi trade.
- 1.6 In formulating the appropriate level of regulation we concluded that regulatory intervention could only be justified if it promoted one or more of four defined purposes; namely public safety, accessibility, enforcement of the legislation and environmental protection. Our recommendations mean that standards relating to more peripheral issues, such as vehicle types and colours, could only be imposed locally in respect of taxi services.
- 1.7 The recommendations in this Report have been formulated following a wide-ranging consultation with representatives of the taxi and private hire services industries and the regulators, including local licensing authorities, the Traffic Commissioners and the Driver and Vehicle Standards Agency (formally the Vehicle and Operator Services Agency). We also consulted groups representing disabled persons, trades unions, and the police, and welcomed input from specialist consultants. We published a detailed consultation paper in May 2012 followed by a six month consultation period during which we received more than 3,000 written responses and attended more than 85 consultation meetings with stakeholders across England and Wales. We have also examined the regulatory structures in different parts of the world, for example, New York, Queensland, Australia, Ireland and parts of the European Union.

THE TWO-TIER SYSTEM

- 1.8 The current regulatory regime differentiates between taxis, which can be hailed in the street or hired at ranks, and private hire services which must be pre-booked.

We considered whether the continuation of this two-tier system was beneficial, or whether it should be replaced by an alternative regime which would permit any licensed vehicle to be used by a licensed driver to pick up passengers in response to hails or at ranks. Although strong arguments were put forward in support of a new "one-tier" system, we recommend that the present two-tier system should be retained, albeit with important changes to the way in which the distinction between the two types of service is drawn. It is our view that the two-tier structure promotes consumer choice and the provision of a wide range of services. Furthermore, the different ways in which taxis and private hire vehicles are engaged make different levels of regulation appropriate, so that a single system would lead to over or under-regulation.

DEFINING TAXI AND PRIVATE HIRE SERVICES

- 1.9 Although we recommend retaining the two-tier system, we also propose significant changes to the way in which the legal distinction between the tiers should be drawn. The current system relies heavily on the imprecise concept of "plying for hire", which performs the very important function of defining what taxis alone are allowed to do in undertaking rank and hail work. However, the meaning of the concept is not set out in statute and has become the subject of a body of case-law that is not wholly consistent. The advent of new technology such as mobile phone applications which enable the customer to hire a vehicle almost instantaneously has helped to blur the distinction between the two types of service.
- 1.10 The core recommendation which forms the basis of the new framework we propose in this area is the creation of an offence of using a vehicle on a road to carry passengers, where both the vehicle and the driver have been hired for that purpose, without the appropriate licences. A further offence would differentiate between the different types of service by prohibiting anyone other than a licensed taxi driver, in a licensed taxi, from agreeing to use a vehicle for hire for a journey that starts "there and then". This means that the holders of private hire licences would be prohibited from accepting a "there and then" hiring. Instead all journeys would have to be pre-booked through a licensed dispatcher,² and we recommend that statute should define this term.
- 1.11 Our draft Bill makes a lawful private hire booking one for which records meeting prescribed requirements are kept, and where advance price information is

² The term our draft Bill uses in place of the current "operator".

available on request. By contrast, customers would continue to be able to approach or hail a taxi for a journey beginning there and then with no need for any arrangements in advance.

- 1.12 Under current law the operator is defined as the person who, in the course of business, makes provision for the "invitation or acceptance" of bookings for private hire vehicles. We think this definition is unnecessarily broad, and brings within its remit intermediaries who may arrange a booking through another intermediary and have no responsibility for selecting the car or driver. We recommend that operator licensing should only cover the functions of dispatching the vehicle and driver to fulfil a pre-booking, and not the functions of inviting and accepting bookings, which in themselves would no longer require a licence. As a result, we recommend that such licensees should be known as dispatchers and should be responsible for ensuring that the booking is fulfilled by a licensed driver using a licensed vehicle, that the appropriate information has been provided to the passenger, and that the required records are made and retained. It would be a criminal offence to carry out the functions of a dispatcher without holding an appropriate licence.

CROSS-BORDER WORKING

- 1.13 We recommend freeing up cross-border working for private hire services. Operators should no longer be limited to using drivers and vehicles from their own licensing area; nor should they be restricted to only inviting or accepting bookings within that licensing area. Under our recommended regulatory framework, licensing district boundaries lose much of their importance in relation to private hire vehicles. National standards for private hire, set by the Secretary of State following consultation, will ensure uniform standards across England and Wales. This will allow consumers to expect, as a minimum, the same level of safety and quality wherever they are, and will remove the incentive for applicants (both taxi and private hire) to seek licences in an area with less exacting standards.
- 1.14 Although local authorities will continue to administer licences applied for in their area, they will do so on the basis of national standards, which they will have no discretion to vary for private hire vehicles and drivers. Once licensed, providers will be able to work across England and Wales and be subject to enforcement action by officers of any licensing authority.
- 1.15 We do not propose any changes to the geographical aspects of the way taxis

work: they will still only be allowed to stand at ranks and accept hails within the area in which they are licensed and they will continue to be allowed to undertake a pre-booked journey starting within or outside that area.

- 1.16 We have heard complaints of problems with taxis seeking licences in an area known for lower standards or lower licensing fees with a view to undertaking pre-booked work elsewhere, sometimes in areas whose standards the vehicle or driver does not meet. Whilst this is within the law, it undermines aspects of the regulatory system. Our recommendations will remove the incentive to engage in this practice as the same or similar minimum standards will apply to both the taxi and private hire sectors; we expect these to govern the most important aspects of driver and vehicle standards. In respect of those standards, taxis will be subject to the enforcement jurisdiction of enforcement officers anywhere.

DEFINITIONS AND SCOPE

- 1.17 Under current law, different legislation applies to London, Plymouth and the remainder of England and Wales. We recommend that the new legislation should apply throughout England and Wales, including London. There has been general support for this, subject to the proviso that the framework is sufficiently flexible to account for the significantly different features of London.
- 1.18 The terminology used in current taxi legislation is outdated and archaic references to stage coaches and stage carriages have led to confusion as to whether pedicabs can be regulated as taxis. Private hire legislation covers vehicles provided for hire with the services of a driver for the purpose of carrying passengers, but there is uncertainty as to whether the provision of transport as part of a wider service, such as childminding, falls within the scope of private hire vehicle licensing.
- 1.19 Uncertainty over the borderline between private hire regulation and the regulation of public service vehicles (which generally covers larger vehicles such as buses and minibuses), has also led to difficulties over the regulation of limousines and novelty vehicles. The issues relate both to which regime these vehicles should currently be regulated under, as this is not always clear and has led to some services escaping regulation altogether, and which regime would be more appropriate under a reformed system. We propose a clear boundary between the two regimes.
- 1.20 As a deregulatory measure, we also recommend a change in the law to enable the providers of taxi and private hire services to use vehicles with the capacity to

carry up to 16 passengers in particular circumstances under their existing licence. This would provide more flexibility for operators to use larger vehicles where it suits their business model without the additional burden of having to obtain a separate public service vehicle operator licence.

- 1.21 We recommend that taxi and private hire regulation should cover the use of a vehicle to carry one or more passengers, where the vehicle and driver have been hired for that purpose. The draft Bill provides an exception for transport provided as part of a wider service, such as that provided in hotel courtesy cars or by carers, and of transport provided in connection with weddings and funerals, which is already exempted from regulation. Significantly, we propose bringing stretch limousines and other novelty vehicles clearly within private hire regulation. The same is true of pedicabs, which are already regulated as taxis outside London, but will fall within taxi licensing in London for the first time, pursuant to our reforms.
- 1.22 We also make recommendations to clarify what vehicles and services should be subject to licensing obligations. The reference to "hire" in our Bill limits the regulation to commercial activities, thus excluding informal car sharing arrangements where any financial contribution is limited to a share of expenses. We also recommend that the Secretary of State should have the power to exempt particular vehicles or services from licensing.

COMMON NATIONAL STANDARDS FOR VEHICLES, DRIVERS AND DISPATCHERS

- 1.23 Currently, standards for taxis, private hire vehicles, drivers and private hire operators are set by local authorities, which are responsible for the administration of the licensing system. This leads to substantial regional variation, even in such critical areas as the treatment of past criminal convictions and medical conditions. It can have a very restrictive effect on business, by making it difficult to be licensed in more than one area as a means of expanding one's business.
- 1.24 A key innovation in our recommended framework is the introduction of national standards for taxi and private hire vehicle licensing. These standards would relate to drivers, vehicles and dispatchers (as our draft Bill calls operators). The content of national standards would be determined by the Secretary of State further to a statutory consultation with specified stakeholders including the trades, regulators and disability groups. We are recommending that national standards should be limited to defined purposes, namely public safety, accessibility, matters relevant

to the enforcement of the legislation and environmental protection. In respect of private hire services, national standards should entirely replace locally-set conditions. In respect of taxi services, by contrast, we recommend that national standards should be capable of being supplemented at local level.

CRIMINAL OFFENCES SPECIFIC TO THE TRADES

- 1.25 We propose the abolition of a number of out of date offences; in place of them we propose a more streamlined set of offences contained in our draft Bill together with reliance on the general criminal law or on licence conditions. We propose that the Secretary of State have the power to designate the most important nationally set standards so that breach of them will be a criminal offence.

LOCAL TAXI STANDARDS AND TAXI FARE REGULATION

- 1.26 The continuing ability of licensing authorities to set additional conditions would be subject to procedural requirements relating to consultation and publication. Our recommendations also retain the current system of leaving fares to the discretion of the local authority. Drivers would continue to be able to charge more than the metered fare where a journey begins inside the licensing area but ends beyond the compellable distance, provided the fare is agreed and recorded in advance. However, we recommend that licensing authorities should not have power to regulate third party booking fees which are agreed in advance, as these represent a genuinely competitive aspect of taxis working in the pre-booked market.

ADMINISTRATION OF THE LICENSING SYSTEM

- 1.27 Administration of the licensing regime and enforcement should continue to be carried out at local level by licensing authorities. Taxi licence fees should continue to be set on a cost recovery basis, with a uniform licence fee for private hire services to discourage applicants (who would now be subject to the same requirements across England and Wales) applying to an authority for purely financial reasons. We recommend procedural steps to improve co-operation between licensing authorities, to assist with administration and enforcement. We also recommend a more flexible power to create, remove and modify taxi zones, which would be subject to a public interest test.

QUANTITY RESTRICTIONS

- 1.28 We recommend allowing licensing authorities to continue to limit taxi numbers. We do not regard the current statutory criterion of "unmet demand" as appropriate and instead suggest a test based on the public interest, combined

with procedural requirements such as a review every three years and a duty to consult.

- 1.29 Whilst we accept that quantity controls can be a positive regulatory tool for licensing authorities, when exercised in accordance with the public interest and appropriate safeguards, they have the undesirable side-effect of creating inflated plate values (effectively transfer fees for vehicle licenses) which act as a barrier to entry. We recommend that there should be no changes to the transferability of licence plates in areas that currently have quantity restrictions, so that licence holders who may have invested a considerable amount of money to purchase the licence, or otherwise reasonably expected their plate to have accrued substantial value, would not be negatively impacted by our reforms. On the other hand, taxi licences in areas which first introduce quantity restrictions only after our reforms come into force should not be tradeable. This would prevent new plate values from arising in areas which introduce quantity restrictions only after implementation of our reforms.

EQUALITY AND ACCESSIBILITY

- 1.30 Although the general provisions of the Equality Act 2010 applicable to service providers apply to taxi and private hire services, it is clear that disabled passengers continue to suffer difficulties in obtaining and using these services. Furthermore, variable standards in relation to driver training and vehicle specifications mean that passengers may have very different experiences from one area to another.
- 1.31 We recommend that taxi and private hire drivers, both new and existing, should be required to undergo disability awareness training as a pre-condition of the grant or renewal of a licence. Our proposals give licensing authorities the power to introduce a new duty to stop when hailed, associated with compellability to help address the problem of drivers ignoring disabled passengers. Our recommendations to make complaints procedures more accessible can also be particularly valuable to empower disabled users.

ENFORCEMENT

- 1.32 Under our recommendations, enforcement would remain the responsibility of licensing authorities. However, under current law, licensing officers are only able to take action against their own licensees. Furthermore, many licensing enforcement officers told us that their powers were not sufficient to tackle the breaches of conditions and licensing law they encountered.

- 1.33 Many of the problems with enforcement derive from the lack of adequate resources and a perceived lack of interest in enforcing existing rules. These are not issues that legal reform is apt to address. On the other hand, we make a range of recommendations to enhance licensing officers' powers, including granting them powers to stop a licensed vehicle on a road, without the need for a police officer to be present; to impound vehicles for touting; and to issue a fixed penalty notice to a person whom they have reason to believe has breached any provision in national standards.
- 1.34 We also recommend that such powers should apply in respect of out-of-area vehicles. Our proposed reforms will make it possible for licence conditions prescribed as part of national standards (which will form the entirety of private hire licence conditions as well as the core of taxi conditions) to be enforced by any licensing officer against any licensee, across England and Wales.

HEARINGS AND APPEALS

- 1.35 The current law is characterised by inconsistency and complexity. We propose a simplified, uniform system. We recommend that the procedure for statutory appeals should be standardised across England and Wales (including London) for all forms of licence and irrespective of whether the decision challenged is a refusal of an application for a licence, a suspension or a revocation. In line with the current London model, applicants should be able to require the licensing authority to reconsider its original decision, the second stage in the statutory appeal process being an appeal to the magistrates' court, with a further right of appeal to the Crown Court. Further, we recommend that local taxi conditions should be amenable to a streamlined judicial review procedure in the County Court.

23 May 2014

LIST OF RECOMMENDATIONS

CHAPTER 2 – RETAINING THE TWO TIER SYSTEM

Recommendation 1

We recommend retaining the two-tier system. Regulation should continue to distinguish between taxis, which can be hailed or use ranks, and private hire vehicles, which can only be pre-booked. *(Page 16)*

CHAPTER 3 – REFORM OF DEFINITIONS AND SCOPE

Recommendation 2

We recommend that the offences relating to plying for hire should be abolished. We propose replacing the concept of plying for hire with a new scheme of offences, resting on the principal prohibition of carrying passengers for hire without a licence, alongside a new offence making it unlawful for anyone other than a local taxi driver to accept a journey starting "there and then". *(Page 22)*

Recommendation 3

We recommend a statutory definition of pre-booking in order to create a clear distinction between the work of a taxi in its licensing area and the work of a private hire vehicle. *(Page 22)*

Recommendation 4

We recommend that the term "hackney carriage" should be replaced in legislation with the word "taxi". The term "private hire vehicle" should remain unchanged. *(Page 24)*

Recommendation 5

We recommend that only the providers of licensed taxi services should be allowed to describe themselves using the term "taxi" on vehicles or in advertising materials. *(Page 24)*

Recommendation 6

Operators across England and Wales (dispatchers under our Bill) should be under a duty to provide a price or an estimate of the fare on request, as is already the case in London. *(Page 26)*

Recommendation 7

We recommend that taxis picking up passengers outside their licensing area should be subject to a pre-booking requirement, which would be statutorily defined for the first time. This would require provision of an estimate of the price for the journey in advance, if requested, and record-keeping obligations. These requirements could be further refined through national standards as set by the Secretary of State. *(Page 32)*

Recommendation 8

We do not recommend the introduction of record-keeping requirements in respect of taxis except where they are picking up passengers outside their licensing area. *(Page 32)*

Recommendation 9

We recommend that local authority stopping officers should have a new enforcement power to require licensed vehicles to move on where the officer considers that:

- (1) there is a reasonable likelihood that the public may believe the vehicle is available for immediate hire;
- (2) the vehicle is causing an obstruction to traffic flow; or
- (3) the driver is attempting to take work away from ranked taxis. *(Page 33)*

Recommendation 10

We recommend introducing a new offence which makes it unlawful for anyone other than a locally licensed taxi driver to accept a booking for a journey starting there and then. *(Page 34)*

Recommendation 11

We recommend that compellability should be retained in its current form. It should be open to licensing authorities to express compellability as a time or distance from the point of hire, or as extending to the boundaries of a licensing zone. Licensing authorities should also be able to extend the compellable distance up to seven miles beyond the boundary of the licensing area, or twenty miles in the case of Transport for London. *(Page 37)*

Recommendation 12

Licensing authorities should have the power to make a determination that in their areas, taxis should be under a duty to stop when hailed. In such areas, it would be an offence for a taxi driver in a vehicle displaying a "for hire" sign to fail to stop in response to a hail, without reasonable excuse. *(Page 38)*

Recommendation 13

Licensing authorities should be under a duty to consult on the need to alter rank provision; and to consider whether new ranks should be appointed, or current ones moved or removed, on a periodic basis not exceeding every three years. *(Page 39)*

Recommendation 14

We recommend that those acting in the course of a business who pass taxi or private hire bookings to providers who they know or suspect to be unlicensed should be guilty of an offence. *(Page 41)*

Recommendation 15

We do not propose to require intermediaries working solely with licensed taxis

(which we refer to as “radio circuits”) to be licensed. *(Page 44)*

Recommendation 16

We recommend that licensed operators (in future to be referred to in legislation as “dispatchers”) should be retained as a necessary element of the regulation of private hire services. *(Page 46)*

Recommendation 17

We recommend that operator licensing should only cover dispatch functions, and no longer apply to the invitation or acceptance of bookings as such. However, if it is shown that an individual or company accepted a hire vehicle booking, a presumption should arise that that person also “dispatched” the driver. This ensures the continued accountability of those who, in the course of business, accept hire vehicle bookings from the public. *(Page 48)*

Recommendation 18

It should also be an offence, in the course of business, to dispatch an unlicensed vehicle or driver. It would also be an offence for a person to dispatch a private hire vehicle and driver unless that person holds a dispatcher’s licence. It would be a defence if the driver and vehicle were reasonably believed to hold appropriate taxi licences. *(Page 48)*

Recommendation 19

Persons accepting a hire vehicle booking in the course of business should be under a duty to provide information to the hirer in respect of any person on to whom they passed the booking. *(Page 48)*

CHAPTER 4 – DEFINITIONS AND SCOPE

Recommendation 20

We recommend that our proposed reforms should extend to all of England and Wales, including London and Plymouth. *(Page 55)*

Recommendation 21

Taxi and private hire licensing should cover vehicles regardless of their form or construction, including non-motorised vehicles. *(Page 57)*

Recommendation 22

We recommend that taxi and private hire licensing requirements should only cover services provided for commercial gain. *(Page 63)*

Recommendation 23

We recommend that taxi and private hire licensing should not cover the carriage of a passenger as an ancillary or incidental part of another service. *(Page 63)*

Recommendation 24

We recommend that, for the purposes of taxi, private hire and public service vehicle legislation, all passenger seats and spaces capable of carrying a standing

passenger should be included when assessing vehicle carrying capacity. (Page 66)

Recommendation 25

We recommend that consideration be given to revising the criteria for licensing a vehicle as a "small public service vehicle", making them more clearly centred on local bus services. (Page 67)

Recommendation 26

We recommend extending the reach of taxi and private hire licensing to larger vehicles in two circumstances:

- (a) on a mandatory basis, in respect of stretch limousines and novelty vehicles; and
- (b) on an optional basis, where providers want to use larger vehicles in a taxi or private hire business. (Page 70)

Recommendation 27

We recommend that the Secretary of State should have the power to exempt certain categories of vehicle or services used to carry passengers for hire from the requirement to hold a taxi or private hire licence. Licensing authorities would, however, retain the power to impose licensing requirements on vehicles used as taxis within their local licensing area. (Page 71)

Recommendation 28

We recommend that wedding and funeral cars should continue to be exempt from taxi and private hire licensing while the vehicle is being used in connection with a wedding or a funeral. (Page 74)

Recommendation 29

Non-professional use of licensed taxi and private hire vehicles, including by non-professional drivers, should be permitted, subject to a rebuttable presumption that such vehicles are being used professionally when they are carrying passengers. (Page 77)

CHAPTER 5 – COMMON NATIONAL STANDARDS FOR TAXI AND PRIVATE HIRE

Recommendation 30

We recommend the introduction of national standards for taxi and private hire services. (Page 80)

Recommendation 31

National standards should promote enforcement, protection of the environment and accessibility, in addition to safety. (Page 82)

Recommendation 32

National standards for taxi services should be comparable but not necessarily identical to national standards for private hire services. *(Page 82)*

Recommendation 33

We recommend that driver and vehicle standards should be set in secondary legislation by the Secretary of State. *(Page 84)*

Recommendation 34

The standard setting power of the Secretary of State should be subject to a statutory consultation requirement. *(Page 91)*

Recommendation 35

We recommend that the ability to apply for a vehicle licence should no longer be restricted to vehicle owners. *(Page 93)*

Recommendation 36

Applicants for vehicle licences should not be subject to a fit and proper person test. *(Page 95)*

Recommendation 37

We recommend that licensing authorities should not have a general power to impose individual conditions on the holders of taxi or private hire licences. *(Page 98)*

CHAPTER 6 – CRIMINAL OFFENCES SPECIFIC TO THE TAXI AND PRIVATE HIRE TRADES

Recommendation 38

We recommend that the Secretary of State should exercise the standard setting power to provide that a conviction for specified offences is a breach of a licensing condition, or incompatible with eligibility to hold a licence. *(Page 101)*

Recommendation 39

The Secretary of State should have the power to designate specific licence conditions, breach of which will amount to a criminal offence. *(Page 102)*

CHAPTER 7 – NATIONAL STANDARDS FOR PRIVATE HIRE

Recommendation 40

Private hire services should only be subject to national standards. Licensing authorities should no longer have the power to impose local conditions. *(Page 104)*

Recommendation 41

We recommend that dispatchers should continue to be subject to fit and proper person requirements as part of national standards. *(Page 105)*

Recommendation 42

We recommend that dispatchers should be subject to a statutory duty to maintain

records in such form as may be prescribed by the Secretary of State. *(Page 107)*

Recommendation 43

Signage requirements for private hire vehicles should form part of the national standards determined by the Secretary of State. The Secretary of State should impose requirements that aim to ensure that the public are able to distinguish easily between taxis and private hire vehicles. *(Page 112)*

Recommendation 44

We recommend that operator/dispatchers should no longer be restricted to working only with drivers and vehicles whose licences are issued by the same licensing authority as the dispatcher. *(Page 115)*

Recommendation 45

Dispatchers should have the ability to sub-contract bookings to any dispatcher in England and Wales. *(Page 117)*

CHAPTER 8 – LOCAL TAXI STANDARDS

Recommendation 46

We recommend that licensing authorities should retain the power to set local taxi standards over and above national standards. *(Page 120)*

Recommendation 47

Licensing authorities should be required to consult on additional licensing conditions for taxi drivers and vehicles. *(Page 121)*

CHAPTER 9 – TAXI FARE REGULATION

Recommendation 48

Licensing authorities should retain the ability to regulate taxi fares, in respect of any journey within the compellable distance. *(Page 125)*

Recommendation 49

A taxi driver should be allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the compellable distance only if this is agreed in advance. In the case of pre-booked journeys starting outside the compellable distance the price or an estimate should be given on request and, if so, recorded. *(Page 125)*

Recommendation 50

We recommend that licensing authorities should retain the power to regulate fares charged for pre-booked taxi journeys. However, there should be no power to regulate third party booking fees, provided these are agreed in advance. *(Page 130)*

CHAPTER 10 – ADMINISTRATION OF THE LICENSING SYSTEM

Recommendation 51

The principle of cost recovery should continue to apply in respect of taxi and

private hire licensing fees. *(Page 134)*

Recommendation 52

Licensing authorities should be able to collect and use licensing fees from taxi and private hire licensing only for the following purposes:

- (1) administration of the licensing system (including but not limited to processing applications for granting or renewing licences and carrying out inspections and tests);
- (2) statutorily required reviews of fare levels, rank provision, accessibility and existing quantity restrictions at least every three years;
- (3) enforcement of the licensing system including but not limited to the control and supervision of taxi and private hire services (whether licensed or unlicensed) and activities associated with suspending or revoking licences; and
- (4) providing taxi ranks. *(Page 134)*

Recommendation 53

We recommend that the Secretary of State should set a private hire licensing fee which could not be varied locally. Taxi licensing fees should continue to be set locally, but at a level no lower than the national private hire fee. *(Page 135)*

Recommendation 54

We recommend that the Secretary of State should have the power to set up a system of pooling private hire licence fees nationally, for the purposes of redistributing these to reflect enforcement needs, in accordance with such a scheme as may be prescribed. *(Page 136)*

Recommendation 55

Licensing authorities should have the power to combine their taxi and private hire licensing areas. *(Page 138)*

Recommendation 56

We recommend that licensing authorities should be under a duty to publish their driver, vehicle and operator licensing data in such form as the Secretary of State may require. *(Page 140)*

Recommendation 57

Licensing authorities should have a more flexible power to introduce and remove taxi licensing zones. This power would permit removal or introduction of zones within a licensing district. The power should be subject to consultation and a statutory public interest test. *(Page 143)*

CHAPTER 11 – QUANTITY RESTRICTIONS

Recommendation 58

We recommend that licensing authorities should continue to have the power to

limit the number of taxi vehicles licensed in their area. *(Page 159)*

Recommendation 59

The power of licensing authorities to impose quantity restrictions should be subject to a statutory public interest test. Further, the Secretary of State should have regulation-making powers prescribing how the statutory test should be applied. *(Page 162)*

Recommendation 60

Decisions to restrict taxi numbers should be reviewed at least every three years and be subject to local consultation in accordance with such procedures as may be prescribed in regulations made by the Secretary of State. *(Page 162)*

Recommendation 61

In licensing areas where quantity restrictions already exist at the time of the introduction of our reforms, but not in other areas, vehicle licence holders should continue to be able to transfer their taxi licences at a premium. *(Page 166)*

CHAPTER 12 – ACCESSIBILITY

Recommendation 62

We recommend that taxi and private hire drivers be required to undergo disability awareness training of a standard set by the Secretary of State. *(Page 170)*

Recommendation 63

We recommend that the Secretary of State require information on how to complain about taxi and private hire vehicle services to be displayed in taxi and private hire vehicles. *(Page 171)*

Recommendation 64

We recommend that local licensing authorities should display complaint information in offices, libraries and on websites. *(Page 171)*

Recommendation 65

We recommend that licensing authorities conduct an accessibility review at three year intervals. *(Page 172)*

Recommendation 66

We recommend that the Secretary of State require holders of taxi and private hire driver licences and dispatcher licences to comply with the Equality Act 2010 as a condition of the licence. *(Page 175)*

Recommendation 67

We recommend that licensing authorities should reconsider rank design to ensure compliance with the Equality Act 2010. *(Page 177)*

Recommendation 68

We recommend that licensing conditions should provide that information about the licensing authority and local operators should be provided in alternative

formats, as well as information about the types of vehicle available in their area. (Page 177)

Recommendation 69

We recommend that the Secretary of State should have the power to impose accessibility requirements on large operator/dispatchers. In particular, the power should permit the setting of quotas of accessible vehicles which must be available to such dispatchers. (Page 179)

CHAPTER 13 – ENFORCEMENT

Recommendation 70

We recommend that licensing officers who have been suitably trained and accredited should be given the power to stop licensed taxi and private hire vehicles in a public place for the purpose of checking compliance with licensing requirements. (Page 183)

Recommendation 71

The offence of touting should be retained. It should continue to be an offence of broad application which extends to all persons, whether licensed or unlicensed. (Page 187)

Recommendation 72

We recommend that there should be a new defence to touting, where the solicitation is in respect of a licensed taxi or private hire vehicle, if the soliciting occurs in a place which has been designated by that licensing authority for that purpose, and that conditions as may be specified by the licensing authority have been complied with. (Page 187)

Recommendation 73

We recommend that the Sentencing Council consider amending the Magistrate's Court Sentencing Guidelines in respect of taxi touting to take into account the vulnerability of the persons solicited as a relevant factor in sentencing. (Page 189)

Recommendation 74

We recommend that licensing authorities should have the power to impound vehicles used in connection with touting. (Page 193)

Recommendation 75

Fixed penalties should be among the sanctions available in respect of minor criminal offences under taxi and private hire legislation. (Page 195)

Recommendation 76

We recommend extending the power to suspend licences immediately on grounds of public safety to all licence types, in line with the current position in London. (Page 196)

Recommendation 77

Licensing officers should be able to take non-criminal enforcement action against vehicles, drivers and operators, licensed outside their licensing area. *(Page 198)*

Recommendation 78

We recommend that powers to revoke a licence should be available only to the licensing authority which issued that licence. However, enforcement officers in another area should have the power to:

- (a) suspend a licence when they consider this to be necessary in the interests of public safety; and
- (b) make recommendations to the home licensing authority as to appropriate sanctions, to which the home authority must have regard. *(Page 200)*

CHAPTER 14 – HEARINGS AND APPEALS

Recommendation 79

The right to appeal against refusals to grant or renew taxi and private hire licences or to suspend or revoke them should be limited to the applicant or licence holder. *(Page 202)*

Recommendation 80

We recommend that the first stage in the appeal process in respect of refusals, suspensions or revocations of licences should be the right to require licensing authorities to reconsider the original decision. Appellants should have the right to bypass this stage and proceed direct to the magistrates' court. *(Page 206)*

Recommendation 81

We recommend that all taxi and private hire licensing appeals should be heard in the magistrates' court. *(Page 209)*

Recommendation 82

We recommend the retention of an onward right of appeal to the Crown Court. *(Page 210)*

Recommendation 83

We recommend that applicants for a vehicle licence for an opt-in vehicle should have a right of appeal to the Upper Tribunal if their application is refused on the basis of an objection by the Senior Traffic Commissioner. *(Page 210)*

Recommendation 84

We recommend that a County Court judicial review procedure along the lines provided under the Housing Act 1996 should be available to challenge taxi conditions set by licensing authorities. *(Page 212)*

