



## Licensing Committee – 5 March 2014

### Licensing Legislation - Update

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#### **Purpose of report**

To inform members of proposed changes to the licensing legislation and guidance and provide an update on licensing matters.

#### **Attachment(s)**

Appendix One – Equalities Impact Assessment

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#### **1.0 Background**

1.1 The Government has announced a series of changes to licensing legislation and guidance that affect East Northamptonshire Council. This report provides an update on progress with the planned changes to the Licensing Act and updates the Committee on other relevant licensing matters.

#### **2.0 Proposed changes and update**

##### **2.1 Licensing Act**

The Government is now proposing to keep personal licences. However, they are recommending that the licences will last indefinitely, rather than the 10 years as per the current legislation. We are awaiting further details on how this will be implemented.

The Temporary Event Notices limit is set to be increased from 12 to 15 in April 2014.

##### **2.2 Scrap Metal Dealers Act 2013**

A new Scrap Metal Dealers Act 2013 came into force on 1 October 2013. All of our licences have now been issued; in total there are 5 Site licences and 1 Collector's licence in East Northamptonshire to date. We have seen an increase in the number of complaints relating to unlicensed dealers and these are being investigated.

##### **2.3 Boat Licensing**

Policy and Resources Committee agreed to the introduction of boat licensing following a consultation with current operators. We are now in the process of undertaking detailed consultation with the boat businesses to develop a local licensing scheme. This will be presented to the Policy and Resources Committee in May 2014.

##### **2.4 Licensing Policy Statement**

Consultation has been carried out internally on the new licensing policy statement and will be going out to full consultation in April 2014. As it is a county-wide policy, it has been put together by Corby Borough Council. We have fed in our comments. All members of this committee will receive a copy of the document as soon as it is available.

##### **2.5 Taxi Licensing**

On 10 March 2014, the Policy and Resources Committee will consider the removal of the age limit we currently have for taxi drivers, based on legal advice we have

received as detailed below:-

The Local Government (Miscellaneous Provisions) Act 1976, Section 51(2) states:

A district council may attach to the grant of a licence such conditions as they may consider reasonably necessary

However, the condition relating to an age limit is considered to be *prima facie* unlawful as it does fetter the discretion of the district council when considering issuing drivers licences.

Indeed a minimum age requirement would also be unlawful albeit the requirement to hold a full driving licence for at least 12 months is within the statute. i.e. minimum age to withstand any challenge would be 18 years of age.

Officers and the Council's legal advisers are recommending that the condition be removed.

- 2.6 The draft bill for the new taxi licensing legislation deadline has been extended from December 2013 to April 2014. As soon as this is received we will inform members of the contents and proposals.

### **3.0 Equality and Diversity Implications**

- 3.1 There are equality and diversity implications arising from section 2.5 of this report in terms of age discrimination and equalities legislation. The Equalities Impact Assessment is attached for information at appendix one.

### **4.0 Legal Implications**

- 4.1 Implementation of each of the reforms will involve their own legal implications that will need to be considered in more detail when the provisions of the Act are commenced, and the reforms require local implementation.

### **5.0 Risk Management**

- 5.1 There are no identified risks arising from the report.

### **6.0 Financial Implications**

- 6.1 These reforms will affect the number of applications received and as such the income received from these types of licences. It is difficult to determine whether this will be positively or negatively without further detail.

### **7.0 Corporate Outcomes**

- 7.1 The Corporate Outcomes affected by this report are:
- A good quality of life where the district will be safe - through increased awareness of licencing matters to help inform licensing decisions.

### **8.0 Conclusion**

- 8.1 This information is provided to members for information about changes proposed to the licensing legislation.

<b>Legal</b>	Power: Licensing Act 2003, Scrap Metal Act 2013, local Government (Miscellaneous Provisions) Act 1976 & 82				
	Other considerations:				
<b>Background Papers:</b>					
<b>Person Originating Report:</b> Julia Smith Health Protection Manager 01832 742066 jsmith@east-northamptonshire.gov.uk					
<b>Date: 12 February 2014</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)



## EIA Initial Screening Form – Committee decision

1. Decision being taken:	Taxi Age Limit
2. Name and Job title / role of person completing Initial Screening:	Julia Smith, Health Protection Manager
3. What is the main purpose of the Service or Policy under discussion?	To remove the age limit criteria placed on hackney carriage and private hire drivers.
4. List the main activities of the Service or Policy under discussion	Licensing of: - Hackney carriage and private hire drivers
5. Who are the main beneficiaries of the Service or Policy under discussion?	Public and Taxi trade
6. How is the success of the Service or Policy under discussion measured?	Thorough the issuing of licences and safety of drivers and the public.
7. Are equality monitoring systems for the Service or Policy under discussion in place?	No

**8. Use the following table to indicate using a ✓:**

- a) Where you think that the decision being taken could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the decision being taken could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the decision being taken could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Gender:</b>				
Women/Girls			✓	
Men/Boys			✓	
Transgender people			✓	
<b>Sexual Orientation:</b>				
Lesbians, gay men and bisexuals			✓	
<b>Race/Ethnicity:</b>				
White British people			✓	
White non-British people (including Irish people)			✓	
Asian or Asian British people			✓	
Black or Black British people			✓	
People of mixed heritage			✓	
Chinese people			✓	
Travellers (Gypsy/Roma/Irish heritage)			✓	
People from other ethnic groups			✓	
People who do not have English as their first language			✓	

Appendix 1

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Disability:</b>				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			✓	
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			✓	
Mental health condition, e.g depression or schizophrenia			✓	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			✓	
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy			✓	
Other health problems or impairments ( <i>please specify if appropriate</i> )			✓	
<b>Age:</b>				
Older People (60+)			✓	Those under 25 now able to drive taxi's
Children and Young People (see guidance for definition)	✓			
<b>Religion/Belief:</b>				
Christian			✓	
Buddhist			✓	
Hindu			✓	
Jewish			✓	
Muslim			✓	
Sikh			✓	
Other religion (including holding no belief)			✓	

Appendix 1

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Other Potentially Affected Groups</b>				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			✓	
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			✓	
Any other potentially affected groups ( <i>please specify</i> )			✓	
<b>9. If you have indicated that there is a negative impact on any group:</b>				
a) Is that impact against legislation?	N/A			
b) What is the level of impact?	N/A			
10. Could you minimise or remove any negative impact that is of low significance?	N/A			
11. Could you improve a positive impact of the decision?	No			
12. If there is no evidence that the decision promotes equality of opportunity or improved relations, could it be adapted so that it does?	No			
Head of Service signature				
<b>Date of Initial Screening:</b>	12.02.14			





### Equality Impact Assessment Action Plan

Action identified	Key activity	How will we know this has been achieved? (measures, milestones and dates)	Officer responsible	Quarterly progress update

**Planned date for next EIA exercise**