

**LICENSING  
COMMITTEE**

13<sup>th</sup> March 2017

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**LEGISLATIVE UPDATE REPORT**

Relevant Portfolio Holder	Councillor P. Whittaker
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

This report aims to highlight to Members changes in legislation that have taken place and that are proposed to take place that relate to the Council's licensing functions which are carried out by Worcestershire Regulatory Services on behalf of the Council.

**2. RECOMMENDATIONS**

**That Members NOTE the contents of the report.**

**3. KEY ISSUES**

**Financial Implications**

3.1 There are no direct financial implications arising from this report.

**Legal Implications**

3.2 The legal implications can be found in the main body of the report.

**Service / Operational Implications**

3.3 This report aims to highlight to Members changes in legislation that have taken place and that are proposed to take place that relate to the Council's licensing functions which are carried out by Worcestershire Regulatory Services on behalf of the Council.

**Immigration Act 2016**

- 3.4 The Immigration Act 2016 received Royal Assent on 12<sup>th</sup> May 2016. The Act includes provisions aimed at making it more difficult for people to live and work illegally in the United Kingdom.
- 3.5 Schedule 5 of the Immigration Act 2016 came into effect on 1<sup>st</sup> December 2016 and impact on the Council's taxi and private hire licensing functions. These new provisions mean that hackney carriage and private hire driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.
- 3.6 The provisions also add immigration offences and penalties to the list of grounds on which operator and private hire and taxi driver licences may be suspended or revoked by licensing authorities. In circumstances where the operator or driver licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine.
- 3.7 The Home Office has published detailed guidance on the new provisions which can be seen at **Appendix 1**.
- 3.8 Licensing Officers have received training from the Home Office Immigration Enforcement team on the new provisions and on document fraud awareness and are taking steps to ensure compliance with the new provisions introduced as a result of Schedule 5 coming into force.

**Policing and Crime Act 2017**

- 3.9 The Policing and Crime Act 2017 received Royal Assent on 31<sup>st</sup> January 2017. The Act contains provisions that will impact on both taxi licensing and the licensing of alcohol and late night refreshment under the Licensing Act 2003.
- 3.10 A summary of the provisions that affect the licensing regimes carried out by Worcestershire Regulatory Services on behalf of the Council is shown at **Appendix 2**.
- 3.11 Officers will be monitoring progress towards the commencement of the licensing related provisions in the Act carefully and Members will be provided with further information and reports as and when necessary.

**Section 165 – 167 of the Equality Act 2010  
Taxi and Private Hire Passengers in Wheelchairs**

- 3.12 On 7<sup>th</sup> February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 – 167 of the Equality Act 2010 with effect from 6<sup>th</sup> April 2017.
- 3.13 From 6th April 2017 drivers of designated wheelchair accessible taxi and private hire vehicles will be obliged by law to:
- transport wheelchair users in their wheelchair
  - provide passengers in wheelchairs with appropriate assistance
  - charge wheelchair users the same as non-wheelchair users
- 3.14 The new rules will apply in England, Wales and Scotland affecting vehicles that are designated as wheelchair accessible and will apply to both taxis and private hire vehicles.
- 3.15 Drivers found to be discriminating against wheelchair users face fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle (PHV) licence suspended or revoked by their licencing authority. Drivers unable to provide assistance for medical reasons will be able to apply to the Council for an exemption from the new requirements.
- 3.16 The DfT have published guidance on the new provisions and this can be seen at **Appendix 3**.
- 3.17 Further updates and reports in relation to this change in the law will be brought before Members later this year. Efforts will also be made to raise awareness amongst licensed drivers about the new law and how it affects them.

**Animal Licensing Proposals (DEFRA)**

- 3.18 Between December 2015 and March 2016, DEFRA carried out consultation with stakeholders as part of a review of animal establishment licensing in England.
- 3.19 DEFRA has considered the responses to this consultation exercise and has now published a document entitled *“The review of animal establishments licensing in England – Next steps.”* This document is attached to the report as **Appendix 4**.

- 3.20 DEFRA is proposing to update and combine the current licensing regimes that regulate the sale of pet animals, dog and cat boarding, dog breeding and riding schools. These licensing functions are carried out by Worcestershire Regulatory Services on behalf of the Council.
- 3.21 Officers will continue to monitor the progress of the review of animal establishment licensing in England and will provide further information and reports to update Members on progress in due course.

**4. RISK MANAGEMENT**

- 4.1 Officers will closely monitor the progress towards implementation of the various legislative measures and proposals to ensure the Council is fully prepared for the changes these will make to the licensing functions carried out by Worcestershire Regulatory Services on behalf of the Council.

**5. APPENDICES**

- Appendix 1 – Immigration Act 2016 Guidance
- Appendix 2 – Summary of Policing and Crime Act 2017 Provisions affecting licensing.
- Appendix 3 – Guidance on sections 165 & 167 Equality Act 2010
- Appendix 4 – DEFRA “Next Steps” Publication

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