

Notice of Meeting



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Licensing Committee

Monday, 8th February, 2021 at 4.30 pm

Via Zoom

This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”).

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Date of despatch of Agenda: Friday, 29 January 2021

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser on (01635) 519045

e-mail: moira.fraser@westberks.gov.uk

Further information and Minutes are also available on the Council’s website at

www.westberks.gov.uk



WestBerkshire
C O U N C I L

To: Councillors Adrian Abbs, Phil Barnett (Vice-Chairman), Jeff Beck, Graham Bridgman, James Cole (Chairman), Billy Drummond, Rick Jones, Tony Linden, David Marsh, Claire Rowles, Martha Vickers and Andrew Williamson

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 8
To approve as a correct record the Minutes of the meeting of this Committee held on 30 November 2020.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Hackney Carriage and Private Hire Licence Fees Consultation Responses Report** 9 - 44
Purpose: To allow Members to consider the responses received during the 28 day statutory consultation period concerning the proposed fees in relation to hackney carriage and private hire licensing. A further update will be provided at the Licensing Committee on 8th February on additional responses received prior to the consultation closing on 11th February 2021.
5. **Response to the Fireworks Motion (C3972)** 45 - 86
Purpose: To provide a response to a motion to Full Council on 10th September 2020 and outline some information for the committee concerning the legal provisions the PPP have with respect to fireworks such as storage, point of sale, intelligence led promotional campaigns and the use of appropriate licensing conditions and noise management plans to minimise the impact.
6. **Date of Next Meeting and Forward Plan** 87 - 88
Purpose: Members to note that the next meeting would take place on the 21 June 2021 and to consider any changes needed to the forward plan.

Agenda - Licensing Committee to be held on Monday, 8 February 2021 *(continued)*

Sarah Clarke
Service Director: Strategy and Governance

If you require this information in a different format or translation, please contact
Moira Fraser on telephone (01635) 519045.

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 30 NOVEMBER 2020

Councillors Present: Phil Barnett (Vice-Chairman), Jeff Beck, Graham Bridgman, James Cole (Chairman), Billy Drummond, Rick Jones, Tony Linden, David Marsh, Claire Rowles and Martha Vickers

Also Present: Paul Anstey (Head of Public Protection and Culture), Sean Murphy (Public Protection Manager), Julia O'Brien (Principal Licensing Officer), Anna Smy (Strategic Manager - Response) and Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: Councillor Adrian Abbs and Councillor Andrew Williamson

PART I

3. Minutes

The Minutes of the meeting held on 27 January 2020 were approved as a true and correct record and signed by the Chairman. Councillors Phil Barnett, Rick Jones and Claire Rowles abstained from voting on this item as they were not present at the January meeting.

The Minutes of the meeting held on 14 May 2020 were approved as a true and correct record and signed by the Chairman. Councillors Billy Drummond and David Marsh abstained from voting on this item as they were not present at the May meeting.

4. Declarations of Interest

There were no declarations of interest received.

5. 2021/22 Fees and Charges

The Committee considered a report (Agenda Item 4) which set out the fees and charges within the licensing field which had been proposed by the Joint Public Protection Committee on 28 September 2020 for the Committee to consider ahead of consideration by the 11 February 2021 Executive meeting and Full Council on 02 March 2021.

Paul Anstey in introducing the item stated that the report also included information pertaining to the methodology adopted when setting the fees and any legislative requirements associated with fee setting. It was hoped that these explanations would assist residents and stakeholders, including fee payers, in understanding why the fees were set at the level they were. He noted that this additional transparency had been favourably received. Officers recognised that there were some areas where this work had not as yet been completed and it was recognised that some fees would have to be reviewed in the future in light of this ongoing programme of review.

Councillor James Cole noted the comment in the report that 'It is not the role of this Committee to set the fees for 2021/22' and he asked Officers to explain what the role of the Committee was. Paul Anstey explained that the Licensing Committee was tasked with setting the policies associated with licensing. These policies would set out what activities the team were required to undertake. Officers would then calculate the costs

LICENSING COMMITTEE - 30 NOVEMBER 2020 - MINUTES

associated with the execution of the policy and use that to derive the fees and charges which would have to be agreed by Full Council.

Councillor Graham Bridgman noted the percentage splits between the three authorities covered by the Public Protection Partnership (PPP) as set out in table 1.2 and queried if these were the same as in the previous year. Paul Anstey explained that marginal changes had been made to take cognisance of differences in pension contributions arising from the demand level in each of the authorities.

Councillor Bridgman noted that one of the stated aims of the PPP was to improve consistency across the three authorities when it came to fee setting and he queried if this was being achieved. Officers explained that the balance was improving and greater consistency was being achieved albeit that Officers recognised that Members sought to influence specific areas of fee setting within their authority. The only major difference was around street trading where Bracknell exercised a two tiered approach that was not replicated in West Berkshire and Bracknell. Members were pleased that a more consistent approach was being adopted.

The Chairman noted that the fees associated with animal welfare were likely to decrease in West Berkshire. Sean Murphy explained that the methodology used to set the fees had been revised. What this meant was that the base fee would cover initial administrative costs and the first visit. Additional visits would be charged on top of the base fee. In other words those facilities that were non-compliant would pay more and those that were compliant would not be burdened with those costs. Two members of staff were being trained to undertake this work. The training had started in September and was likely to take around eighteen months to complete. The Council would continue to seek the most cost effective way to provide services including inspections. Where it was cheaper to outsource the work this practice would continue provided that the quality of the work was at the right level so as to keep the costs as low as possible for fee payers.

Councillor Phil Barnett was concerned about the perceived proliferation of unlicensed dog walkers. Sean Murphy reassured Members that the team did follow up on allegations of unlicensed trading.

The Committee acknowledged that the impact of Covid would have an impact both on licence holders and also the resourcing requirements of the PPP. Paul Anstey reassured Members that this was something that was being monitored by the management Team. In response to a query from Councillor Claire Rowles, Paul Anstey explained that there had not been any dedicated grants from Central Government to fund licensing. There were however two pots of money that local authorities could apply for funding from to support local businesses. **Do we have the names of those funds???**

Julia O' Brien reported that the Council was working with stakeholders to see how they could best be supported. The Council was trying to provide advice and support in recognition of the difficulties being experienced by its customers. A number of initiatives were being implemented and these included suspension of taxi licences, allowing some fees to be paid monthly rather than upfront and using webinars to speak directly with the trade to answer their questions.

Members noted that the discussion on cab fares that was due to take place with the taxi trade in January 2020 had not happened due to the onset of the Covid pandemic but they requested that this discussion be rescheduled as soon as it was feasible to do so **(Sean Murphy to Action)**.

RESOLVED that:

LICENSING COMMITTEE - 30 NOVEMBER 2020 - MINUTES

1. **The proposals in the report be noted and it be agreed that the fees set out at Appendix C go forward for consideration as part of the Council's fee setting process.**
2. **The fees for Taxi and Private Hire Vehicles and Private Hire Operators be put forward for statutory consultation.**
3. **The methodology at Appendix B for calculating fees for home animal boarding establishments licensed under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be applied to 2020/21.**

6. Licensing Annual Report

The Committee considered a report (Agenda Item 5) which set out the work of the Licensing Committee in 2019/20 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.

Anna Smy outlined the activity as set out in the report and noted that one of the areas that had been considerably improved was around communication with both the trade and with residents. The Chairman welcomed this work which he felt had been dramatically improved.

Councillor David Marsh queried if the Council was obliged to only include three Members on Licensing Sub-Committees. Officers explained that in respect of the Licensing Act the number of Members permitted to sit on a sub-committee was set out in the regulations. Officers would need to consider if the same restrictions were in place in respect of the Gambling Act. It was also necessary to consider the practicalities around setting up these meetings and Officers were of the view that operationally it was better to consider these applications by means of Sub-Committees as set out in the Scheme of Delegation. It was likely that once business was back to a more normal level more hearings would be held and this would give Members more opportunity to sit on these panels and gain experience. It was noted that wherever possible less experienced Members would be asked to act as the substitutes for the Committees in order to give them more experience.

RESOLVED that the report be noted.

7. Statutory Taxi and Private Hire Vehicle Standards Report

The Committee considered a report (Agenda Item 6) which sought to inform Members of the recently published 'Statutory Taxi & Private Hire Vehicle Standards' issued by the Department for Transport (DfT). The report also set out the basis of work required to be completed in regards the Hackney Carriage and Private Hire Policy and School and Community Services Policy in line with recommendations made by the Statutory Taxi and Private Hire Vehicle Standards to be then considered by the Licensing Committee.

Julia O' Brien explained that the guidance which had been published on 21 July 2020 was designed to safeguard children and vulnerable individuals who were over 18 years of age from harm when using these services. The Council had already previously implemented a number of the recommendations on its own volition but the guidance provided the opportunity to further tighten the current licensing scheme. It was proposed that Officers would undertake the additional work and then ask the Committee to sign off the revised policies.

LICENSING COMMITTEE - 30 NOVEMBER 2020 - MINUTES

Councillor Rick Jones queried if there would be **any** resource implications for the Council. Officers explained that they would be employing a solicitor to draw together the policies for the three authorities after undertaking the necessary consultation work. It was not envisaged that once these had been drafted that there would be any significant resource implications for the Council when implementing the policies.

(Billy Drummond left the meeting at 5.43pm)

RESOLVED that:

- 1. the content of the statutory standards be noted.**
- 2. further reports detailing changes to existing terms and conditions of Hackney Carriage, Private Hire and Private Hire Operators licences and associated requirements of these licences be amalgamated into a policy that encompassed the statutory standards.**

8. Forward Plan

Members considered the forward plan and requested that the following amendments be made to it:

- The date of the February meeting be revisited to ensure that any changes to fees and charges arising from the consultation could be discussed at that meeting and a recommendation be made to the Executive and Full Council in accordance with the deadlines for those meetings.
- Draft and Post Consultation Hackney Carriage and Private Hire Policy and School and Community Services Policy to be included on the forward plan
- Post consultation Fees for Taxi and Private Hire Vehicles and Private Hire Operators to be added to the next meeting
- A first iteration of the Statement of Gambling Policies to be added to the June 2021 meeting

(The meeting commenced at 4.30 pm and closed at 5.54 pm)

CHAIRMAN

Date of Signature

Hackney Carriage and Private Hire Licence Fees Consultation Responses Report

Committee considering report:	Licensing Committee
Date of Committee:	8 th February 2021
Portfolio Member:	Councillor Hilary Cole
Report Author:	Sean Murphy/Julia O'Brien
Forward Plan Ref:	N/a

1 Purpose of the Report

- 1.1 To allow Members to consider the responses received during the 28 day statutory consultation period concerning the proposed fees in relation to hackney carriage and private hire licensing. A further update will be provided at the Licensing Committee on 8th February on additional responses received prior to the consultation closing on 11th February 2021.

2 Recommendation

- 2.1 The consultation responses as set out in the agenda and any raised verbally at the meeting be taken into account prior to the Licensing Committee making a recommendation to the Executive and Full Council as part of the annual fee setting process.
- 2.2 Authority be delegated to the Head of Public Protection and Culture, in consultation with the Chairman and Vice Chairman of the Licensing Committee, to make any other minor amendments to the fees arising from comments made after the meeting and before the closing date for the consultation on the 11 February 2021.
- 2.3 In the event that any consultation responses are received that would have a significant impact on the fee setting process a special Licensing Committee meeting would be convened before a final determination on the fees is made at full Council on the 02 March 2021.

3 Implications and Impact Assessment

Implication	Commentary
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Financial:	There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the West Berkshire area as a result of the requirement to achieve cost recovery for the licensing function.			
Human Resource:	The fees charged will be spent on the delivery of this aspect of the licensing function in accordance with the law and prevailing legal interpretation. This includes the employment of staff.			
Legal:	Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 requires all licensing authorities to publish a notice regarding any variation to the fees charged by the Council for vehicle and operator licences. As objections have been received, in accordance with the Act the Council is required to consider those objections and set a date on which any variation to the fees, with or without modification, shall come into force.			
Risk Management:	None			
Property:	None			
Policy:	Licensing policies and conditions have previously been approved by the Committee. The Council has a legal obligation to operate within its policies and to ensure that those who are licenced under the terms of the policies and conditions are compliant.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		<p>No evident contribution to inequality</p> <p>The income received from licence applicants covers the cost of providing the statutory licensing function.</p>

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No Impact
Environmental Impact:		✓		No Impact
Health Impact:		✓		No Impact
ICT Impact:		✓		No Impact
Digital Services Impact:		✓		No Impact
Council Strategy Priorities:		✓		No Impact
Core Business:		✓		No Impact
Data Impact:		✓		No Impact
Consultation and Engagement:	<p>Members of the Hackney Carriage and Private Hire trade as well as members of the public, Councillors and service users were consulted on the statutory fees as is required by the legislation. This was enabled via emails or letters directly to Hackney Carriage and Private Hire vehicle licence holders and Private Hire Operators, a newspaper notice in the Newbury Weekly News, a notice put on the main entrance to the Market Street Offices, a consultation notice added to the Public Protection Partnership website for the mandatory 28 day consultation period.</p>			

4 Executive Summary

- 4.1 A new set of fees were presented to the Committee at their last meeting, in November 2020, where it was agreed to proceed with the statutory consultation process, with the objections received to be brought back before the Committee for further consideration.

5 Supporting Information

Introduction

- 5.1 A new set of fees were presented to the Committee at their last meeting, in November 2020, where it was agreed to proceed with the statutory consultation process, with the objections received to be brought back before the Committee for further consideration. This report details the responses received at the time of writing the report. It is appreciated that the consultation period has not finished and further responses will be supplied to the meeting on the 8th February 2021, both verbally and in writing. Unfortunately the meeting dates did not allow for the full consultation period responses to be relayed to the Committee due to the executive and full Council meeting schedule but hopefully this gives a good indication of the trade and stakeholder views to enable members to make a recommendation to the next stage of the fee setting process.

Background

- 5.2 The existing and proposed fees can be found at Appendix C.
- 5.3 The legal requirements in relation to amending fees are set out at section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A public notice was published in the Newbury Weekly News on 14th January 2021. The consultation period will end on 11th February 2021. In addition a letter was sent to all licensed vehicle owners and private hire operators, comprising hackney carriage (134) and private hire drivers (135) and private hire operators (58) advising them of the consultation. A notice was also placed on the main entrance to Market Street Offices and a consultation document on the West Berkshire website inviting comments.
- 5.4 During the period available for making objections thus far (14th January-28th January), 18 responses were received of which 17 were objections to a fee increase and 1 was for no objection to the increase. These objections raise points such as how the increases can be justified, especially with the impact of Covid on the trade and lack of any work.
- 5.5 The overwhelming result of the currently received feedback is that people do not want any increase at all. The full list of objections are detailed in Appendix D (summary table) and Appendix E (individual responses in full).
- 5.6 The impact of Covid on the trade cannot be underestimated. The breadth covers health implications, concern about future trade as well as financial impacts. The PPP have taken an approach with all fees that as a service these will be charged in accordance with the Councils overall approach to Covid. For West Berkshire Council fees have been charged as set and those businesses affected have the ability to apply for grants and other funding streams as well as requests for payment plans or temporary suspensions.

Proposals

- 5.7 The fees as agreed at the November 2020 meeting are those being put forward to full Council as part of the Councils budget setting process. Officers recommend that the objections are considered, however given the small limited increase (due to the change

in the hourly officer rate) and the other support available to the trade to continue operating, that these are not modified. If the Licensing Committee agree to a modification of what was previously agreed then that will need to be offered as some form of subsidy by the authority and not at the cost to the PPP.

6 Other options considered

- 6.1 There are no alternative options, as the consideration of the objections and setting of the fees are legal requirements as outlined above.

7 Conclusion

- 7.1 The Committee are requested to consider the objections in the context of this report and any further representations made at the meeting.

8 Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Data Protection Impact Assessment
- 8.3 Appendix C – Current and Proposed fees
- 8.4 Appendix D - Consultation Responses Summary
- 8.5 Appendix E Individual Consultation responses

Background Papers:

Minutes of Licensing Committee November 2020

Responses to consultation

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input checked="" type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

Officer details:

Name: Julia O'Brien
Job Title: Principal Officer-Licensing and EQ
Tel No: 01635 519849
E-mail: julia.obrien@westberks.gov.uk

Appendix A

Equality Impact Assessment (EqIA) - Stage One

What is the proposed decision that you are asking the Executive to make:	Consider responses to statutory consultation of taxi fees and charges for private hire and hackney carriage licences and make recommendations to executive and full council so they can take effect from 01/04/2021.
Summary of relevant legislation:	Local Government (Miscellaneous Provisions) Act 1976
Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please indicate which priority and provide an explanation
Name of Budget Holder:	Sean Murphy
Name of Service/Directorate:	Public Protection and Culture
Name of assessor:	Julia OBrien
Date of assessment:	28/01/2021
Version and release date (if applicable):	

Is this a Function, Service?		Is this function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Already exists and is being reviewed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed

decision and who is likely to benefit from it?	
Aims:	To set fees and charges for private hire and hackney carriage licences to take effect from 01/04/2021
Objectives:	Cost recovery for the licensing function
Outcomes:	An efficient and performing licensing function
Benefits:	No specific benefit

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender Reassignment	No impact	
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments:		
No further comments		

(3) Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide an explanation for your answer: No evident contribution to inequality	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide an explanation for your answer: The income received from licence applicants covers the cost of providing the statutory licensing function.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Julia OBrien

Date: 28/01/2021

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

Appendix B

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing Team
Lead Officer:	Julia Obrien
Title of Project/System:	Licensing Fees and Charges 2021/22
Date of Assessment:	28/1/2021

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data? <small>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</small>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be processing data on a large scale? <small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will your project or system have a “social media” dimension? <small>Note – will it have an interactive element which allows users to communicate directly with one another?</small>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will any decisions be automated? <small>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</small>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<small>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</small>		

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix C

Existing and Proposed Licence Fees

Existing

Hackney Carriage Licence: £288.00

Private Hire Vehicle Licence: £288.00

Private Hire Vehicle Licence with Dispensation £288.00

Private Hire Operator		
Number of Vehicles	New	Renewal
1	£456.00	£342.00
2	£527.25	£413.25
3	£598.50	£484.50
4	£669.75	£555.75
5	£741.00	£627.00
6	£812.25	£698.25
7	£883.50	£769.50
8	£954.75	£840.75
9	£1,026.00	£912.00
10	£1,097.25	£983.25
11	£1,168.50	£1,054.50
12	£1,239.75	£1,125.75
13	£1,311.00	£1,197.00
14	£1,382.25	£1,268.25
15	£1,453.50	£1,339.50
16	£1,524.75	£1,410.75
17	£1,596.00	£1,482.00
18	£1,667.25	£1,553.25
19	£1,738.50	£1,624.50
20	£1,809.75	£1,695.75
20+	£1,809.75	£1,695.75

Proposed

Hackney Carriage Licence:	£290.00
Private Hire Vehicle Licence:	£290.00
Private hire Vehicle with dispensation	£290.00

Private hire operator licence		
Number of vehicles	New	Renewal
1	£472.00	£354.00
2	£545.00	£427.75
3	£619.50	£501.50
4	£693.25	£575.25
5	£767.00	£649.00
6	£840.75	£722.25
7	£914.50	£796.50
8	£988.25	£870.25
9	£1,062.00	£944.00
10	£1,135.75	£1,017.75
11	£1,209.50	£1,091.50
12	£1,283.25	£1,165.25
13	£1,357.00	£1,239.00
14	£1,430.75	£1,312.75
15	£1,504.50	£1,386.50
16	£1,578.25	£1,460.25
17	£1,652.00	£1,534.00
18	£1,725.75	£1,607.75
19	£1,799.50	£1,681.50
20	£1,873.25	£1,755.25
20+	£1,873.25	£1,755.25
Variation to licence		£59.00

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Name	Vehicle/Driver/PHO Licence Number	Summary of Comments
Bill Annetts, Kenikabs	DD 2032/PHO37	Mr Annetts does not oppose the proposed increase of £2, but would like to bring a variety of factors to the Committee's attention. Firstly, the price for a renewal and a new plate are somewhat different, and he believes this needs to be rectified. Relating to taxi plates and fittings, he notes that there is a charge for individual pieces – with a new plate you get these pieces, but with a renewal you don't (except for 4 locking tabs). Consequently, he believes this amounts to a gross overcharge to the trade over many years, and ought to be rectified with a repayment.
Cliff Verrall, Four Oaks Cars	HC 860	Mr Verrall is concerned about the increase in prices, due to the impact of Covid-19 on his company – business is down 80%. Mr Verrall would like the price rises to be reconsidered due to the current situation.
Dave Roach	DD2299/PHO2	Mr Roach finds it difficult to believe that a price rise is being considered, and feels it is a 'stab in the back', due to the local taxis and private hires losing income as a result of Covid-19. Mr Roach cannot see the justification for the licences being more expensive in West Berkshire than in other parts of the country, for example the cost in comparison to paperwork. He argues the reasoning of the cost reflecting the time taken to do the paperwork and produce the licence does not make sense, when comparing to Basingstoke.
Francis De La Cruz	PHO16	Mr De La Cruz thinks the price increase is not fair during the Covid-19 pandemic, because he has lost a lot of clients.
Graham Cox, Excel Executive Chauffeurs Ltd	PHO97	Mr Cox has the following observations: 1) He does not feel that the Committee will pay attention to his observations, but would like to make them regardless. 2) There are a lot of members of the private hire and taxi industry who are currently barely surviving as they don't qualify for any grant or subsidy payment on offer. 3) Although he has no major objection to the increase in vehicle fees, he feels that it is unreasonable under the current circumstances. 4) He would like to see the thought process behind the increase in operator's fees, both in light of the current circumstances and how a 3.25% increase is reasonable when the current rate of inflation is less than 1%.

		<p>5) He does not understand how the Licensing Department thinks the fee increase is fair, when the service the trade receives from them is 'abysmal'. He explains this comment through examples of the service he has received, stating that an incorrect renewal notice was sent out by officers, and consequently the wrong amount was paid and the operator licence was delayed. He also states that a policeman commented on his private hire licence, saying it looked like a laminated photo copy with a poor photo and no council crest on.</p> <p>6) Mr Cox believes that the Licensing Department should be audited as he has encountered many issues. He also suggests that the excuse of the department working harder as a result of the pandemic is not acceptable – if staff are working remotely then he sees no problem, and if they aren't then the trade is not receiving the service it has paid for.</p>
Jennie Harrison	Plate 613	<p>Ms Harrison would like to make the Committee aware of how little money she is currently taking home at the moment, due to people not travelling like usual (eg pubs, clubs, airports etc). For example, she was at the rank from 08:45 and didn't pick up a job till gone 13:00, and made £3.60 from it.</p> <p>She struggles to understand how the fees have increased so much, particularly as this is another rise within a year – she argues that drivers cannot afford it, and are struggling to pay all the fees that putting a taxi on the road entails, in light of all the restrictions and the impact this has had on taxi usage.</p> <p>Furthermore, she would like the Committee to consider waiving the fee for the plate this year, particularly in light of another year of restricted earning potential. She would like to draw the Committee's attention to a recent Meridian News piece, where a Newbury taxi driver was interviewed and explained her dire financial situation. Ms Harrison emphasises that a little help from the Council would go a long way, for example by renewing their plates without fee for this year. She also mentions how a lot of taxi drivers have had to hand back plates that they cannot afford, and suggests that by the end of 2021, there will be fewer taxi drivers unless support is provided.</p> <p>Ms Harrison has also contacted Laura Farris MP to express these concerns.</p>
John B's Taxi / Private Hire	PHO35	<p>This company strongly disagrees with the price rise, as their business is on its knees. The takings are down 80%.</p>

Junaid Ahmed	PHV102	Mr Ahmed is not in favour of the increase, and would like to feedback that the Committee should not increase the prices.
Kevin Hauxwell	PHO159	Mr Hauxwell would like to note that the prices are being put up while taxi drivers are struggling. He would also like to know if he fees are being put up for school runs, so they can pay for the increase as well, instead of 'filling your pockets all the time'.
Kirtkey Nisbett	DD2307/HC 567	Mr Nisbett feels that due to the Covid-19 situation and subsequent lockdowns, the decision regarding the price increase should be suspected for at least 6 months. They argue that this will allow the vaccination programme to become established, and consequently the population ought to return to some normality, including travelling outside. The decreasing opportunities as a result of lockdown / tier 4 have had a detrimental effect on incomes. For example, they suggest that the Council itself has been effected with offering service delivery and raising internal fiscal incomes. They suggest that this reflects the same situation that many West Berkshire inhabitants are facing, and consequently raising fees is not appropriate at this specific time.
L A Miah	DD2156	Mr Miah would like to let the Committee know that that work has been very quiet since March 2020, and consequently they do not agree to the increase in fees. They also point out that West Berkshire fees are more expensive than Wokingham's, and suggest that the fees need to be looked into and considered. They would also like the Committee to consider how the town has been empty, and most company employees are working from home.
Martyn Benson, Ave Cabs Ltd	DD2225	Mr Benson feels that the suggestion to increase prices is badly timed, especially with other local authorities offering reduced fees and support to the trade due to the lack of work and lockdowns. Mr Benson states that trade is down roughly 85% in West Berks, and that most drivers are just trying to survive.
Patrik Beck	PHV197 (on hold) PH477/DD2236	Mr Beck strongly opposes any proposed fees and charges increases – he finds it disgraceful that the Committee is trying to increase fees in such gard times. Mr Beck would like the Committee to know that since March 2020, taxi trade has

		dropped below 15%, and there are government schemes to support sole traders, as well as finance and insurance companies offering payment holidays to help taxi and private hire trade get through the pandemic. He states that the Committee should be ashamed of themselves, and asks if the next thing they're going to do is steal food from the homeless.
Peter Chemaly, Cabco (Objection on the behalf of himself and the 66 licenced vehicles on the Cabco fleet).	PHO128	Mr Chemaly would like to advise of his extreme objection to the increases tabled, and finds it almost unbelievable that the Council is considering these measures when the entire industry is struggling to survive.
Peter Chemaly, Personal	DD2050	Mr Chemaly is disgusted that Licensing are thinking of increasing fees during the pandemic, as the trade is already on its knees, and the fee increase would be putting another nail in its coffin. He suggests that this behaviour is despicable, particularly as they have not had an increase since 2013, and are trading way below the minimum wage limit (suggesting that some licencees are not even taking home £20 per day). Mr Chemaly suggests that the trade is the 'cash cow' which has funded Council salary increases over the last 8 years, and is frustrated that he does not get a reply to numerous emails or a consultation about an increase to the trade, and states that he feels ignored. Finally, Mr Chemaly would like to emphasise how disgusted he feels, and how opposed he is to an increase in fees.
Richard, Theale Taxis	PHO17	This company has no concerns with regards to the proposed fees.
Richard Williams	DD2080	Mr Williams states that the increase in fees will have a huge impact, as due to the pandemic there is hardly any work available – he would appreciate if the Committee would look at this. Furthermore, he states that they have not had a meter fare increase for around 8 years.
Walter O'Brien, Cabco (Objection on the behalf of himself and the 66 licenced vehicles on the Cabco fleet).	PHO128	Mr O'Brien would like to advise of his extreme objection to the increases tabled, and finds it almost unbelievable that the Council is considering these measures when the entire industry is struggling to survive.



KENIKABS

LICENSED DAY & NIGHT TAXI SERVICE
ESTABLISHED SINCE 1959



TEL : [REDACTED] Mobile [REDACTED]
[REDACTED]

Licensing Dept
West Berkshire Council,
Public protection

17th January 2021

Dear Sir/Madam,

I am writing to you in reply to proposed Taxi fee increase which I can see is only £2.00.

I would like to bring to your attention that I don't oppose this but I would like you to look at a lot of factors that have transpired over the years.

A, the price for a renewal and a new plate are somewhat different and I believe this now needs to be rectified,

At a meeting a while ago when this council put on display the charges for all items regarding taxi plates and fittings, I did notice that there was a charge for all individual pieces now to me these are supplied with every NEW plate inclusive and the renewal is the same price to which you do not get any of the plate fitting except for 4 locking tabs to secure plate to vehicle. Now my thinking is this amounts to a gross overcharge to the Trade over a number of years and should be rectified with a repayment to cover this increase over many years and what can be done to sort this out.

At present I cannot find the price list but will keep looking as in my eyes the council may owe out Thousands of pounds in overcharges.

I hope that you can resolve this problem ASAP

2, It has come to my attention that we have several taxi plates which have been issued that are quite unfit for purpose some with a very light grey print which is barely readable and I have even noticed one with NO expiry date upon it, now to me in my way of thinking this is an error but as the plates are made up by your lovely admin staff and then signed off by a Licensing Officer how can they be not noticed and corrected .

Yours
Bill Annetts

Megan Davis

From: Four Oaks Cars [REDACTED]
Sent: 13 January 2021 14:45
To: Licensing
Subject: Re: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation REVISED letter 2021/2022

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

To who this concerns

Thank you your email

If I understand the new pricing right you have put the prices up from last from year. This a little concerning due to the crazy situation that COVID has put my company in. And my business is down to 80% last year

Can please reconsider your price rises due current situation we are in

Look forward hearing from you

Cliff Verrall

Four Oaks Cars

Sent from my iPhone

On 12 Jan 2021, at 20:19, Licensing wrote:

Good morning

Please find attached an important REVISED letter that is a formal consultation. Thank you.

Kind regards

Public Protection Partnership

Council Offices, Market Street, Newbury RG14 5LD

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Megan Davis

From: Dave Roach [REDACTED]
Sent: 15 January 2021 10:58
To: Licensing
Cc: AMPM Taxis Ltd Accounts Department
Subject: Rising cost of licence

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

I find it very difficult to believe that you are even considering increasing the cost of licencing. The local taxis and ph have suffered a severe loss of income due to the corona virus pandemic and this now feels like a stab in the back. The cost of our licences are already much higher than other parts of the country and I cannot see the justification for this. Only just down the road in Basingstoke a vehicle licence renewal is £157, £133 less than your proposed new rate. You have said in the past that the cost of a licence is based on the time it takes to do all the necessary paperwork and produce the licence. Does it really cost that much more to do this in West Berkshire than in Basingstoke??

Sent from Yahoo Mail on Android

Megan Davis

From: [REDACTED]
Sent: 15 January 2021 13:33
To: Licensing
Subject: Proposed fees

Categories: Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

With reference to the recent information received from yourselves regarding the proposed new fee's. I feel that I must make some observations. (Although I don't think for one minute that the committee will take any notice of it).

1/ The last time I heard, we were in the throws of a Pandemic which is killing most trades including the Private hire and Taxi industry. If it wasn't for the various grants and subsidies that are available the trade probably wouldn't exist any longer. there are a lot of members of the trade who are currently barely surviving as they don't qualify for any of the payments.

2/ whilst I have no major objections to the increase in Vehicle fees, I still think this is unreasonable under the current circumstances.

3/ With regards to the increase in Operator fee's. I would love to see the thought process that thinks that under the current circumstance or in fact any circumstance an increase of 3.25 % is reasonable when apparently the current rate of inflation is less than 1%.

4/ I fail to see how the licensing department thinks that any kind of increase is fair considering that the service the trade receives from them is abysmal.

To explain, I recently renewed my Operator and Private Hire licenses. Operator license expires 10/12/2020 Renewal notice received 27/11/2020 allowing 13 days, however 4 days of that were weekends, the department want paperwork at least 5 days before hand leaving 4 days to complete and return. On top of this the License was delayed as the fee we paid was apparently incorrect, As was pointed out to your officer we paid what we were asked to pay (I still have the emails). IT IS NOT MY FAULT that your officers cannot do there job and send the correct renewal notices.

5/ Private Hire License Expires 13/12/2020 Renewal received 25/11/2020 allowing 18 days. 6 days of weekends, 5 day turnaround leaving 7 days. for a license that in the words of a Policeman looked liked a laminated photo copy with a poor photo and no Council crest on it. This could have quite easily turned very messy if it wasn't for the fact that I still had my previous 2 licenses with me.

Quite honestly, this kind of incompetence is unacceptable. I feel that it is time that this department was audited as this is not the first issue raised but the last of many. I have heard there excuses that they are working harder because of the pandemic but that is not an acceptable excuse, it is just an excuse, if they can work remotely what is the problem. If they can't, then obviously the trade is not receiving the service it has paid for. a fact that the trade has known for a long time.

Regards

Graham A Cox

Excel Executive Chauffeurs Ltd

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Megan Davis

From: Jennie Harrison [REDACTED]
Sent: 14 January 2021 15:28
To: Julia OBrien
Subject: Help for west Berkshire taxis

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

I spoke to your colleague yesterday regarding help with plate costs for the taxi drivers of West Berkshire, he suggested I speak to yourself as he couldn't help.

We need help, financially it is dire out on the ranks at the moment and as I told him yesterday I spent from 0845 and did not get a job until after 1300 it was the grand total of £3.60, our main business has gone, pubs clubs, airports docks etc even people travelling to family it has all gone, yesterday I did not even take a job from the rank so my grand total for yesterday was £4.60 that someone had called me to take them to work as was raining, we can't afford to pay all the fees that putting a taxi on the road entails.

My plate is due at the end of this month, last year I paid £161.00 and now have a renewal that will be £288.00 how an earth it can increase by that much is beyond my comprehension, and then received an email yesterday informing that you will be putting up to £290.00 so another rise in less than 1 year, we simply can't afford it.

I have been using savings to mot, taxi test and insure my car and am asking that you consider to waive our fee for plate this year, as we have not the means to even earn that much as we have been hit by all the restrictions this year from lockdown in march to opening pubs till 2200 that caused us losses as people didn't bother even going out, with the real possibility of another hard lockdown we just can't afford to carry on.

I used to just work part time and have never had to use savings to put my car on the road as a taxi, the government have stated that it will not be before autumn that any kind of return to normal will be on the cards that is the prospect of another year of restricted earning potential for the taxis of West Berkshire.

Please can you cut us some slack so we can have the potential of still being able to have a job by the end of the year, to help understand the seriousness of our predicament on the meridian news at start of week they interviewed a Newbury taxi driver at the station and she is so far in arrears with her rent she is at risk of losing her home! This can surely make you aware of how we are struggling to make our living and a little help from the council would go a long way if you would just renew our plates without fee for this year, we haven't really used them as plying for hire is useless if no one to ply hire to are around!

I have sent an email to Laura Ferris MP for Newbury along the lines of this email to you, we are all in the same boat but seem to have been forgotten no one wants to help us, so I'm hoping that something can be done for us so we are still here come the end of 2021 because a lot have already had to hand plates back they can't afford.

Mrs J Harrison
Plate 613
[REDACTED]

Megan Davis

From: Amanda Ward
Sent: 14 January 2021 09:40
To: Licensing
Subject: FW: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation letter 2021/2022
Attachments: West Berkshire Hackney Carriage and Private Vehicle and Private Hire Operator fees consultation letter 2021-2022.pdf
Categories: Taxi WB and Wokingham, Keely

Hi

I'm not sure if this response has also been sent to Licensing to be included as part of the consultation on fees. If it has not please can it be saved in the folder with other responses received?


Kind regards

Amanda

Amanda Ward
Lead Officer Licensing

Public Protection Partnership

A shared service provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council.

 (01635) 519976 (external)  Ext no 2976 amanda.ward@westberks.gov.uk

Please note my current working hours are Monday, Tuesday and Thursday mornings (09:00 -13:00)



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Partnership

From: Outlook Team (mailto: [REDACTED])
Sent: 12 January 2021 15:40
To: Amanda Ward
Subject: Fwd: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation letter 2021/2022

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

I strongly disagree is price rise, as business is on its knees, takings down 80%, had to apply for universal credit to survive Thanks John Bs Taxi/Private Hire

Megan Davis

From: junaid ahmed [REDACTED]
Sent: 13 January 2021 11:02
To: Licensing
Subject: Re: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation REVISED letter 2021/2022

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Good morning

I am not in favour of increase so my feedback is not to increase the prices.

Thanks
Junaid Ahmed

Sent from Yahoo Mail for iPhone

On Tuesday, January 12, 2021, 8:19 pm, Licensing wrote:

Good morning

Please find attached an important REVISED letter that is a formal consultation. Thank you.

Kind regards

Public Protection Partnership

Council Offices, Market Street, Newbury RG14 5LD

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Megan Davis

From: Kevin Hauxwell [REDACTED]
Sent: 17 January 2021 09:00
To: Licensing
Subject: Re: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation REVISED letter 2021/2022

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

With all what's going on taxi drivers struggling
You put the prices up. Are going to put fees up for school runs so they can pay for the increase as well in stead of filling your pockets all the time .look forward to receiving your reply.
Many thanks Kevin Hauxwell

Sent from my iPhone

On 12 Jan 2021, at 20:17, Licensing <Licensing@westberks.gov.uk> wrote:

Good morning
Please find attached an important REVISED letter that is a formal consultation. Thank you.
Kind regards
Public Protection Partnership
Council Offices, Market Street, Newbury RG14 5LD
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Megan Davis

From: Kirtley Nisbett [REDACTED]
Sent: 12 January 2021 11:18
To: Licensing
Subject: Feedback on Consultation on Hackney and Private Hire Operational Fees.

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear MADAM/SIR,

Regarding the consultation regarding possible prices increase I would like to add my view in that process as a current Hackney driver licenced to operate in the West Berkshire Council.

I feel given the circumstances brought about by the Coronavirus pandemic and the subsequent lock downs in West Berkshire, the decision should be suspended for at least 6 month's. This will allow for the national vaccine programme to become established, and thus, as a consequence, the local and national population will return to some form of normality including travelling outside.

Given lockdown, including the increase of West Berkshire tier Covid status to Level 4, there has been a decreasing amount of opportunities. As a result this has had a detrimental effect on our incomes. Indeed local reports suggest that the Council itself has also been severely effected with offering service delivery and raising internal fiscal incomes. This reflects the same situation many West Berkshire inhabitants are facing and I believe raising fees is not appropriate at this specific time.

Kind regards

Kirtkey Nisbett
(Taxi licence number 2307
Tax number 567)

Megan Davis

From: Martyn Benson [REDACTED]
Sent: 12 January 2021 11:06
To: Licensing
Subject: Re: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation letter 2021/2022

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Hi Amanda,

I believe this email is so badly timed with other local authorities offering reduced fees & support to the trade during this unpredictable time of no work and national lockdowns you are asking us about about increasing fees? Most of us are just trying to survive and struggling to do that. Trade is down roughly 85% at present in West Berks.

Look forward to hearing from you soon.

Kind Regards,

Martyn Benson

Ave Cabs Ltd
[REDACTED]

On 12/01/2021 10:29, Licensing wrote:

Good morning

Please find attached an important letter that is a formal consultation. Thank you.

Kind regards

Public Protection Partnership

Council Offices, Market Street, Newbury RG14 5LD

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Megan Davis

From: Patrik Beck [REDACTED]
Sent: 20 January 2021 01:01
To: Licensing
Cc: Wally O'Brien; Angela Hopkins; CZ Business; [REDACTED]
Subject: Re: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation REVISED letter 2021/2022

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

To who ever send this email (sorry could not find any signature),

I strongly oppose to any proposed fees and charges increase based on Licensing Committee meeting held on 30.11.2020.

Among other, I find it absolutely disgraceful to try to increase any fees in such a hard times.

Since March 2020 taxi trade dropped below 15%.

There are government schemes to support sole traders hit by this unprecedented situation as well as finance and insurance companies offering payment holidays to help taxi and private hire trade to go through this pandemic, somehow.

You should be ashamed of yourselves.

What are you going to do next? To steal food from homeless ???

Please could you confirm receipt of this email.

Best regards,

Patrik BECK

PHV_197 (on hold) & PHV_477
[REDACTED]

> On 12 Jan 2021, at 20:17, Licensing <Licensing@westberks.gov.uk> wrote:

>

> <West Berkshire Hackney Carriage and Private Vehicle and Private Hire Operator fees consultation REVISED letter 2021-2022.pdf>

Megan Davis

From: [REDACTED]
Sent: 20 January 2021 12:47
To: Licensing
Subject: FAO AMANDA

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Amanda,

I refer to your e-mail of 12th January 2021 re: the proposed Hackney Carriage and Private Hire Fees and wish to advise of my extreme objection to the increases tabled.
I find it almost unbelievable that the Council is even considering these measures when the entire Industry is struggling to survive.

Please be advised that this objection is not only on my behalf but also on behalf of all 66 Licensed Vehicles on the Cabco fleet.

Regards

Peter Chemaly
Cabco Director

Cabco Limited

T: [REDACTED] F: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

www.cabco33333.co.uk

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33333

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- Genuine 24 Hour 7 Day a week service
- All Major Credit Cards Accepted
- Automatic Ringback Service (ask operator)
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From: peter chemaly [REDACTED]
Sent: 18 January 2021 11:42
To: Licensing
Subject: Re: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation letter 2021/2022

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

I am disgusted, I cannot believe that the PPP, (licensing) can even think to increase the Fees during this Pandemic! The trade is already on its knees and you are wanting to increase the Fees and put another nail in its Coffin?

Despicable, particularly in the light that we have not had an increase since 2013! We are already trading way below the minimum wage limit, some licensees are not even taking home £20.00 pounds a day!

It seems to me that we are the Serfs and the cash cows for all the increases in Salaries that the Council have enjoyed over the last 8 years and we cannot even get a reply to our numerous emails or a consultation for an increase to the trade! We are just ignored!

NO! No to any increase!
Disgusted

On 12 Jan 2021, at 10:30, Licensing <Licensing@westberks.gov.uk> wrote:

Good morning
Please find attached an important letter that is a formal consultation. Thank you.
Kind regards
Public Protection Partnership
Council Offices, Market Street, Newbury RG14 5LD
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Megan Davis

From: Accounts Theale Taxis [REDACTED]
Sent: 12 January 2021 14:01
To: Licensing
Subject: Re: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation letter 2021/2022

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Amanda / Licensing Team

Healthy New Year To you all

I have no concerns with regards to the proposed fees as per you email of 11:01:21.

Please advise with regards to Other Private Hire & Hackney Carriage Charges as listed under FEES AND CHARGES 2020/2021 effective from 1 April 2020.

I take that there is no increase on 2020/2021 fees

Richard

Theale Taxis
[REDACTED]

On 12 Jan 2021, at 10:31, Licensing <Licensing@westberks.gov.uk> wrote:

Good morning

Please find attached an important letter that is a formal consultation. Thank you.

Kind regards

Public Protection Partnership

Council Offices, Market Street, Newbury RG14 5LD

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Megan Davis

From: Richard Williams [REDACTED]
Sent: 13 January 2021 17:19
To: Licensing
Subject: Re: West Berkshire Hackney Carriage/Private Vehicle and Private Hire Operator fees consultation REVISED letter 2021/2022

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Licensing,

I speak on behalf of most of west Berkshire taxi drivers when I say due to the current pandemic there is hardly any work out there for us with us struggling to sometime do no more than 20 in one day. So the increase in fees is going to have a huge impact on us all and I believe we would appreciate if you took a look at this.

We have not had a meter fare increase for around 8 years.

Please can you take this into consideration

On Tuesday, 12 January 2021, 20:18:06 GMT, Licensing wrote:

Good morning

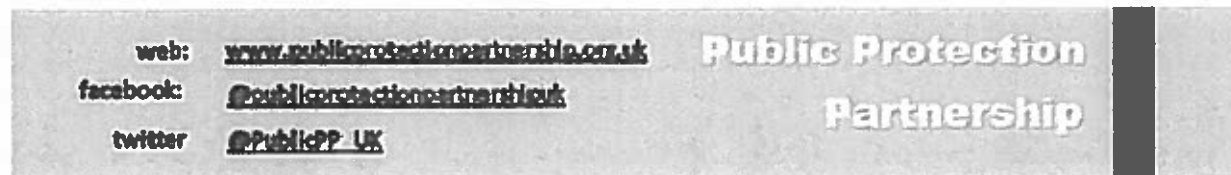
Please find attached an important REVISED letter that is a formal consultation. Thank you.

Kind regards

Public Protection Partnership

Council Offices, Market Street, Newbury RG14 5LD

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Megan Davis

From: [REDACTED]
Sent: 20 January 2021 12:45
To: Licensing
Subject: FAO AMANDA

Categories: Taxi WB and Wokingham, Keely

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Amanda,

I refer to your e-mail of 12th January 2021 re: the proposed Hackney Carriage and Private Hire Fees and wish to advise of my extreme objection to the increases tabled.

I find it almost unbelievable that the Council is even considering these measures when the entire Industry is struggling to survive.

Please be advised that this objection is not only on my behalf but also on behalf of all 66 Licensed Vehicles on the Cabco fleet.

Regards

Walter O'Brien
Cabco Director

Cabco Limited

T [REDACTED]
[REDACTED]
[REDACTED]

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PPP Response to West Berkshire Council Fireworks Motion

Committee considering report:	Licensing Committee
Date of Committee:	8 th February 2021
Portfolio Member:	Councillor Hilary Cole
Report Author:	Anna Smy

1 Purpose of the Report

- 1.1 Following a motion to Full Council on 10th September 2020 the Public Protection Partnership was requested to inform the Licensing Committee on how West Berkshire Council can support any aspects of the motion.
- 1.2 The report outlines some information for the committee concerning the legal provisions the PPP have with respect to fireworks such as storage, point of sale, intelligence led promotional campaigns and the use of appropriate licensing conditions and noise management plans to minimise the impact.

2 Recommendation

- 2.1 For the Licensing Committee to **NOTE** the response of the Public Protection Partnership to the motion submitted at Full Council on 10th September 2020 concerning the impact of fireworks
- 2.2 To **APPROVE** the proposed amendment to the motion to remove point 1 concerning noise levels associated with the sale of fireworks on the basis that it is not in its current form reasonable or enforceable.
- 2.3 To agree to **RECOMMEND** the proposed amendment to Full Council in March 2021.
- 2.4 To **NOTE** the draft Fireworks Policy for the Public Protection Partnership

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications associated with this report

Human Resource:	There are no Human Resource implications with this report			
Legal:	There are a number of legal issues regarding this report. The PPP is authorised to enforce a specific set of guidelines. The remit does not necessarily extend to the requirements of the motion and it will need to be established who within the authority is able to enact certain aspects agreed.			
Risk Management:	The main risk is of challenge for the PPP is that it could be seen to be acting Ultra Vires with regards to its powers. There are areas such as requesting advertising which could in certain circumstances be required but in other instances this is not appropriate and cannot be enforced. There needs to be a balanced approach.			
Property:	There are no property implications for this report			
Policy:	<p>The majority of the motion is covered by existing national guidance and legislations. To ensure clarity for officers and members of the public it may be necessary to amend local policies, procedures and guidance to accommodate the requirements of the motion.</p> <p>A draft Fireworks Policy for the PPP on fireworks will cover the storage and sale through to conditioning licenced events.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		Event organisers may be required to advertise their events but this is neutralised by the benefits which is brought about through advertising.

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No impact
Environmental Impact:	✓			The aim is to help with the impact on vulnerable residents and animals. There may be an additional benefit in reduction of pollution which can be an issue around 5 th November
Health Impact:	✓			The reduction in firework use and improved controls should reduce the stress and concern of animal owners.
ICT Impact:		✓		None
Digital Services Impact:		✓		None
Council Strategy Priorities:		✓		This work is business as usual within the service.
Core Business:		✓		It is business as usual
Data Impact:		✓		No impact
Consultation and Engagement:	The PPP were consulted prior to the Council meeting on 10 th September concerning our views on the proposed wording of the motion. The service will take the PPP Policy document to the Joint Management Board and to a wider audience.			

4 Executive Summary

- 4.1 The proposals of the motion are set out in appendix A
- 4.2 The report is being brought to demonstrate to the committee how West Berkshire Council can support the proposed motion.

- 4.3 In order to demonstrate the support for some aspects of the motion the report contains information on the current role of the PPP and Licensing Committee in the regulation of explosives, protection of the environment (through protecting animals) and the imposition of appropriate conditions when granting licences due to firework concerns at licensed events.
- 4.4 The areas we do not have powers are also outlined.

5 Supporting Information

Introduction

- 5.2 On the 10th September a request was made to the Full Council meeting which was to support the RSPCA motion (Appendix A). The message behind this was the desire for West Berkshire Council to develop a safer environment for residents, their pets and the numerous livestock and wildlife
- 5.3 The Public Protection Partnership has a role to play in helping the Council deliver on a number of these actions, however it is not appropriate to commit to supporting all areas outlines as these are beyond our remit or already set within the statute we enforce.

Background

- 5.4 The breadth of the legislation the PPP covers means that we are already involved in the regulations associated with fireworks. Some aspects such as the sale of fireworks is carefully regulated from manufacturing through to point of sale. The predominant position of the legislation enforced involves protection of residents and businesses with only a limited area covering the protection of animals
- (a) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Licensing team covering, Selling animals as pets, Providing or arranging for the provision of boarding for cats or dogs, Hiring out horses, Breeding dogs and Keeping or training animals for exhibition.
 - (b) Trading Standards – Animal Health (Farm animals), transportation and disease controls and feed stuffs.
 - (c) Animal Wardens – Stray Dogs, animal nuisance investigations and promotion of responsible dog ownership and other animals.
- 5.5 The service received the following requests and complaints regarding fireworks, it ranges from PTA's asking for help with Risk Assessments, debris from fireworks, concerns about storage as well as noise.

Year	PPP Requests for service
2019/20	20
2020/21	33

- 5.6 Many officers within the service have significant empathy regarding the impact fireworks can have on animals and there is a frustration when dealing with complaints concerning noise that we cannot do more to support our residents. However the proposals listed

are not necessarily the answer to deal with sporadic and localised issues of anti-social behaviour from fireworks.

Proposals

- 5.7 The PPP have pulled together information concerning how our current roles fits with the proposed motion. In order to support wider concerns about the impact of fireworks we have drafted a Policy for the PPP to outline the statutory responsibilities of the service and our enforcement and informal approach to this. This will need to be approved by the Joint Public Protection Committee as it is a PPP wide policy.
- 5.8 We will look to cover the information provided above as well as promotional work (set out below) on our website or provide appropriate links
- 5.9 We will look at promotional/advice leaflets which can be provided by sellers of fireworks at point of sale to provide information to the purchaser on the legal position around sales and holding events.
- 5.10 We will continue to take a pragmatic approach to fireworks and any impacts they may have on our residents.

6 Other options considered

- 6.1 One option with respect to part 3 of the motion “to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays” was considered. This was adding noise descriptors and appropriate time reference periods (as detailed in appendix B). This level of technical detail is not the place of the PPP to determine as we do not benefit from any technical pyrotechnic requirements or detailed knowledge of animal noise responses. This has already been pointed out within a petitions committee concerning the RSPCA proposal in 2019. <https://publications.parliament.uk/pa/cm201919/cmselect/cmpetitions/103/10306.htm>
- 6.2 The only other option was to not support the motion and keep current practices as they are.

7 Conclusion

- 7.1 The main concern and reasoning behind this motion was protecting animals, residents and wildlife of West Berkshire. There is support for the sentiment behind the RSPCA campaign and our Animal Warden Service and communications plan aligns well with the proposals.
- 7.2 As a service we have a draft policy on fireworks setting out the PPP's approach to fireworks and will look at other communications to explain our powers to manage the sale of fireworks; as well as advising on public displays and considerations when considering licence applications as to appropriate conditions.
- 7.3 The Council need to take steps to minimise the impact of fireworks and the PPP proposes to support them, in the work outlined above, to achieve this.

7.4 Whilst the aims of the motion are laudable the PPP are of the opinion that the authority can only support the following motion:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
- to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”

8 Appendices

- 8.1 Appendix A – Motion proposed and passed at Council Meeting dated 10th September 2020
- 8.2 Appendix B – Details of the current PPP role and supporting information around the 4 proposals in the Motion.
- 8.3 Appendix C - Example of promotional information sent out on social media in 2020 by the PPP
- 8.4 Appendix D – Bang Out of Order – Fireworks Frighten Animals (RSPCA proposals)
- 8.5 Appendix E – Environmental Protection UK – Fireworks Guidance Leaflet
- 8.6 Appendix F – Draft Fireworks Policy for the Public Protection Partnership

Background Papers:None

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

Officer details:

Name: Anna Smy
Job Title: Strategic Manager
Tel No: 01635 503257
E-mail: anna.smy@westberks.gov.uk

Appendix A

Motion proposed submitted to Full Council Meeting on 10th September 2020

The following Motion has been submitted in the name of Councillor Richard Somner:

“In consideration of the rural nature of the area we share, and communications received by both residents and animal welfare organisations such as the RSPCA, this council recognises the need to take action on the increasing concern of firework use across our District.

As a Council we have historically acted on the need to set appropriate licensing fees for fireworks and the need to restrict the areas in which sky lanterns can be used, this motion sets to add to those actions and to develop a safer environment for residents, their pets and the numerous livestock and wildlife in West Berkshire.

Whilst we recognise that fireworks are used throughout the year, and when used sensibly can be enjoyed by many, we approach a time of year when their use will see a dramatic increase.

The very nature of Fireworks as explosives are that they make loud and high intensity noises that are unpredictable and can affect a wide area.

As with sky lanterns, once reaching the ground the resultant debris can also pose a hazard to animals, such as horses and farm livestock.

We recognise that some people may not be aware of the anxiety or danger that may be created, and so there is a need to raise awareness generally including amongst owners of animals.

The short lived nature of firework noise can make it difficult for the police or local authority officers to pinpoint locations and take action.

This Council resolves:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
- to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
- to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”

Appendix B

Details of the current PPP role and supporting information around the 4 proposals in the Motion

1 To require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people

- 1.1 The proposal would require all public firework displays to advertise events to help awareness of specific events which could impact on vulnerable residents or animals. It is unclear who would be expected to enforce this or how the event would be known about.
- 1.2 Holding a firework display is **not** a licensable activity under the Licensing Act 2003, therefore we do not technically licence these events. If the sale of alcohol is part of the event this will require a licence but conditions cannot be imposed regarding the fireworks event itself, purely the sale of alcohol. This proposal cannot be supported through the licensing route, however in the spirit of supporting the motion we can provide an advisory on advertising events as part of the licensing process (Temporary Event Notices or Premise licences).
- 1.3 Some licenced premises and events however do include a pyrotechnic display as part of events, in particular weddings and festivals. These are a mix of public and private events. In an application the Environmental Quality team may consider fireworks as part of the noise management plan in order for the premise to meet the licensing objective of the Prevention of Public Nuisance.
- 1.4 Should complaints be made concerning fireworks from a premise we can consider the noise as a statutory nuisance. If we are able to establish the noise is a statutory nuisance a notice may be served and this could limit the number of times in a year fireworks are used, time of day and length of display are also controllable. We would expect a premise holding a display to consider location of any display, this is most likely to have an impact on wildlife as well as ensuring health and safety of those watching; the tendency is to be nearer the boundary of a site which may be closer to residents.
- 1.5 Fireworks displays are by their nature going to cause some degree of nuisance. Public events are generally advertised in order to attract a crowd and are often charitable events the local communities want to support. They are usually held earlier in the evening than the 23.00hrs cut off to encourage families with younger children.

2 To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks

- 2.1 The PPP and West Berkshire Council have always provided advice and guidance on a range of concerns around fireworks and in particular the 5th November. An example of information shared on social media this year is shown in Appendix C.
- 2.2 The PPP will promote any guidance produced across the authority and work with community groups and charities to ensure the messages associated with the motion is promoted.
- 2.3 As indicated below (proposal 3) shops can sell up to F3 fireworks, it may be appropriate for the service to give shops a leaflet or similar to pass on to purchasers of F3 display fireworks. It could be something that encourages them to let their neighbours know as well a running media campaigns, display notices in shops etc.
- 2.4 Nuisance legislation does not specifically cover the impact on animals, officers will be sympathetic to any complaints, however there is little that the PPP is able to do in these situations. We can promote and encourage and share good advice as outlined within the EPUK leaflet (purchased by the PPP and available to send out to residents).

3 To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.

- 3.1 It is not proposed that the Council supports this part of the motion. The main reasons being the lack of clear acoustic parameters and ability to measure or establish any breaches of this.
- 3.2 Fireworks are categorised within The Pyrotechnic Articles (Safety) Regulations 2015 from F1 to F4 and also additional technical descriptors.
 - (a) Category F1 fireworks are fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings.
 - (b) Category F2 fireworks are fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas.
 - (c) Category F3 fireworks are fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health.
 - (d) Category F4 fireworks are fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge and whose noise level is not harmful to human health.
- 3.3 The noise associated with the fireworks themselves is covered within manufacturing legislation. Commercial displays often use fireworks (F4) in the range of 150-170dB. Shops can sell F2 and F3. F3 are limited to 120db at 15 metres

- 3.4 It is hard to deal with fireworks under nuisance legislation due to the nature of events and ability to witness. If there is a particularly problematic site (frequent use throughout the year etc.) we may have the ability to serve a notice for “likely occurrence” of a nuisance unless certain steps are taken and specify what they may be. This could include restricting timings, firework type etc., however they could still go ahead and unless we have the resource to attend and make an assessment of it we would be unlikely to be able to take action. The often short lived nature makes these activities hard to manage.
- 3.5 The motion talks about setting noise limits on the sale of fireworks. As detailed above these already exist with category F3 fireworks set to 120dB at 15m. The motion itself only states 90dB. There are no parameters set for this such as setting a distance or measurement location. If it was agreed that we would write to the Government in line with the proposal it would need to specify the measurement parameter clearly so for example 90dB L_{Amax} and depending on the parameter it may be appropriate to set a time period over which to measure.
- 3.6 One firework on its own isn’t necessarily the problem it is the sequence of loud bangs within say a 15minute display which causes the distress to residents and animals. We have some example conditions from licences for festivals where they have tried to restrict the impact of displays late at night. The abatement notice for Alton Towers stated the following “Forthwith from the date of this order, the use of fireworks shall be restricted to a single period of not more than 30 minutes on one day only during any calendar year. The use of fireworks shall not take place between 20:00 and 24:00 on that date. No firework use shall cause noise to exceed 95dB L_{Amax}(f)”
- 3.7 There are references in various noise guidelines and the World Health Organisation “Guidelines on Community Noise” states the following:
- 3.8 *“Toys, Fireworks and Firearms.* To avoid acute mechanical damage to the inner ear from impulsive sounds from toys, fireworks and firearms, adults should never be exposed to more than 140 dB(lin) peak sound pressure level. To account for the vulnerability in children when playing, the peak sound pressure produced by toys should not exceed 120 dB(lin), measured close to the ears (100 mm). To avoid acute hearing impairment L_{Amax} should always be below 110 dB(A).”
- 3.9 The above is all designed with regards to the human response to noise. There was discussion at a parliamentary committee <https://publications.parliament.uk/pa/cm201919/cmselect/cmpetitions/103/10306.htm> and this pointed out the need to understand the animal response and appropriate noise levels. That is why it is not deemed appropriate to support this part of the motion.

4 To encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”

- 4.1 To run wholesale or retail premises that store or sell fireworks of up to 2,000kg (net explosives content) within the PPP area, you must be licensed by Trading Standards. To store or sell more than 2,000kg (net explosives content), you need a [licence from the Health and Safety Executive](#). There are currently X licences in the West Berks area and despite the issues which Covid has brought X inspections were carried out ahead of 5th November this year (2020).

- 4.2 The Pyrotechnic Articles (Safety) Regulations 2015 was introduced primarily to improve the safety of a range of pyrotechnic articles including Fireworks. It sets out the requirements on age of sales (Fireworks are restricted by age to 18, there are additional restrictions on sales of category F4 fireworks).
- 4.3 In addition it is also an offence to sell to anyone under the age of 18 and again the Trading Standards Officers can and do carry out test purchases to check up on premises and ensure their procedures are in place.
- 4.4 We can proactively approach all retailers within the PPP area to stock quieter fireworks. However the majority of these suppliers are selling for private events.
- 4.5 There is already a move towards more environmentally friendly products as well as alternative “displays” such as the use of small drones as demonstrated at New Year 2021 in London.

Appendix C

Examples of promotion already undertaken by the PPP

PPP Public Protection Partnership
4 November at 12:20 · 🌐

With new restrictions in place from tomorrow many might be planning their own firework display at home.

Please consider how you can make it less frightening for animals.

Many animals find fireworks scary. It's estimated that 45 percent of dogs in the UK show signs of fear when they hear fireworks. It doesn't have to be that way though, so don't ignore the problem.

See link for guidance:
<https://www.rspca.org.uk/adviceandwelfare/pets/general/fireworks/safety>



RSPCA.ORG.UK
Make Your Fireworks Display Less Frightening For Animals | RSPCA
Our top tips to avoid harming or scaring animals with your fireworks display. Share our infographic to spre...

2 Likes · 1 comment · 1 share

🔗 Share

PPP Public Protection Partnership
3 November at 16:35 · 🌐

It is important fireworks are stored safely: when storing fireworks, keep them in their original packaging, dry and away from sources of heat and ignition, and lock them away from children and animals #fireworksafety



1 Like

PPP Public Protection Partnership
3 November at 15:20 · 🌐

Bonfire Night Celebrations during Covid

PPP are asking residents if they are holding their own bonfire night celebrations during the period around bonfire night then please:

- ➡ Be observant of Covid restrictions - remember the rule of 6 and Hands – Face - Space
- ➡ Remember that bonfires and fireworks may cause a nuisance to your neighbours and we encourage you, out of courtesy, to discuss your plans
- ➡ Bonfires burning damp materials will cause excess smoke
- ➡ Make sure you are not burning pollutants such as plastics
- ➡ There is a risk that bonfires may get out of control and put excess pressure on emergency services - follow guidance from Royal Berkshire Fire & Rescue service regarding taking precautions
- ➡ Multiple fireworks, going off over a longer period of time, may frighten and stress local pets and animals. Look out for fireworks labelled 'low noise/silent'. Please talk to neighbours with pets to let them know your plans.
- ➡ If you've a pet who gets distressed during the firework 'season' see link here from PPP Animal Warden team

<https://publicprotectionpartnership.org.uk/.../top-ten-tips-.../>

- ➡ Fireworks should not be let off in public places such as a park or your street
- ➡ If you are setting off fireworks in your garden make sure your garden is big enough for the type of firework and that you follow the safety instructions and firework code

<https://www.rospa.com/home-safety/Advice/Fireworks-Safety>

See article below for full details and links:

<https://publicprotectionpartnership.org.uk/news-articles/bonfire-night-celebrations-during-covid/>





BANG OUT OF ORDER

FIREWORKS FRIGHTEN ANIMALS



SUMMARY

What is the problem with fireworks?

Fireworks are used by people throughout the year to mark different events, e.g. Bonfire Night, New Year, Chinese New Year and Diwali, as well as at private events such as weddings. While they can bring much enjoyment to some people, they can cause significant injury, problems and fear to other people and animals. The RSPCA therefore supports measures which will help ensure people can enjoy fireworks responsibly while mitigating potentially significant animal welfare problems for pets, horses, farm animals and wildlife.

Fireworks can be a source of fear and distress for many animals – in particular the sudden, loud noises. For example, it is estimated that 45 percent of dogs show signs of fear when they hear fireworks¹, and a New Zealand survey recorded 79 percent of horses as either anxious or very anxious around fireworks over the Guy Fawkes period². Animals affected not only suffer psychological distress but can also cause themselves injuries – sometimes very serious ones – as they attempt to run or hide from the noise.

CONTENTS

Summary: What is the problem with fireworks?	2
How are noise levels measured?	4
What is the impact of noise on animals?	5
What does the law say?	7
What is the current situation?	9
How can owners protect their animals?	10
Recommendations	11

1. Blackwell, E., Casey, R., & Bradshaw, J. (2005). *Firework Fears and Phobias in the Domestic Dog*. Scientific Report for the RSPCA, University of Bristol, UK.
2. Gronqvist, G, Rogers, C. & Gee, E. (2016). *The Management of Horses during Fireworks in New Zealand*. *Animals* 6(20).

CASE STUDY:

In 2018, two dogs at one of the RSPCA's branch animal centres were left injured and traumatised as a result of fireworks.

The fireworks were so scary for the dogs that one of them (Bailey, a Labrador-cross) broke out of his kennel – losing a tooth in the process – and another dog (Eddie, a Staffordshire Bull Terrier-cross) ruptured one of his cruciate ligaments as he panicked and jumped about in his kennel. Eddie's injury required surgery to repair the damage and a couple of months of post-operative rehabilitation.

Although most reports of welfare problems caused by fireworks relate to domestic pets, other animals can also experience fear, distress and/or injury as a result of them. Horses and farm livestock are easily frightened by loud noises and sudden bright lights and, if startled, they can be at risk of injuring themselves on fencing, farm equipment or fixtures and fittings within their housing.

Furthermore, the location of a fireworks display should be selected carefully so as to avoid setting off fireworks near any known group of wild animals, such as lakes with waterfowl or known nesting sites in the spring and summer. Debris produced by fireworks can also pose a hazard to horses and farm livestock if found on the ground and can also cause disturbances to wildlife.

There is widespread public concern about the effect that fireworks can have on animals and the RSPCA receives hundreds of calls about them every year. The peak months for calls (in order of numbers of complaints) are November, October, January and December. For example, in 2018 we received 411 calls from people concerned about fireworks. The total number of calls in 2018 represents an increase of 12 percent from in 2013. We acknowledge the figure fluctuates from year to year, but on average the RSPCA receives around 400 calls a year relating to fireworks in England and Wales.

CASE STUDY:

In November 2018, in Swansea, South Wales, the owner of a horse was left heartbroken after her horse became so scared of fireworks that he ran himself to death.

On Bonfire night his owner had stayed with him in his stable most of the night to calm him down as a result of the noise. However, a week later, she thought the fireworks were over and left him over night.

Solo's owner was called by neighbours after they spotted him in his field in agony. Sadly he had become so spooked by some fireworks that he had run round and round his field, twisting his gut. The vet said that there was nothing that could be done and so he had to be put to sleep.

Solo's owner said she would not have left him alone if she had known there was going to be another fireworks display.

Table 1: Total number of calls received by the RSPCA each year concerning fireworks

	2018	2017	2016	2015	2014	2013
All calls	411	501	434	514	425	367
England	362	474	388	452	381	339
Wales	37	24	37	38	27	26

HOW ARE NOISE LEVELS MEASURED?

The RSPCA's main concerns about fireworks are their unpredictable nature and the noise levels, although type of noise and the audible frequencies produced may also be an important factor (see below). Noise levels are recorded in decibels (dB) which are units of sound intensity. The range of audible sound, for a human, is from 0 dB to 140 dB, which is taken to be the threshold of pain for adults (120 dB for children). It should be noted that other animals may have different sensitivities to different frequencies.

Table 2: Different activities and their typical noise levels
(taken from Centers for Disease Control and Prevention (CDC) website)³

Activity	Noise level (dB)
Normal breathing	10
Ticking watch	20
Soft whisper	30
Refrigerator hum	40
Normal conversation	60
Washing machine/dishwasher	70
City traffic (inside the car)	80-85
Motorcycle	95
Shouting or barking in the ear	110
Standing beside or near sirens	120
Firecrackers	140-150

In the case of fireworks, the sound of each individual firework may be relatively short in duration but intense and unpredictable. Research on the impact of sudden and unpredictable noise exposure on animals is limited, and not necessarily directly comparable with prolonged noise exposure.

³https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

WHAT IS THE IMPACT OF NOISE ON ANIMALS?

Aversive stimuli, such as loud noises, that are unpredictable and out of an animal's control – as is the case with fireworks – are particularly stressful for them⁴. Being unpredictable, as well as intermittent and relatively infrequent, also makes it unlikely that animals will acclimatise to fireworks noise⁵.

Some research has been carried out looking at the impact of noise on animals, in particular farm animals. We understand that unexpected loud or novel noises can be highly stressful to livestock⁶ and that animals are more sensitive to high frequency noise than humans^{7,8}. It is generally accepted that intermittent noises can cause more welfare problems than general background noise, for example it has been found that novel noises ranging from 80-89 dB increased the heart rate in pigs⁹ and prolonged exposure to noise levels above 100 dB increased the respiration rate in lambs¹⁰. As such, the Welfare of Farmed Animals Regulations state – in both England and Wales – that pigs must not be exposed to constant or sudden noise and noise levels above 85 dB must be avoided where pigs are kept¹¹.

Horses in particular take flight when scared and can collide with fences, the interior of buildings, and other harmful objects as they flee. In a survey on the management of horses during fireworks in New Zealand, running was the most frequent response to fireworks reported, and 35 percent of respondents reported horses breaking through fences. 26 percent of respondents reported their horses had received injuries due to fireworks, ranging from lacerations, strains and sprains to most serious of all, broken limbs (seven percent), an injury which most usually results in euthanasia¹². The British Horse Society reports 20 deaths, 10 severe injuries, and 88 mild to moderate injuries in horses in fireworks incidents since 2010. In addition, many horse owners will be in close proximity to or riding their animals when fireworks startle them; indeed many will attend their animals during periods of fireworks detonation and attempt to calm and safeguard them. There is therefore potential for people riding and looking after horses during fireworks detonation to be seriously hurt by panicking, fleeing animals¹³.

It should also be noted that in contrast to advice for pet animals, in the case of horses, ponies or donkeys, the strategy of moving animals to an area away from detonation of fireworks (e.g. indoors), shutting curtains/blinds and distraction with music etc, are often not suitable or achievable¹⁴. This also applies to free-living wildlife as well as captive wild animals, such as those kept in zoos, where it may not always be possible to move them to an alternative area.

The effects of sudden loud noises on wild animals are difficult to assess; the impacts will vary depending on the biology of each species, and physiological effects are often harder to measure than behavioural effects in animals in the wild. However there is evidence that unpredictable loud noises do disturb wild animals, both free living and captive^{15,16}. For example, one study in the Netherlands showed that birds were disturbed by New Year's Eve fireworks in three consecutive years, and thousands of birds were observed to take flight in response to the fireworks¹⁵. Indeed, fireworks are classed as highly disturbing to some bird species¹⁷, and have been associated with the abandonment of nests or even whole colonies¹⁸.

Wild animals in captivity are usually not able to perform the same escape behaviours as they would in the wild. While little research has been carried out into the effects of fireworks on captive wild animals, there is some evidence that fireworks events can cause stress in zoo animals^{19,20}. As with free-living wildlife, more research is needed to fully understand the effects of fireworks on captive wild animals; in the meantime, we advocate adopting the precautionary principle²¹ to avoid the potential of causing harm.

4. Bassett L & Buchanan-Smith HM (2007) *Effects of predictability on the welfare of captive animals*. Applied Animal Behaviour Science 102: 223-245.

5. Wright AJ, Soto NA, Baldwin AL, Bateson M, Beale CM, Clark C, Deak T, Edwards EF, Fernandez A, Godinho A, Hatch LT, Kakuschke A, Lusseau D, Martineau D, Romero LM, Weiglart LS, Wintle BA, Notarbartolo-di-Sciara G & Martin V (2007) *Anthropogenic noise as a stressor in animals: a multidisciplinary perspective*. International Journal of Comparative Psychology 20: 250-273.

6. Grandin, T. *Behavioural Principles of Livestock Handling*, p. 2, American Registry of Professional Animal Scientists, 1989.

7. <http://www.grandin.com/behaviour/principles/noise.html>

8. Broudek J (2014) *Effect of noise on performance, stress, and behaviour of animals*. Slovak Journal of Animal Science 47(2): 111-123.

9. Temple Grandin, *Livestock handling and transport* Pg 65, pg 415.

10. Ames DR and Arehart LA 1972 *Physiological responses of lambs to auditory stimuli*. Journal of Animal Science 34: 994-998.

11. *Welfare of Farmed Animals (England) Regulations 2007* (Schedule 8, part 2), *Welfare of Farmed Animals (Wales) Regulations 2007* (Schedule 8, Part 2).

12. Gronqvist, G, Rogers, C. & Gee, E. (2016). *The Management of Horses during Fireworks in New Zealand*. Animals 6(20).

13. McGreevy, P.D., Henshall, C., Starling, M.J., McLean, A.N. & Boakes, R.A. (2014). *The importance of safety signals in animal handling and training*. Journal of Veterinary Behavior 9, 382-387.

14. Gronqvist, G, Rogers, C. & Gee, E. (2016). *The Management of Horses during Fireworks in New Zealand*. Animals 6(20).

15. Shamoun, Baranes J, Dokter A M, van Gasteren H, van Loon E, Leijnse H & Bouten W (2011). *Birds flee en mass from New Year's Eve Fireworks*. Behavioural Ecology 22(6): 1173-1177.

16. Pedreros-Echevarria E, Sepúlveda M, Gutierrez J, Carrasco P & Quiñones RA (2016) *Observations of the effect of a New Year's fireworks display on the behavior of the South American sea lion (Otaria flavescens) in a colony of central-south Chile*. Marine and Freshwater Behaviour and Physiology 49(2): 127-131.

17. U.S. Fish & Wildlife Service (1997) *Guidelines for managing fireworks in the vicinity of piping plovers and seabirds on the U.S. Atlantic Coast*, February 4, 1997.

18. Weigand JF & McChesney GJ (2008) *Seabird and marine mammal monitoring and response to a fireworks display at Gualala Point Island, Sonoma County, California, May to August 2007*. United States Bureau of Land Management and Fish and Wildlife Service. 12 February 2008.

19. Rodewald A, Gansloßer U & Kölpin T (2014) *Influence of fireworks on zoo animals: studying different species at the Zoopark Erfurt during the classic nights*. International Zoo News 61(4): 264-271.

20. Schell CJ, Young JK, Lonsdorf EV & Santymire RM (2013) *Anthropogenic and physiologically induced stress responses in captive coyotes*. Journal Of Mammalogy 94(5): 1131-1140.

21. *When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm*.

UNESCO and World Commission on the Ethics of Scientific Knowledge and Technology (2005). The Precautionary Principle. UNESCO.

Studies have found fireworks to be the most common cause for fear responses in dogs²², and it is estimated that 45 percent of dogs show signs of fear when they hear fireworks²³. A New Zealand survey found that six percent of cats and dogs suffered from physical injuries as a result of fireworks – for example, being involved in road traffic accidents whilst trying to escape²⁴. Amongst the injuries there were sadly, several fatalities. In addition to the short-term distress caused, it's thought that dogs will often generalise their fear of one loud noise, such as fireworks, to other similar, explosive noises such as thunder²⁵. This could cause significant long-term impact throughout the animals' lives.

The impact of fireworks on cats is less understood than in dogs, although the *PDSA Animal Wellbeing Report 2018*²⁶ found that 34 percent of owners reported that their cat was afraid of fireworks. It is likely that many owners are unaware that their cats are fearful, or of the severity of the fear because cats are more likely to display passive responses such as hiding (compared to more active responses such as vocalisations in dogs).

It is clear that more research on the impact of fireworks noise on all species, including wild animals, horses and pet animals, is required but we feel there is sufficient evidence to support the view that fireworks have a negative impact on animals and that legislative steps should be taken to reduce this impact.



22. Blackwell, E., Bradshaw, J., & Casey, R. (2013). *Fear responses to noises in domestic dogs: Prevalence, risk factors and co-occurrence with other fear related behaviour*. Applied Animal Behaviour Science 145, 15-25.

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24. Dale, A.R., Walker, J.K., Farnworth, M.J., Morrissey, S.V., & Waran. N.K. (2010). *A survey of owners' perceptions of fear of fireworks in a sample of dogs and cats in New Zealand*. New Zealand Veterinary Journal 58(6), 286-291.

25. Blackwell, E., Bradshaw, J., & Casey, R. (2013). *Fear responses to noises in domestic dogs: Prevalence, risk factors and co-occurrence with other fear related behaviour*. Applied Animal Behaviour Science 145, 15-25.

26. *PDSA Animal Wellbeing Report 2018* <https://www.pdsa.org.uk/media/4371/paw-2018-full-web-ready.pdf> accessed 03/04/19.

WHAT DOES THE LAW SAY?

Although there is a range of legislation regulating the sale, display and safety of fireworks, the Fireworks Act 2003²⁷ and the Fireworks Regulations 2004^{28, 29} (as amended) are the main pieces concerned with regulating fireworks usage in England, Scotland³⁰ and Wales.

The 2003 Act was introduced with the aim of reducing the noise, nuisance and injuries caused by the misuse of fireworks. Section 2 of the Act conferred powers on the Secretary of State to make Regulations to ensure there is no, or minimal, risk that fireworks will cause:

- death, injury, alarm, distress or anxiety to people, or
- death, injury or distress to animals, and
- destruction of or damage to property.

The main relevant provisions of the 2004 Regulations provide:

1. a prohibition of the possession of fireworks in a public place by anyone under the age of 18 years (Regulation 4)
2. a curfew on the use of fireworks between 11pm and 7am (though this starts later on November 5th (12 midnight), New Year's Eve, Chinese New Year and Diwali (1 am)) (Regulation 7)
3. a ban on the possession of category 4 fireworks (i.e. those whose noise level exceeds 120 dB) by the public (Regulation 5)
4. a prohibition of the supply of excessively loud category 3 fireworks (i.e. over 120 dB) (Regulation 8)
5. a ban on the sale of fireworks to private individuals outside of certain dates (15th October-10th November, 26th-31st December, three days before Diwali and Chinese New Year) unless from certain licensed shops (Regulation 9)
6. an exception to these prohibitions for professionals who use fireworks in their work (for example putting on professional displays, special effects in theatre, film or television, etc) (Regulation 6).

Penalties for breaches of the law include a fine not exceeding level 5³¹ on the standard scale and/or imprisonment for a term not exceeding six months (Section 11 Fireworks Act 2003).

In addition to this, Schedule 1 of the Pyrotechnic Articles (Safety) Regulations 2015³² sets out a categorisation system for fireworks in the UK. Category F1, F2 and F3 fireworks must not exceed a maximum noise level of 120 dB.

Table 3: Categorisation table for fireworks used in the UK taken from the 2015 Regulations

Category	Description
F1	Fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings.
F2	Fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas.
F3	Fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health.
F4	Fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge and whose noise level is not harmful to human health.

Noise nuisance caused by fireworks can, in theory, also be addressed under other legislation such as the Environmental Protection Act 1990³³, the Anti-social Behaviour Act 2003³⁴ and potentially the Anti-social Behaviour, Crime and Policing Act 2014³⁵. In practice, however, the short-lived nature of fireworks noise makes it difficult to locate the exact source and so for police or Environmental Health Officers to take any action. Indeed an answer to a parliamentary question in 2018 suggests that few prosecutions have occurred for people letting off fireworks outside of the permitted hours³⁶ – a total of three between 2015 and 2017 – and this does little to protect animals from fireworks and their noise during permitted hours.

27. <http://www.legislation.gov.uk/ukpga/2003/22/contents>

28. http://www.legislation.gov.uk/uksi/2004/1836/pdfs/ukxi_20041836_en.pdf

29. <http://www.legislation.gov.uk/uksi/2004/3262/contents/made>

30. Except for Regulation 7 of the 2004 Regulations.

31. £5,000 <https://www.legislation.gov.uk/ukpga/1982/48/part/III/crossheading/introduction-of-standard-scale-of-fines>

32. http://www.legislation.gov.uk/uksi/2015/1553/pdfs/ukxi_20151553_en.pdf

33. <http://www.legislation.gov.uk/ukpga/1990/43/contents>

34. <http://www.legislation.gov.uk/ukpga/2003/38/contents>

35. <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

36. Hansard, 1 February 2018, Written question 124804 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-01-24/124804/>

Table 4: The laws surrounding fireworks control vary in other countries – from outright prohibitions through to tighter controls

Country	Overview of the law
The Netherlands	The public cannot buy fireworks throughout the year except for three days prior to New Year's Eve. Fireworks can only be used on 31st December between 6pm and 2am. In certain areas, such as near hospitals, animal shelters, petting zoos and certain residential areas, fireworks are not allowed due to the added nuisance and risk ³⁷ .
Northern Ireland	There are very strict controls over fireworks – you cannot possess, buy or use fireworks unless you have a licence and that licence must be produced when purchasing any fireworks ³⁸ .
Republic of Ireland	Only category F1 fireworks are available for sale, possession and use by members of the public. Only professionals are allowed to use categories F2, F3 and F4 fireworks ³⁹ .
Belgium	Only category F1 and F2 fireworks can be sold to members of the public. They must be at least 12 years old to buy F1 fireworks and 16 years old to buy F2. In Flanders the local government proposes a ban on the use of fireworks unless they agree otherwise ⁴⁰ . Even in such circumstances permission would be limited to certain times and venues. The prohibition is based on animal welfare concerns. The city of Mechelen has banned fireworks on 11 and 21 July due to animal welfare concerns ⁴¹ .
Germany	Shops in Germany are only allowed to sell fireworks from 29th-31st December. Many major German cities organise professional fireworks shows. Members of the public who are over 18 years old are allowed to buy and ignite fireworks of Category F2 for several hours on 31 December and 1 January and each German municipality is authorised to limit the number of hours this may last locally ⁴² .
India	Fireworks are banned in Delhi due to severe air pollution ⁴³ . In other locations there is a noise limit of 65dB during the daytime and 55dB at night.

In New Zealand, research⁴⁴ was carried out into the sale of fireworks by retailers to try and identify solutions that would prevent fireworks being misused. This was carried out because increasing numbers of people were experiencing noise nuisance and there had been an increase in police and fire service call outs. It led to amendments to the New Zealand law in 2007⁴⁵ which:

- reduced the period of time retailers could sell fireworks to the public to the four days prior to and including 5 November (although with no controls over when fireworks can be set off)
- increased the legal age to purchase fireworks to 18 years
- decreased the explosive content of fireworks sold by retailers to reduce noise (to 90dB) and the number of noise nuisances raised.

37. <https://wetten.overheid.nl/BWBR0013360/2016-10-17#Hoofdstuk1>

38. Explosives (Fireworks) Regulations (Northern Ireland) 2002, Pyrotechnic Articles (Safety) Regulations 2015

39. Explosives Act 1875, Criminal Justice Act 2006, European Union (Making Available on the Market of Pyrotechnic Articles) Regulations 2015

40. <https://www.brusselstimes.com/all-news/business/54735/flanders-bans-fireworks-unless-local-authority-disagrees/>

41. <https://fr.metrotime.be/2019/03/21/actualite/malines-interdit-les-feux-dartifice-les-11-et-21-juillet-pour-le-bien-etre-des-animaux/>

42. <https://www.kaiserslauternamerican.com/fireworks-safety-start-the-new-year-off-safely/>

43. Xinyuan Cao, Xuelei Zhang, Daniel Q.Tong, Weiwei Chen, Shichun Zhang, Hongmei Zhao, and Aijun Xiu. (2017). *Review on physicochemical properties of pollutants released from fireworks: environmental and health effects and preventions*. Environmental Reviews er-2017-0063.R1.

44. <http://www.mfe.govt.nz/more/cabinet-papers-and-related-material-search/cabinet-papers/hazards/regulatory-options-reduce>

45. Hazardous Substances (Fireworks) Amendment Regulations 2007.

It is understood that the New Zealand Government is experiencing further calls to take action on this issue as members of the public are concerned about animal welfare therefore it is an issue that is very current. Interestingly, fireworks are specifically banned at rodeo events in New Zealand as they are considered to cause an unnecessary stress on the animals⁴⁶.

The RSPCA believes the law is currently failing as the existing Regulations do not prevent or reduce the risk of fireworks causing distress or anxiety to people or death, injury or distress to animals. It has been 15 years since much of the law concerning fireworks was passed. New Zealand looked into this issue over ten years ago and identified evidence to support bringing in tighter controls. Greater awareness and understanding of the negative impacts of fireworks on people and animals is evident and as such we believe the Regulations should be updated to reflect current knowledge and understanding.

WHAT IS THE CURRENT SITUATION?

This is an issue that resonates with the public and thousands of our supporters and the wider public have significant concerns about fireworks. For example, in 2016 over 104,000 people signed an e-petition⁴⁷ calling for tighter regulation of fireworks and in 2017 a further e-petition⁴⁸ was supported by over 113,000 people. In 2018 – in less than four weeks – 330,000 people signed a petition⁴⁹ on the matter. It is clear there is very strong public feeling on this issue.

The petitions also saw a number of debates within Westminster. During a debate on 29th January 2018⁵⁰ the new Office of Product Safety and Standards was referred to as a body that would ‘come forward with suggestions and advice to Government’ on this matter. Furthermore, on 9th May 2018, Holly Lynch MP asked the then Minister, Andrew Griffiths MP, when interested MPs would be involved in a meeting to discuss the regulation and sale of fireworks. The Minister responded that officials were in the process of setting up such a meeting, however, a date is yet to be set⁵¹.

The Chief Constable for Greater Manchester Police has raised concerns about the impact of fireworks misuse in his community⁵² and Rochdale Borough Council is looking at passing a motion calling for a reduction in noise levels of fireworks. The RSPCA has also called on other councils encouraging them to pass similar motions.

The RSPCA has discussed its concerns with the Office of Product Safety and Standards (OPSS) and we have agreed to work with them to increase awareness and education around protecting animals from fireworks.

The RSPCA is seeking a meeting with the British Fireworks Association to understand the industry’s concerns about any further restrictions and also encourage them to develop and use approaches that are more animal welfare friendly.

At the end of February 2019, the UK Parliament’s Petitions Committee (a House of Commons Select Committee) launched an inquiry into the issue of fireworks, due to the significant public interest in fireworks issues demonstrated by the petitions discussed above⁵³. The RSPCA responded to this inquiry⁵⁴ setting out its concerns and gave oral evidence in July 2019.

In addition to this, a number of animal welfare charities have noted they see an increase in public and supporter concerns about fireworks. For example the Blue Cross has said they see a marked rise in the number of pets brought to their clinics requiring medication during periods when fireworks are being detonated⁵⁵. The PDSA undertook research on this issue through their annual Wellbeing report⁵⁶, finding that 51 percent of veterinary professionals had seen an increase in pets with phobias (e.g. of fireworks, etc) in the last two years, 40 percent of dog owners said their pet is afraid of fireworks and 83 percent of veterinary professionals agree that fireworks should be regulated to allow use only for licensed events or on certain dates.

46. Section 22(a). <https://www.mpi.govt.nz/dmsdocument/4813-rodeo-animal-welfare-code-of-welfare-2014-review-of-submissions-and-update>

47. <https://petition.parliament.uk/archived/petitions/109702>

48. <https://petition.parliament.uk/petitions/201947>

49. <https://www.change.org/p/office-for-product-safety-and-standards-review-firework-rules-to-protect-animals-from-injury-and-distress>

50. Hansard, 29 January 2018, 261WH.

51. Pers comm December 2018.

52. <https://www.bbc.co.uk/news/uk-england-manchester-45917203>

53. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/petitions-committee/news-parliament-2017/fireworks-inquiry-launch/>

54. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/petitions-committee/inquiries/parliament-2017/fireworks-inquiry-17-19/publications/>

55. <https://www.bluecross.org.uk/pet-advice/fireworks-and-pets>

56. <https://www.pdsa.org.uk/media/4371/paw-2018-full-web-ready.pdf>

HOW CAN OWNERS PROTECT THEIR ANIMALS?

Noise phobia in pets is a treatable condition which owners should not ignore. In the long term it is possible for pets to learn to be less afraid of loud noises, and owners should talk to their vet who will, if necessary, refer them to a professional clinical animal behaviourist.

There are also lots of simple things pet owners can do to help their animals cope with fireworks, such as ensuring that dogs and cats are kept securely indoors, dulling the noise of fireworks by closing windows and curtains and using music or the TV to mask the noise, as well as providing pets with a safe place to hide if they feel frightened.

Small animals who live outside should be provided with lots of extra bedding to allow them to burrow and should have some of their enclosure covered with blankets to mask the noise.

Horse owners and keepers should check for any fireworks displays planned locally and ask organisers to site fireworks well away from their horses, aimed in the opposite direction.

It is sensible to keep horses in their familiar environment, in their normal routine with their usual companions. If a horse is staying in their field, checks should be made that the fencing is secure and there are no dangerous objects they could collide with if startled. If stabled, hay nets should be secured so the horse cannot get caught up.

Owners should stay with their horse if they know fireworks are going to be set off, but they should be aware of their own safety – a startled horse can be dangerous.

The British Horse Society has tips and advice on keeping horses safe during the fireworks season – these can be found at: www.bhs.org.uk/advice-and-information/safety-advice-and-information/common-incidents/fireworks

Potentially vulnerable farm animals must also be given due consideration and protection – whether they are housed or kept outside – at times of the year when they may be affected by fireworks.



RECOMMENDATIONS

It is clear from the available information that fireworks can impact negatively on animals as well as people. The RSPCA believes the law is failing as it does not prevent or reduce the risk of fireworks causing distress or anxiety to people – or death, injury or distress to animals. We believe that updating the law would improve the situation for animals (and people).

1 Limit the public sale and use of fireworks to on or close to specific dates and times
The RSPCA supports the current restrictions on the sale of fireworks to the public on or close to agreed traditional dates, i.e. November 5th, New Year's Eve, Chinese New Year and Diwali. These dates are already recognised as being exceptional in the Regulations and we believe that the existing prohibition on sales at all other times could and should be extended to include use as well. We believe this could be enforced by a licensing system for private displays outside of these dates (see point 4 below).

2 Tighter restrictions on the sale of fireworks in the run up to November 5th
We feel that tighter restrictions should be placed on the sale of fireworks in the run up to November 5th. At present they can be sold from 15th October through to 10th November, whereas the restrictions for the sale of fireworks for the other traditional dates are much tighter. Based on the experience of New Zealand we believe the sales permission should be limited to 29th October through to 5th November.

3 Reduce the maximum noise level of fireworks available to the public and ensure they are labelled accurately
We would like to see the maximum permitted noise level of fireworks for public sale (i.e. those that fall within categories F1, F2 or F3) reduced from 120 dB to 90 dB and the introduction of a labelling system identifying the noise level of fireworks (e.g. 'loud' or 'low noise') to allow consumers to make an informed decision. Setting the limit at 90 dB would be consistent with the approach in other countries and encourage manufacturers to design and produce quieter fireworks.

4 Licensing of all public fireworks displays
We would like to see all public fireworks displays licensed by the relevant licensing authority, with information about the proposed display provided in the local area several weeks in advance (allowing mitigating measures to be put in place) and a process for local residents to appeal against the granting of the licence. This process should also apply to people seeking to hold private displays at special events (such as weddings). The licensing process should require due consideration of the potential negative impact on animals and, where possible, mitigation measures to reduce this impact.

5 Raising awareness
In addition to changes in the law, we believe there is a real need to raise awareness amongst pet owners about fireworks phobia and that it can be treated (in dogs at least) in the long term, rather than being something that they and their pets have to suffer every year. The importance of needing to prepare themselves and their pets in advance in order to be most effective, rather than just before the fireworks season occurs also needs to be emphasised and could have a significant benefit to dogs and their owners.

In addition, there is a need to raise awareness about the impact of fireworks on animals to the wider public to encourage them to be more considerate of pets, horses and livestock as well as local wildlife.

6 Further research is needed to properly understand the impact of fireworks noise on animals
We have reached our position based on the limited research we have identified but acknowledge that there is a need to have a better understanding of the impact of fireworks noise (including the contribution of factors such as loudness and audio spectrum frequencies produced) on animal welfare so that future developments can be more effectively informed.



Royal Society for the Prevention of Cruelty to Animals

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Fireworks

Environmental Protection UK



environmental
protection uk

Why worry about fireworks?

Fireworks are widely used to mark public events and private celebrations, as well as traditional events. While adding excitement to occasions, fireworks can also frighten and disturb people and animals, cause annoyance, damage and impact on air quality.

Noise

Fireworks can frighten people and animals. In particular, children and the elderly can be intimidated and scared by firework noise. Farm animals have been scared to death, literally, and startled animals have been injured, killed and caused accidents when bolting. Disturbing domestic pets can also be dangerous as panicked pets can be vicious and destructive.

Air pollution

The bright colours and effects in fireworks are produced by a cocktail of chemicals. Fireworks emit light, heat and sound energy along with carbon dioxide and other gases and residues. The exact emissions will depend on the firework, but as gunpowder is a main component, sulphur compounds are emitted, along with small amounts of particulates, metal oxides and organic compounds (which can include minute amounts of polycyclic aromatic hydrocarbons, dioxins and furans). On and around Bonfire Night (5th November), there is often a noticeable increase in pollution from particulates and dioxins. Approximately 5 -14% of UK dioxin emissions are produced around Bonfire Night although most of this is believed to come from bonfires rather than fireworks.

Safety

Current research indicates that deposits of pollutants from fireworks do not pose a risk to soil or water. Fireworks are explosive and must be used with caution. On average over 1000 people receive treatment every year for firework injuries.

The For information on firework safety refer to the Department for Department for Business, Energy & Industrial Strategy (BEIS), who coordinates national firework campaigns.

www.gov.uk/fireworks-the-law

Further information is provided by the Fire Service:

www.fireservice.co.uk/safety/firework-safety/

and at the web site:

www.firework-safety.co.uk

Fireworks and the law

Under the Fireworks (Safety) Regulations 1997 all fireworks for use by the public must meet British Standard BS 7114. Under the regulations the sale of fireworks to anyone under 18 is banned. Caps, cracker snaps and party poppers cannot be sold to anyone under 16. The supply of bangers, mini rockets, fireworks that fly erratically (squibs, helicopters etc), aerial shells, aerial maroons, aerial mortars, some large category 2 and 3 fireworks and all category 4 fireworks are banned from supply to the public:

- Category 1 – Indoor fireworks.
- Category 2 – Garden fireworks.
- Category 3 – Display fireworks for open areas such as fields.
- Category 4 – Professional fireworks for large open areas.

These regulations are enforced by local authority consumer protection/trading standards officers. Suppliers or shopkeepers in breach face a fine of up to £5,000 or 6 months in prison.

The Fireworks Regulations 2004 prohibit the supply of fireworks louder than 120 decibels.

Since January 2005, the sale of fireworks to the public is prohibited, except from licensed traders. The Fireworks Regulations 2004 state that in England, Wales and Scotland fireworks can be sold by unlicensed traders for Chinese New Year and the preceding three days, Diwali and the proceeding three days, 15th October–10th November, to allow Bonfire Night celebrations, and 26th–31st December for New Year celebrations.

Storage of fireworks

Under the Manufacture and Storage of Explosives Regulations 2005 (MSER) individuals can store up to 5kg of Hazard Type 4 fireworks (generally Category 1 and 2 fireworks) without a license and for an unlimited time. The Regulations also permit individuals to store up to 50 kg of Hazard Type 4 fireworks for private use for up to 21 days, without the need to license or register. However, although the Regulations permit small quantities of fireworks to be kept without the need to license or register, other requirements of the regulations - e.g. on storing safely - still apply.

Further information about all aspects of MSER, including information about organising a firework display, is available on the Health and Safety Executive website:

www.hse.gov.uk/explosives/fireworks

Nuisance and danger

If a local authority officer judges noise from fireworks to be a statutory nuisance under the Environmental Protection Act 1990, they can issue an abatement notice – however, as firework noise is short lived, in practice it can prove difficult to locate the source.

Under the Noise Act 1996 local authorities in England and Wales have powers to issue a fixed penalty notice if excessive noise is emitted from premises (including gardens) between 11.00 pm and 7.00 am. Under the Crime and Disorder Act 1998 local authorities or the police can apply to magistrates for an anti-social behaviour order where anyone has caused “harassment, alarm or distress”. Disobeying an order carries a maximum penalty of a five-year prison sentence.

Fixed Penalty Notices

Throwing or setting off fireworks in the street is an offence under the Explosives Act 1875. This is enforced by the police, and a fixed penalty notice of £90 applies. Police can serve a fixed penalty notice of £80 to anyone under 18 possessing a firework in a public place and for breach of the 11.00 pm curfew on letting off fireworks.

Animals

It is an offence to cause unnecessary suffering to animals under the Protection of Animals Act 1911. A penalty of up to £5,000 and/or 6 months in prison is enforceable by police, trading standards or the RSPCA.

When can I use fireworks?

The Firework Regulations 2004 prohibit anyone under 18 from possessing fireworks, and anyone except professionals from possessing display fireworks.

These regulations also prohibit the use of fireworks at night (11.00 pm – 7.00 am) in England and Wales, with extensions for the following festivals:

- Until 1.00 am on the night on the Chinese New Year
- Until 1.00 am on the night of Diwali
- Until 1.00 am on New Year's Eve
- Until midnight on 5th November

These regulations are enforced by the police. There is a penalty of up to £5,000 or 6 months in prison for a breach of the curfew.

Avoid firework frights

Fireworks add excitement and glamour to celebrations and are enjoyed by many. Large organised displays are used to celebrate state occasions, sporting events and also for family celebrations.

Fireworks don't have to be ear splitting to be fun. We can enjoy them in safety, without causing annoyance to our neighbours and their pets or livestock, or to wildlife. If you have your own firework display, remember that too much noise can frighten people and animals, and that fireworks cause smoke and pollution.

Follow these simple guidelines to reduce the risk of nuisance:

- Give neighbours a few days notice of your display – this is particularly important if they are elderly and/or have children or pets.
- Use appropriate fireworks – when buying fireworks, try to avoid very noisy ones. Your supplier should be able to tell you what they are selling.
- Make sure pets and other animals are safely away from fireworks.
- Consider timing. If you are using fireworks for a celebration, a Friday or a Saturday is preferable, remember it is illegal to use fireworks after 11.00 pm.
- Avoid letting off fireworks in unsuitable weather – if it is still and misty or air quality is poor, pollution could be a problem. Check air quality on 0800 556677 or <https://uk-air.defra.gov.uk/>.
- Let off your fireworks in open garden areas – noise bounces off buildings, and smoke and pollution build up in enclosed spaces.
- If a neighbour complains that you are disturbing them, their pets or livestock, be considerate.
- After your display, clear up firework fall-out and dispose of it safely.

Further information

Noise Abatement Society

www.noiseabatementsociety.com

Noise helpline: 01273 823850

The Blue Cross

www.bluecross.org.uk

Tel: 0300 790 9903 (free calls)

RSPCA

www.rspca.org.uk

Cruelty and Advice Line 0300 1234 999 (free calls)



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PPP FW P001 Firework Policy

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Contents

1.0	Purpose.....	3
2.0	Policy Statement.....	3
3.0	Approach.....	3
4.0	Practical Working Arrangements.....	4
5.0	Roles and Responsibilities.....	5
6.0	Quality of the Service.....	5
7.0	Monitoring the Service.....	5
8.0	Policy Review.....	6

1.0 Purpose

- 1.1 The Public Protection Partnership is the enforcing authority for a wide range of primary legislation functions related to the management of the sale and use of Fireworks.
- 1.2 The Public Protection Partnership carries out this duty by employing suitable, qualified and trained staff, who are authorised in writing to enforce the requirements of the various pieces of legislation and working with internal and external colleagues to effect changes where necessary.
- 1.3 The Public Protection Partnership recognises the value of having a documented policy which sets out how residents, within its area, will be protected from the impacts of the use of fireworks and setting boundaries on our remit.

2.0 Policy Statement

- 2.1 The Public Protection Partnership will make effective arrangements to promote safe and appropriate use of fireworks, here appropriate we will enforce primary legislation to achieve this. This includes all associated regulations and codes of practice, with the aim of ensuring that, within its area, individuals and communities public health is protected and enhanced. We will work with partner organisations such as the RSPCA and Police to ensure messages are shared and initiatives supported.

3.0 Approach

- 3.1 Protecting residents from the impact of fireworks is a key feature of the PPP's aims and objectives. There will be ongoing pro-active work carried out to prevent incidents of public health concern.
- 3.2 The PPP's involvement in Fireworks falls into 4 clearly defined areas:
 - 3.2.1 Sale of Fireworks (size and noise)
 - 3.2.2 Impact of noise on residents
 - 3.2.3 Events where fireworks may take place
 - 3.2.4 Campaign and Social Media messages
- 3.3 Firework legislation around sales is to predominantly protect residents from purchasing in appropriate levels of explosive materials as well as ensuring age appropriate sales take place. This work will be undertaken by Trading Standards Officers.

- 3.4 Officers use their professional skills to inspect and intelligence led project work to target problem premises. When investigating and assessing complaints they have regard to industry standards, best practice and case law. This work may be undertaken by a range of suitably qualified officers.
- 3.5 Where organised firework displays are to take place we will work with organisers through the Safety Advisory Group process and actively pursue considerations of the impact on residents. We will work closely with Partner Organisations to ensure that appropriate controls are applied.
- 3.6 Where premises hold a licence for regulated activities they may from time to time use fireworks as part of their business. Officers will work with applicants to ensure controls are in place and will have regard to timings and locations if they are to be used. Should complaints be received the PPP would expect to see a noise management plan which clearly sets out how their use will not have a detrimental impact on residents in the vicinity. Officers are also able to use powers under the Environmental Protection Act with regards to noise causing a statutory nuisance. This approach should be reasonable and proportionate.
- 3.7 Whilst sympathetic to the impact that firework noise can have on animals it is accepted that there are no legal powers enforceable by the PPP to protect them from the harmful impacts. In minimising the impact on residents there is a logical assumption that animals will

4.0 Practical Working Arrangements

- 4.1 Proactive inspection work will be addressed through annual service planning based Government requirements and identified need/risk and will be project based.
- 4.2 Reactive intervention will be carried out following the receipt of a service request concerning impact on residents.
- 4.3 There is a clear consultation process for any Licence Applications and Safety Advisory Group events. Officers will be involved when appropriate to ensure steps are taken to minimise the impact on residents.
- 4.4 Fireworks will be included within the PPP Annual Communications Plan and we will identify particular events which may lead to increase uses outside the more traditional events such as Diwali, Guy Fawkes Night and New Years Eve. The PPP Facebook and

Twitter already follow the RSPCA and RBFRS and will share and support their campaigns concerning fireworks.

- 4.5 Unless in exceptional circumstances, all interventions will involve a graduated approach leading to formal action if such an approach has failed.

5.0 Roles and Responsibilities

- 5.1 Responsibility for implementation of the policy rests with the Strategic Management Team.
- 5.2 The Strategic Manager for Environmental Quality, Licensing and Governance is responsible for the planning, organisation and subsequent monitoring of all aspects of the policy as well as other Standards or Policy.

6.0 Quality Of The Service

- 6.1 The Public Protection Partnership is committed to ensuring that the highest practicable standard of service is achieved and that good customer care practice is integrated into all aspects of service delivery.
- 6.2 In meeting its duties under legislation The Public Protection Partnership will strive for excellence in the quality of service provided. All staff will adopt a professional approach and performance monitoring will be carried out to the standard identified within the adopted Internal Monitoring Standard's to ensure compliance with agreed targets.
- 6.3 It is the responsibility of the Public Protection Partnership to ensure that all officers are suitably qualified, experienced and authorised to carry out enforcement under the Act(s) and any legislation made under the Act(s).
- 6.4 The Public Protection Partnership Strategic Management Team will ensure that all authorised officers have access to appropriate professional training and other resources required in order to maintain a high level of professionalism and competence.

7.0 Monitoring the Service

- 7.1 Having set the standards that the Public Protection Partnership wishes the service to achieve, it is essential that the detailed

arrangements in the policy are put into practice and that the outcome is regularly monitored and reviewed.

7.2 The Strategic Manager for Environmental Quality, Licensing and Governance will make arrangements to monitor the following:

- 7.2.1 Compliance with agreed targets for programmed inspections.
- 7.2.2 Compliance with agreed targets for Service Requests.
- 7.2.3 The number of Service Requests received year to year.
- 7.2.4 Any other agreed monitoring arrangements concerned with the Public Protection Partnership Control Strategy and broader Council objectives relevant to the Public Protection Partnership activities.
- 7.2.5 Communications Strategy in relation to public messages at key times of the year.

8.0 Policy Review

- 8.1 This policy will be reviewed annually by the Strategic Manager for Environmental Quality, Licensing and Governance
 - 8.2 This Policy will be publically available.
-

Licensing Committee Forward Plan March 2021 to February 2022

No.	Ref No	Item	Purpose	Lead Officer	Lead Member
21 June 2021					
1.		Hackney Carriage and Private Hire Policy	To adopt the policy arising from the Statutory Taxi and Private Hire Vehicles Standards Report	Sean Murphy	Councillor Hilary Cole
2.		School and Community Services Policy	To adopt the policy arising from the Statutory Taxi and Private Hire Vehicles Standards Report.	Sean Murphy	Councillor Hilary Cole
3.		Draft Statement of Gambling Principles	To give initial consideration to the prior to it being finalised at the November meeting before adoption by full Council in December 2021.	Sean Murphy	Councillor Hilary Cole
08 November 2021					
4.		Licensing Annual Report	To set out the work of the Licensing Committee in 2020/21 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.	Sean Murphy	Councillor Hilary Cole
5.		Statement of Gambling Principles	To review the statement of Gambling Principles by January 2022 when the current document is due for renewal.	Sean Murphy	Councillor Hilary
01 February 2022					
6.		Fees for Taxi and Private Hire Vehicles	To consider any issues arising from the consultation and their impact on the proposed fees which will be recommended to full Council for approval.	Julia O Brien	Councillor Hilary Cole
7.		Fees for Private Hire Operators	To consider any issues arising from the consultation and their impact on the proposed fees which will be recommended to full Council for approval.	Julia O Brien	Councillor Hilary Cole

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