

Council

Wednesday, 22nd September, 2021, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

Supplementary Agenda

I am now able to enclose, for consideration at the above meeting of the Council, the following information:

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <p>5 Cabinet</p> <p>To receive and consider the report of the Cabinet held on 15 September.</p> | <p>(Pages 125 - 128)</p> |
| <p>8 Scrutiny Committee</p> <p>To receive and consider the report of the Scrutiny Budget and Performance Panel held on 13 September and associated Task Groups.</p> | <p>(Pages 129 - 130)</p> |
| <p>10 Extension to cafe pavement licences</p> <p>To receive and consider the report of the Director of Planning and Development.</p> | <p>(Pages 131 - 154)</p> |
| <p>11 Caravan Site Licensing - Fit and Proper Test</p> <p>To receive and consider the report of the Director of Planning and Development.</p> | <p>(Pages 155 - 168)</p> |

Gary Hall
Chief Executive

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Report of Cabinet

1. Any Cabinet recommendations on the reports that require a decision by full Council appear as separate items on the agenda.

General Report of the Cabinet for the meeting held on 15 September 2021

Shared Consultation Framework

2. The Leader of the Council and Cabinet Member (Strategy and Reform) presented a report of the Deputy Chief Executive presenting the consultation framework for approval.
3. The Consultation Framework set out how South Ribble Borough Council undertakes consultations.
4. Without a framework, consultations may not be consistently planned and undertaken in the proper way across the council. This can lead to poor consultations and consequently poor decision making. This framework is a shared approach across Chorley and South Ribble Councils which will provide a consistent approach for staff to work too.
5. Consultation is also a way for communities, residents and businesses to engage with the Council and shape their local area. Without a framework key features that promote inclusivity and accessibility may not be routinely applied, inadvertently leaving some voices unheard.
6. The framework provides officers across South Ribble Borough Council with the guidance and tools to undertake high quality consultations as and when needed.
7. Cabinet approved the Consultation Framework in Appendix A and agreed that a "Consultation Checklist" be developed complementary to the list produced as part of the Community Involvement Review.

Quarter 4 (January - March) Performance Monitoring Report 2020-21

8. Cabinet considered a report of the Deputy Chief Executive providing Cabinet with a position statement for the Corporate Strategy for quarter one (April – June) 2021/22.
9. Cabinet also gave consideration to the recommendations of the Scrutiny Budget and Performance Panel made at its meeting on 13 September 2021, as follows:
10. Cabinet noted the report and accepted the recommendations of the Scrutiny Budget and Performance Panel made on 13 September 2021.

Workplace Strategy

11. The Deputy Chief Executive presented a report giving details of the Workplace Strategy 2021-24 for consideration and approval.

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12. The Workplace Strategy is the beginning of an ambitious plan and programme of works to transform where and how the council will work over the next three years. The aim and vision of the Workplace Strategy is to “To provide a high quality, modern, fit for purpose workplace for all staff that enables mobility, flexibility, productivity, and collaboration across the council whilst supporting behavioural and cultural change to adopt new ways of working’.
13. The Cabinet agreed that the Workplace Strategy be approved and progressed to support the future efficient operation of the organisation.

Revenue and Capital Budget Monitoring Report 1

14. The Cabinet Member (Finance, Property and Assets) presented a report of the Director of Finance with 2 elements:
 - i) setting out the revenue and reserves forecast for the Council as at 31st July 2021 and
 - ii) overall financial position of the Council in respect of the capital programme as at 31st July 2021.
15. The Cabinet also considered the recommendations of the Scrutiny Budget and Performance Panel on 13 September 2021.
16. The Council’s Medium-Term Financial Strategy reported that working balances were to be maintained at existing levels due to the financial risks facing the Council. The balance at the last reporting period (2020/21 Outturn) was £4.141m. The forecast level of general fund balances as at 31st March 2022 remains at £4.141m.
17. The decision ensures that the Council’s budgetary targets are achieved and the Council’s Capital Programme is monitored effectively.
18. The Cabinet agreed to:
 1. To note the forecast position for revenue and reserves as at 31st July 2021.
 2. To note the virements to the revenue budget made during the period, as detailed in **Appendix 2** of the report.
 3. To approve the revised capital programme as attached at **Appendix A** which reflects all amendments to the programme that have been approved in the 4 months to 31st July 2021, as detailed in paragraph 11.
 4. To note the position in the Balance Sheet Monitoring section of the report in respect of cash, investment and loan balances, and debtors as at 31st July 2021.

Land Transfer at Vernon Carus

19. The Cabinet Member (Finance, Property and Finance) presented a report of the Director of Commercial giving details of taking forward the ambitions of the Council’s Leisure

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Facilities Strategy which has the key ambition of developing local Sport and Community hubs across the Borough as a means of widening access to Leisure Facilities and promoting the concept of Leisure Local.

20. The report also built on a report taken to Cabinet on 20th June 2020 which gave permission for Officers to commence negotiations on the transfer of the land the Vernon Carus Site. The new report sought a final decision on agreeing a transfer of land at the Vernon Carus Sports Club, Factory Lane, Penwortham and Penwortham Reservoir (see Appendix A - Plan of sites) to South Ribble Borough Council from Lane End Developments Construction Ltd.
21. The Transfer of the land in question is linked to a wider Housing development being driven by Trafford Housing Trust. The transfer of the site to the Council is an opportunity to take forward the new concept of Leisure Local as put forward in the Leisure Facilities Strategy adopted by the Council in October 2020.
22. Strategically, the Council has adopted a new Leisure Facilities Strategy through Cabinet. This highlights an ambition to develop a leisure and community hubs across the borough as part of the concept of Leisure local.

The Cabinet agreed to take the following decision:

23. That Cabinet approves the transfer of the land and reservoir to South Ribble Borough Council and the receipt of the sum of £500,000
24. That Cabinet approves the principles of the outline Master Plan. Further reports will come back through Cabinet and Council around the phasing of delivery and funding options for the component parts.
25. That Cabinet approves the funding of £150,000 plus a £25,000 contingency for the refurbishment of the existing Sports Club and Changing Rooms as phase 1A of the proposed Master Plan. The £150,000 is to be funded from s106 and £25,000 from the new Leisure Local budget.

Museum, culture and tourism review

26. The Leader of the Council and Cabinet Member (Strategy and Reform) presented a report of the Deputy Chief Executive requesting approval for the new structure for the shared museum, culture and tourism team following a period of formal consultation.
27. Cabinet agreed the proposals for the new structure as set out in Appendix A.
28. The new structure completes the creation of a shared communications and visitor economy service with a new team that will take on the tourism function and the operation of the South Ribble Museum and Exhibition Centre and Worden Hall.

Award of contract for work on South Ribble tennis centre car park

29. Cabinet considered a report concerning the awarding of the contract to the successful contractor for the work to extend the Car park at South Ribble Tennis and Fitness Centre as part of a wider refurbishment programme at the Council's Leisure Centres.

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30. This is a long-standing project that has been discussed for a number of years whilst SERCO managed the Leisure Centres. This decision is about taking this project forward to relieve the congestion experienced at the South Ribble Tennis and Fitness Centre car park at peak time use within the Leisure Centre and allow for increased use of the facilities.
31. Cabinet approved the following:
 - i) That Cabinet agrees to the spending of up to £180k on the car park at South Ribble Tennis Centre to be funded from the Capital programme sum earmarked for the refurbishment of the Council's Leisure Centres.
 - ii) That Cabinet delegates responsibility to the Cabinet Member for Finance, Property and Assets in liaison with the Director of Commercial Services for the awarding of the contact to the successful bidder to complete the extension to the car park at South Ribble Tennis and Fitness Centre following a procurement exercise underway which is being carried out under the Council's procurement rules.

Councillor Paul Foster

Leader of the Council

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Report of Scrutiny Budget and Performance Panel

1. This report summarises the business considered at the meeting of the Scrutiny Budget and Performance Panel held on 13 September 2021.

Scrutiny Budget and Performance Panel – 13 September 2021

Quarter 1 Performance Monitoring Report 2020-21

2. The Leader of the Council presented a report on the Council's performance against the delivery of the Corporate Strategy projects and objectives during Quarter 1 (April-June 2021).
3. We welcomed the progress made in the quarter, with 11 of 14 projects on-track and 3 rated amber.
4. We received further information on the anticipated outcomes of shared services in customer services and ICT across South Ribble and Chorley Councils and were keen to learn whether the recent technical issues experienced with IT had been rectified, to which confirmation was provided that these had not been fully resolved but that sufficient workarounds were in place.
5. We also queried the rationale for merging the South Ribble Partnership and the Chorley Public Service Reform Board and were advised that consultation had taken place with all partners and that there had been a consensus that a single strategic partnership for South Ribble and Chorley would be of greater benefit.
6. We welcomed assurances that the single strategic partnership would remain being scrutinised in the future and that there would be potential for joint scrutiny with Chorley Council.
7. We expressed slight concern that staff vacancies and skills gaps were causing delays in the delivery of the Joint Digital Strategy but were assured that a recent restructure had filled most positions. It was also suggested that the project could get back on track by 'buying in' expertise.
8. We noted that the percentage of households living in fuel poverty in South Ribble was lower than the national average but requested that the key performance indicator be reviewed as part of the next refresh of the corporate strategy to be more challenging.
9. We commended the work of the mental health support programme for young people alongside the Community Conversations and asked for further information on the number of young people engaging with these and the link being made between the events and mental health support.
10. We also requested further examples of outcomes from the Community Hubs and the proposed method for evaluating success as well as a detailed report to be provided to the Scrutiny Committee on the progress of the Community Wealth Building Action Plan.
11. Further information on the take-up rates of the Credit Union was also requested.

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12. Following a query regarding the suspension of pre-planning advice due to the COVID-19 pandemic, we asked for a further update.
13. We also requested further information on response times to customer service calls following feedback about long wait times from members and residents.
14. We thanked the Leader of the Council and Chief Executive for their attendance.

Revenue and Capital Budget Monitoring Report 1

15. The Leader of the Council and the Director of Finance presented an update on the Council's overall financial position at the end of Quarter 1 of the 2021-22 financial year.
16. We welcomed the new user-friendly layout of the report, following member feedback.
17. We queried the financial impact of the COVID-19 pandemic on the Council and were advised that there had been a slight impact but that the Council remained in a strong financial position.
18. We expressed some concern over an understatement on payments to the Lancashire Pension Fund and queried how this had not been noticed sooner. In response, we were advised that the Pension Fund had only just completed reconciliation works but the Director of Finance remained confident in the Council's ability to breakeven in the current financial year.
19. We also noted that a review into the Council's earmarked reserves being undertaken by the Cabinet Member for Finance, Property and Assets was making steady progress.
20. We discussed vacancies in the Neighbourhoods team and how this impacted service delivery and were informed that performance within this directorate remained relatively good and that interim arrangements were in place for those vacancies.
21. We questioned the consultation methods used during the refurbishment of playgrounds and were informed that members and residents were fully engaged and that a new consultation process had been recently adopted.
22. We requested further information on the refurbishment of the Birch Avenue playground in Penwortham.
23. The deliverability of the capital programme by the end of the financial year was also questioned and confidence was expressed in this. Some challenges were acknowledged but we were assured that a number of schemes had made great progress so far.
24. We thanked the Leader of the Council and Director of Finance for their attendance.

Recommendation(s)

That Council note the report.

Councillor David Howarth
Chair of Scrutiny Committee
CL

Report of	Meeting	Date
Director of Planning and Development (Introduced by Cabinet Member (Planning, Business Support and Regeneration))	Council	22 September 2021

Is this report confidential?	No
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Is this decision key?	Not applicable
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Extension to cafe pavement licences

Purpose of the Report

1. To seek approval to extend the current Café pavement licensing scheme until 30th September 2022 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

Recommendations to Council

2. To note the changes to the Business & Planning Act 2020 introduced by The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.
3. To agree to extend the proposed duration of granting of pavement licences until 30th September 2022 as per The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.
4. To confirm the level of fee charged in respect of applications for pavement licences issued under the Business & Planning Act 2020.
5. To extend delegated authority to Officers as described at Paragraph 25 of this report.

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Reasons for recommendations

6. It is a statutory requirement to extend the current Café Pavement Licensing Scheme until 30th September 2022 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

Other options considered and rejected

7. There are no other options available.

Corporate priorities

8. The report relates to the following corporate priorities: (please bold all those applicable):

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

9. The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.
10. The Business and Planning Act 2020 obtained Royal Assent on 22 July 2020. The Act introduced a number of powers and requirements on local authorities that affect how they deal with a variety of issues, with the aim of supporting local businesses and helping economic recovery as the COVID-19 restrictions put in place by Government continue to be eased.
11. The Act introduced a temporary fast-track process for these businesses to obtain permission, in the form of a "pavement licence", from the Local Authority for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximize their capacity whilst adhering to social distancing guidelines.
12. Any business selling and/or serving food or drink may apply for a pavement licence to have tables and chairs and other street furniture placed on the highway adjacent to their premises for the benefit of their customers.
13. The new powers are temporary, and were originally placed until 30 September 2021, however, The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021, extends the temporary outdoor furniture provision until 30th September 2022 for another 12 months.
14. Under the Business and Planning Act 2020, pavement licences are currently handled by the Licensing Authority, as an alternative to the previous regime which was the responsibility of the Highways Authority.

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15. Due to the Covid 19 pandemic, an urgent decision was made last July under Standing Order 35 of the council's constitution, to adopt a Pavement Licensing Policy by virtue of the Business and Planning Act 2020. –Please refer to Background Documents 1, 2 and 3
16. A maximum fee of £100 can be charged for applications.

Recommended approach

17. As the pavement licence regime was originally time limited to run through to 30th September 2021, all of the licences issued under the scheme are due to expire on this date.
18. As such, if these premises wish to maintain their outside areas currently covered by a licence, they will need to re-apply.
19. As the application process is designed to be as burden free and expedited as possible, this should not cause any delay in re-issuing licences to premises and not be subject to a lengthy process.
20. The legislation does enable the Council to issue a pavement licence for a shorter duration than the length of the scheme, however guidance issued by the Local Government Association indicates that the Council should only consider issuing for a shorter duration than the length of the scheme where there is reasonable reason to do so e.g. where the application is linked to a time limited road closure.
21. In 2020, the fee for pavement licences was £100. It is recommended that Council confirms to retain the same fee of £100 for each new pavement licence in line with the maximum amount specified by Government.
22. With the exception that any pavement licences, issued by South Ribble Borough Council with an expiry of 30th September 2021 will be offered a new application free of charge until September 2022.
23. The reasoning behind this proposal is due to the premises being closed for a large duration of their previous pavement licence issued during 2020/2021, due to Covid restrictions set by the government.
24. The Policy and application form have been updated to reflect the extension of Pavement Licences until the 30th September 2022 and can be found at Appendix 1 and 2 respectively.
25. The policy seeks to extend authority to delegate decisions to officers in the following way;

Function		Decision Delegated to
Grant of Pavement Licence	Where, during the public consultation period, no representations have been received.	Licensing Officers.
	Where, during the public consultation period,	Shared Services Lead – Legal & Deputy Monitoring Officer or

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	representations have been received.	Senior Solicitor in consultation with Chair/Vice Chair of Licensing/Portfolio holder
Revocation of Pavement Licence	In line with Paragraph 5 of the Policy above	Shared Services Lead – Legal & Deputy Monitoring Officer or Senior Solicitor in consultation with Chair/Vice Chair of Licensing/Portfolio holder
Remedial Notices	Breach of condition (case by case basis)	Licensing Officers

Climate change and air quality

26. N/a

Equality and diversity

27. N/a

Risk

28. The implementation of the Regulations and being in a position to accept and determine applications is a legal duty placed upon South Ribble Borough Council.
29. If the Council fails to implement the Regulations, it may be challenged when exercising its functions through several routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by implementing the requirements of the Regulations, the Council is complying with its legal obligation.

Comments of the Statutory Finance Officer

30. The charge to be made accords with the Café Pavement Licensing Scheme that has been extended until 30th September 2022 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

Comments of the Monitoring Officer

31. It is a statutory requirement to extend the current Café Pavement Licensing Scheme until 30th September 2022 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

Background documents

Background document 1 - Urgent Decision Report 2020

<https://southribbleintranet.moderngov.co.uk/documents/s18186/Background%20%20for%20Pavement%20Licensing%20Policy.pdf>

Background document 2 - Current Application Form

https://www.southribble.gov.uk/media/386/Cafe-Licence-application-form/pdf/Application_Form_SRBC-Business_and_Planning_Bill.pdf?m=637423662921670000

Background Document 3 - Current Policy Wording

<https://www.southribble.gov.uk/article/1571/Contents>

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Background Document 4 - Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022

<https://www.legislation.gov.uk/ukdsi/2021/9780348224344/contents>

Background Document 5 - Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services, HM Government.

<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/Keeping-workers-and-customers-safe-during-covid-19-restaurants-pubs-bars-takeaways-230620.pdf>

Background Document 6 - Licensing of Outdoor Drinking & Dining, Local Government Association

https://www.local.gov.uk/sites/default/files/documents/UPDATE%20Outdoor%20eating%20and%20drinking%20guidance_0.pdf

Appendices

Appendix 1 - New proposed policy Wording

Appendix 2 - New application Form

Report Author:	Email:	Telephone:	Date:
Chris Ward (Interim Licensing Team Leader)	christopher.ward@southribble.gov.uk	01772 625330	14/09/2021

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Pavement Licensing Policy

The Business and Planning Act 2020 (Pavement Licences)
(Coronavirus) (Amendment) Regulations 2021



Effective: (date)
Version 1 – First Policy Draft
Sept 2021

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1. Introduction

The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

As the economy starts to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Act makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2022.

The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from the South Ribble Council for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

Currently, tables and chairs permissions are granted as Pavement licences by Lancashire County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a time consuming 28-day consultation period.

The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost-effective manner aiding to their financial recovery.

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink (alcohol or non alcohol) for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

2.3 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.4 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form submitted electronically and sent to licensing@southribble.gov.uk.
- the required fee of £100, paid by credit or debit card
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);
- evidence of the right to occupy the premises (e.g. the lease);

- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- (if applicable) reference to any existing pavement licence currently under consideration by the local authority;
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million,
- a declaration as to the truth of the contents of the application and accompanying documents and an acknowledgement that the pavement licence is liable to revocation if the application contains false or misleading statements and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

3.2 Fees

The fee for applying for a licence under the new process are set local but are capped at £100. The Council has determined that the fee for applications will be £100.

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day on which a valid application was made to the Council.

The Council will publish details of the application on its website at www.southribble.gov.uk.

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to the application the Council will consult with:

- South Ribble Council Town Centre Management
- South Ribble Council Environmental Health Service (including Environmental Control and Food and Safety Teams)
- South Ribble Council Planning Department
- Lancashire Fire & Rescue Service
- Lancashire Police

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period.

Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (5 working days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation.

If the local authority determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,

- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the local authority does not determine the application within the 14- day period, the application will be deemed to have been granted.

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement Licences between 09:00 and 21:00.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 7days, beginning with the first day after the public consultation period, excluding public holidays) they can specify the duration of the licence, subject to a minimum duration of 3 months.

The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2022.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2022.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Licence, or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

There is no statutory appeal process against decision to refuse an application.

4. Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

However, this is not the case for the statutory no-obstruction condition which is as applies to all Licences. The National 'no obstruction' condition is shown in Appendix 3.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or

road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Review Procedures

This Policy covers the Temporary Permission for Pavement Licences, The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations which are scheduled to expire on 30 September 2022.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Licence's generally, relevant social distancing measures or as a result of local considerations within the South Ribble Borough.

The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021

Application for a Pavement Licence

[NAME OF PREMISES]
[FULL ADDRESS OF PREMISES]

TAKE NOTICE, **[applicant name]**, has made an application on **[DATE]**, pursuant to Section 1(1) of The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021, for a Pavement Licence to be granted in respect of the premises detailed above.

[Days and times during which it is proposed to place street furniture on the highway]

A copy of the application can be viewed at the Civic Centre, West Paddock, Leyland, PR25 1DH, or online at www.southribble.gov.uk

Any person who wishes to make representations in relation to this application must do so in writing to Licensing, Civic Centre, West Paddock, Leyland, PR25 1DH, info@southribble.gov.uk or by the online portal. Representations must be made within the public consultation period which ends **[DATE which is 8 days after the day on which the application is made]**.

Standard Pavement Licence Conditions

1. Being the licence holder of a Pavement Licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that South Ribble Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. South Ribble Council requires evidence that the licence holder has Public Liability Insurance for the operation of the Pavement Licence. This must indemnify South Ribble Council and Lancashire County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £5 million in respect of any one incident.
3. Tables and chairs must not be placed in position outside of permitted times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
4. South Ribble Council and/or Lancashire County Council are empowered to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
5. The licence holder is not to make or cause to be made any claim South Ribble Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
6. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
7. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.
8. Emergency routes to the premises and adjacent buildings must not be obstructed by the pavement furniture, which should not, in normal circumstances, extend beyond the width of the premises frontage.
9. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council. Patio heaters must not be used.
10. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.

11. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
12. The operation of the area must not interfere with highway drainage arrangements.
13. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority, Lancashire County Council and evidence of such agreement produced to Chorley Council by the licence holder on demand..
- 14.
15. All detritus (food and drink remnants, spillages, bottles, cans, wrappers, cigarette ends etc) be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the designated area benefitting from the pavement licence, for a distance of up to 10 metres from the boundary of the designated area benefitting from the pavement licence. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
16. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by South Ribble Council or the Highway Authority.
17. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcohol within licensed area.
18. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcohol within the designated area benefitting from the pavement licence outside the hours in force for the premises itself.
19. The licence must be displayed on the premises with a plan of the agreed layout in clear view.
20. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.
21. Without prejudice to the obligation contained in Condition 3 The licence holder must cease to place remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.

22. There must be adequate provision made for the collection and containment of litter and, where directed, the Licensee must provide suitable litter bins.
23. The Licensee will ensure that the designated area is maintained in a clean and tidy condition. The Licensee shall also take appropriate precautions to prevent the immediate highway from becoming littered as a result of trading activities.
24. The Licensee shall at all times when the pavement cafe is in operation make available for customers toilets and hand washing facilities, to wheelchair accessible standards where it is practicable and reasonable to do so.
25. The Licensee will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or tenants of adjoining premises.
26. No speakers or playing of music shall be permitted.
27. No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage.
28. South Ribble Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.

National Conditions

The Secretary of State publishes this condition in exercise of his powers under [clause 5(6)] of the The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021

Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#).

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), the licence is granted subject to those requirements.
2. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

Function		Decision Delegated to
Grant of Pavement Licence	Where, during the public consultation period, no representations have been received.	Licensing Officers.
	Where, during the public consultation period, representations have been received.	Shared Services Lead – Legal & Deputy Monitoring Officer or Senior Solicitor in consultation with Chair/Vice Chair of Licensing/Portfolio holder
Revocation of Pavement Licence	In line with Paragraph 5 of the Policy above	Shared Services Lead – Legal & Deputy Monitoring Officer or Senior Solicitor in consultation with Chair/Vice Chair of Licensing/Portfolio holder
Remedial Notices	Breach of condition (case by case basis)	Licensing Officers

FOR OFFICE USE

Application No...

Date...

Fee Paid...

Receipt No...

**Application for a Licence to use the Highway for a Street Café.
The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.**

Please read the notes and answer all the following questions	
<p>Question 1</p> <p>Your Name and Address</p> <p>Postcode Tel. No.</p>	<p>Question 2</p> <p>Name and address of any person acting for you</p>
<p>Question 3</p> <p>Describe the proposed location for the street café and address if different from the address in Q1 above.</p>	
<p>Question 4</p> <p>Please state the main proposed materials (for example: furniture, umbrellas, boundary markers, colour, type, styles) and show them on your detailed layout plan.</p>	
<p>Question 5</p> <p>Do you intend to alter any of the building and/or building frontage to accommodate the proposal? If YES, please show details of the alterations on your plan. YES/NO</p>	
<p>Question 6</p> <p>Are there any lighting columns, litter bins, road signs, public seating, trees, etc. on the site within the boundary of the area proposed for the street café? If YES, please show them on your plan. YES/NO</p>	
<p>Question 7</p> <p>Is proper sanitary accommodation available within the building to be used to service the Street café? YES/NO</p>	

Question 8

Is it intended to seek a licence to serve alcohol within the street café area?

If YES, please answer Q9 below.

YES/NO

Question 9

What range of drinks (alcoholic and non-alcoholic) is it intended will be served within the street café area?

Give details below.

The applicant should be aware that the granting of a licence does not permit the sale of alcohol within the outdoor café area. Separate licensing arrangements apply for the sale of alcohol and the applicant should check the conditions on the Premises Licence or consult the Licensing Authority.

Question 10

Please read and sign the following statement.

I wish to apply for a licence to use the highway fronting the above-named property for the purpose of a street café as described in this application and the accompanying plans and enclose the required fee.

Signed.....

Date.....

Notes

Applications should be made to the , Licensing Section, South Ribble Borough Council, Civic Centre, West Paddock, Leyland, PR25 1DH, licensing@southribble.gov.uk

1. A location plans to Ordnance Survey quality to show the proposed area for the street café at 1:1250 scale.
2. A detailed plan (to show the proposed street café) at a scale of 1:50 or 1:100
3. Full manufacturers literature/details of the furniture/equipment to be used.
4. Details of the management arrangements for the street café.
5. The standard fee.
6. Proof of indemnification against all claims, injuries or accidents, with cover up to £5 million.

You will need two types of plans:

Location plan – to show where your proposal is situated in relationship to the surrounding area. You must clearly edge the site boundary in red. The plan should be of 1:1250, to Ordnance Survey quality.

Detailed plan (with elevations) – to show the proposed street café and its relationship to existing buildings and features. The plan should be a metric scale of 1:50 or 1:100 and the main dimensions should be clearly stated. It should include all the information required by the questions above.

Additional Notes:

Once an application has been submitted there will be a 7day consultation period. You must place a notice on your premise setting out what has been applied for and the date by which a representation should be submitted to the licensing authority.

Report of	Meeting	Date
Director of Planning and Development (Introduced by Cabinet Member (Planning, Business Support and Regeneration))	Council	22 September 2021

Is this report confidential?	No
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Is this decision key?	Not applicable
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Caravan Site Licensing - Fit and Proper Test

Purpose of the Report

1. To seek approval to adopt The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

Recommendations to Council

2. To note the content of the report
3. To agree to adopt - The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

Reasons for recommendations

4. It is a statutory requirement to adopt The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

Other options considered and rejected

5. There are no other options it is a statutory requirement for councils to perform a fit and proper person test on all its Site Licence Managers.

Corporate priorities

6. The report relates to the following corporate priorities: (please bold all those applicable):

An exemplary council	Thriving communities
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Agenda Item 11

A fair local economy that works for everyone	Good homes, green spaces, healthy places
-----------------------------------------------------	-------------------------------------------------

Background to the report

7. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the Regulations') prohibit the use of land as a residential mobile home site unless the local authority is satisfied that the owner or manager of the site is a fit and proper person to manage the site. The purpose of the fit and proper person test is to improve the standards of residential mobile home site management.
8. From 1 October 2021 the owners of certain mobile homes (sometimes called Park Homes) sites within South Ribble will need to ensure that they, or a person who they appoint to manage the site, is a "Fit and Proper Person".

The fit and Proper Person Test

9. To be sure that the relevant person is a fit and proper person to manage the site, and to add them to the register, we will consider:
 - the owner's past compliance with the site licence
 - the long-term maintenance of the site
 - whether the person has a sufficient level of competence to manage a site
 - the management structure and funding arrangements for the site or proposed management structure and funding arrangements
10. We also consider whether the relevant person:
 - has the right to work within the UK
 - has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)
 - has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law
 - has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
 - has harassed any person in, or in connection with, the carrying on of any business
 - has had an application rejected by any other local authority
 - is or has been personally insolvent within the past 10 years
 - is or has been disqualified from acting as a company director within the last 10 years

Schedule 3 paragraphs 2 to 4 of the Regulations make reference to those matters that must be considered by the local authority as part of any application.

11. The Licensing authority will consider the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis), if it appears that the person's conduct is relevant. We can also consider any evidence on any other relevant matters.

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12. If we have concerns, we can apply registration conditions to ensure that effective management is in place or that any contravention or offence is not repeated.
13. If we believe that the applicant or their appointee are not “fit and proper” with or without conditions, we can refuse to accept that person onto the register. There is an appeal process against this decision and any decision to impose conditions on registration.
14. If a site is operated without a relevant person being registered, then the site owner may be committing a criminal offence that could lead to prosecution and ultimately removal of the licence to operate the site.
15. It is a criminal offence if the owner or manager operating a site fail to comply with the Fit and Proper Person test. If found guilty at a Magistrates’ Court they would be liable, on summary conviction, of an unlimited fine (level 5).

Fees

16. If a fee is required and is not included with the application, the application is not valid. Unless a valid application is made before the fit and proper person requirements come fully into force a site owner that continues to operate the site will commit an offence and could be prosecuted.
17. It is proposed that a follow up report will be taken to the next meeting of the Licensing and Public safety Committee to obtain approval to consult all interested parties before setting an annual fee for acceptance onto the fit and persons register.
18. A site owner can recharge site fees down to residents, residents should be consulted before the council makes a decision on the levels of fees charged.
19. As per regulation 10 - The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, the fees charged will be set to cover the cost of monitoring the scheme or conditions attached to entries.
20. The authority can decide and set the frequency of payments to cover their administrative costs. Breach of a condition requiring payment by annual fee is an offence.
21. Applications received before the 1st October 2021, for currently licensed sites, will be accepted and processed with no charge and all successful applicants will be placed on the register for a 12-month period. When these owners renew their registration in 12 months’ time, a fees policies will be in place.

How will the register be published?

22. The register must be published on the South Ribble Borough Council website. The register must be set out in a standard format as required under the regulations. A copy must be available to any person on request. This will be emailed or posted as an Excel spreadsheet. The register will be published from 1 October 2021.

How is the fit and proper person determined?

23. The Licensing Department will determine the application within a reasonable time and notify the applicant in writing. We must approve the application unconditional, approve with conditions, appoint a manager, serve a notice of action or revoke a licence.

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Application form

24. The application form can be found attached to the report as appendix 1.

Climate change and air quality

25. N/a

Equality and diversity

26. N/a

Risk

27. The implementation of the Regulations and being in a position to accept and determine applications is a legal duty placed upon South Ribble Borough Council.

28. If the Council fails to implement the Regulations, it may be challenged when exercising its functions under the Regulations and the Mobile Homes Act 2013 through several routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by implementing the requirements of the Regulations, the Council is complying with its legal obligation.

Comments of the Statutory Finance Officer

29. There are currently only 3 sites in South Ribble. This report does not propose to charge fees in the first year. The charge for the fee will be calculated over the coming year but the gross income is expected not to be material.

Comments of the Monitoring Officer

30. The main legal implications are set out within the body of the report. There are Criminal offences set out for contravening the Regulations, and any relevant person in contravention of these regulations may be liable to a summary prosecution and a consequent unlimited fine. It should be noted that any relevant person on whom a Final Decision Notice is served by the Local Authority under Regulations 6 (1) and 8 (1) and (2) can be appealed to the First Tier Lands Tribunal as set out in Paragraph 9 of Schedule 4 of the Regulations . There is no compensation payable by a Local Authority.

Background documents

31. Background Document 1 - link to The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020
<https://www.legislation.gov.uk/uksi/2020/1034/schedule/3/made>

32. Background Document 2 – Link to Gov.uk guidance
<https://www.gov.uk/government/publications/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities/mobile-homes-a-guide-for-local-authorities-on-the-fit-and-proper-person-test>

Appendices

33. Appendix 1 – Application Form

Agenda Item 11

Report Author:	Email:	Telephone:	Date:
Chris Ward (Interim Licensing Team Leader)	christopher.ward@southribble.gov.uk	01772 625330	15/09/2021

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APPLICATION FOR INCLUSION ON THE FIT AND PROPER PERSON REGISTER

	Notes on completion:
<ul style="list-style-type: none"> For sole traders/individuals complete section A. For partnerships, companies, etc. complete section B. All applicants must complete sections C to P. Please refer to the addition notes on how to complete this form at the end. When providing additional information to support your application, please reference the relevant section of the application (e.g. D) If you are unsure on how to complete any section of the form, please email licensing@southribble.gov.uk with the enquiry and a contact telephone number and we will contact you as soon as possible. 	

A	DETAILS OF INDIVIDUAL APPLICANT (if a partnership or company etc complete B below)	
First Name(s):		
Surname:		Title:
Correspondence Address:		
Postcode:		
Telephone (work):		Telephone (mobile):
E-mail address:		

B	COMPANY OR OTHER APPLICANT DETAILS	
Name of person completing the form:		
Position in company:		
Type of business (e.g. Limited Company, Partnership, etc.):		
Company Name:		
Correspondence Address:		
Postcode:		
Telephone (office):		Telephone (mobile):
E-mail address:		
Name of each relevant officer (e.g. partner, company director, member of body corporate, management committee member). Use a separate sheet if necessary		Role in management of the site (if any)

C DETAILS OF THE CARAVAN SITE TO WHICH THE APPLICATION REFERS

Site Name:
 Site Address:

 Site Postcode:

D DETAILS OF THE APPLICANT’S LEGAL ESTATE OR EQUITABLE INTEREST IN THE SITE

Please provide evidence of legal estate or equitable interest (e.g. land registry title document).

E NAME AND BUSINESS CONTACT DETAILS OF ANY OTHER PERSON(S) WITH A LEGAL ESTATE OR EQUITABLE INTEREST IN THE SITE

Note: in addition to site owner or leaseholder, an equitable interest could also mean a beneficiary of a trust – with the benefit of the land, whether or not they are recorded as the legal owner.

F DETAILS OF ANY OTHER RESIDENTIAL (RELEVANT PROTECTED) SITE LICENCES HELD AND/OR MANAGED BY THE APPLICANT (Please use an additional page if necessary)

Site Name	Licensing Authority Name	Licence Number

G DETAILS OF ANY OTHER SITES WHERE YOU HAVE A LEGAL ESTATE OR EQUITABLE INTEREST OR OTHERWISE MANAGED BY YOU (Please use an additional page if necessary)

Site Name	Licensing Authority Name	Licence Number

H CONFIRMATION THE APPLICANT IS THE OCCUPIER OF THE SITE	
Is the applicant the occupier of the site, as defined in Section 1 of the Caravan Sites and Control and Development Act, 1960 (as amended)?	YES/NO
In broad terms, occupier of the site means a person with a right of possession of the land. See note H, at the foot of this application form for legal definition.	

I TO WHOM DOES THIS APPLICATION FOR INCLUSION ON THE REGISTER RELATE?	
The Applicant (continue to section K), or	
An appointed manager (complete section J & K).	

J APPOINTED MANAGER DETAILS		
Name (person 1):		
Name (person 2):		
Business Address:		
Postcode:		
Telephone (office):	Telephone (mobile):	
E-mail address:		
Role in managing site:		

K EVIDENCE OF ABILITY TO SECURE THE PROPER MANAGEMENT OF THE SITE (The following information must be included with this application.)	
1	Please provide on a separate sheet details of the applicant(s) or proposed manager's experience and competency in managing caravan sites Note: The individual must have sufficient experience in site management, and/or have received sufficient training.
2	Please provide on a separate sheet details of the management structure and funding arrangements for the site or proposed management structure and funding arrangements for the site Note: Please provide as much information as possible. The local authority needs to be satisfied that the relevant person has suitable management arrangements in place for the administration of pitch fees, general management and maintenance of the site as well as the authority and ability to independently take timely decisions and actions in carrying out their responsibilities. The applicant should ensure that they provide information evidencing that they have access to sufficient funds so as to allow the responsible person to manage the site and comply with the obligations under the site licence.
3	Please provide any other supporting information relating to the management arrangements Note: this may include a site management plan etc.

L ADDITIONAL INFORMATION IN RELATION TO THE APPLICANT (AS AN INDIVIDUAL) OR SITE MANAGER.		
1	Have you committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)?	YES/NO
2	Have you contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law?	YES/NO
3	Have you contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business?	YES/NO
4	Have you harassed any person in, or in connection with, the carrying on of any business?	YES/NO
5	Are you, or have you been within the past 10 years, personally insolvent?	YES/NO
6	Are you, or have you been within the past 10 years, disqualified from acting as a company director?	YES/NO
7	Have you the right to work in the United Kingdom?	YES/NO
8	Are you a member of any redress scheme for dealing with complaints in connection with the management of the site? (If yes, please provide details on a separate page.)	YES/NO
9	Have you had an application to be included in a fit and proper person register rejected by another Local Authority? (If yes, details of the reasons for rejection must be provided.)	YES/NO
10	Do you have applications to be included in a fit and proper person register awaiting a result from another Local Authority? (If yes please provide details on a separate page.)	YES/NO
11	Do you have a legal estate or equitable interest, or manage any other relevant protected sites? (If yes please provide details on a separate page.)	YES/NO

M DETAILS OF THE RESPONSIBLE PERSON (THE PERSON APPOINTED TO BE RESPONSIBLE FOR THE DAY TO DAY MANAGEMENT OF THE SITE)		
-------------------------------------------------------------------------------------------------------------------------------	--	--

Name:		
Correspondence Address:		
Postcode:		
Telephone (office):	Telephone (mobile):	
E-mail address:		
Role in managing site:		

N	ADDITIONAL INFORMATION IN RELATION TO THE RESPONSIBLE PERSON	
1	Have you committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)?	YES/NO
2	Have you contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law?	YES/NO
3	Have you contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business?	YES/NO
4	Have you harassed any person in, or in connection with, the carrying on of any business?	YES/NO
5	Are you, or have you been within the past 10 years, personally insolvent?	YES/NO
6	Are you, or have you been within the past 10 years, disqualified from acting as a company director?	YES/NO
7	Have you the right to work in the United Kingdom?	YES/NO
8	Are you a member of any redress scheme for dealing with complaints in connection with the management of the site? (If yes, please provide details on a separate page.)	YES/NO
9	Have you had an application to be included in a fit and proper person register rejected by another Local Authority? (If yes, details of the reasons for rejection must be provided.)	YES/NO
10	Do you have applications to be included in a fit and proper person register awaiting a result from another Local Authority? (If yes, please provide details on a separate page.)	YES/NO
11	Do you have a legal estate or equitable interest, or manage any other relevant protected sites? (If yes please provide details on a separate page.)	YES/NO

O	CRIMINAL RECORD CERTIFICATE	
	<p>You must provide a criminal record certificate (basic DBS) issued under section 113A(1) of the Police Act 1997, dated no more than six months before the date of the application in respect of:</p> <p>(a) where the relevant person is an individual, the relevant person; and</p> <p>(b) each individual in relation to whom the applicant is required to provide information on:</p> <ul style="list-style-type: none"> • The person appointed for the day to day management of the site; • If, in the case of a company, this person is not a relevant officer of the applicant, also provide details of the manager he/she reports to. <p>(IMPORTANT – see note O at the foot of this application for more details on who will need to provide a criminal record certificate and completed section N, as defined in paragraphs 10(2), 10(5), 11 or 12 of Schedule 2 of the Regulations.</p>	

P	DECLARATIONS (This section must be completed by the applicant.)
<p>I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material.</p> <p>If this application is made by the applicant who is not the relevant person, I have made all reasonable enquiries into the matters mentioned in paragraph 9 and Schedule 3 of the regulations relating to the relevant person and the information provided in the application is correct and complete to the best of the applicant's knowledge and belief.</p>	
Full Name (please print):	
Signature:	
Capacity:	
Date:	

As soon as reasonably practicable after an application is made under Regulation 6, the local authority must make a decision on the application. An application must include a fully completed application form, supporting information and payment of the relevant fee.

<p>PRIVACY NOTICE Information about the personal information we will collect and how we will handle it can be found at https://www.southribble.gov.uk/privacypolicy</p>

FEES AND CHARGES	
Application Fee	The fee for each application is currently zero.

PAYMENT METHODS
<p><u>At a Council Office</u> Pay by card or cheque at Council Offices – https://www.southribble.gov.uk/contactus please check our website for current opening times which vary.</p> <p>Cheques should be made payable to 'South Ribble Borough Council', with the reference name of caravan site</p>
<p><u>By bank transfer:</u> Account details: Barclays Bank South Ribble Borough Council Sort code 20-69-85 Account No. 73548465</p> <p>To ensure that your payment is logged to your application, please quote the following information as your reference: [name of caravan site]</p>
<p><u>Telephone:</u> To pay over the telephone with a credit or debit card, please call 01772 625625</p>
<p><u>By post:</u></p>

You can post your application form and a cheque (made payable to South Ribble Borough Council) to:
Licensing, South Ribble Borough Council, Civic Centre, West Paddock, Leyland, Lancashire, PR25 1DH

FOR OFFICE USE ONLY: All application fee payments to be allocated to Environmental and Regulation (payment code 1114).

NOTE H

Occupier' means, in relation to any land, the person who, by virtue of an estate or interest therein held by him, is entitled to possession thereof or would be so entitled but for the rights of any other person under any licence granted in respect of the land.

Provided that where land amounting to not more than four hundred square yards in area is let under a tenancy entered into with a view to the use of the land as a caravan site, the expression 'occupier' means in relation to that land the person who would be entitled to possession of the land but for the rights of any person under that tenancy.

NOTE O

1. **If the site owner is an individual and will manage the site themselves then they are the subject of the assessment.** They have to provide;
 - A criminal records certificate; and
 - the information in section L.
2. **If the site owner has appointed or is to appoint an individual to manage the site (site manager) and who will be subject to the assessment** the site owner must provide for the site manager;
 - The information in paras L
 - A criminal records certificate.
3. **If the site owner has appointed or is to appoint a company to manage the site (site manager), and the site manager will be subject to the assessment,** the site owner must provide;
 - for each relevant officer of the site manager;
 - (a) their name and
 - (b) details of their role (if any) in relation to the management of the site.
 - for the individual that the company has appointed or intends to appoint to be responsible for the day-to-day management of the site;
 - the information in para N and
 - a criminal records certificate.
4. If the individual above is not a relevant officer of the company, then the site owner must also provide the information in para N and a criminal records certificate for the relevant officer to whom the individual will be accountable for the day-to-day management of the site.
5. **If the site owner is an individual and will be site manager, but has also appointed or intends to appoint someone else to be responsible for the day to day management of the site they** must provide;
 - the information in paragraph N for themselves; and

- the additional information in paragraph N for the person they have appointed or intend to appoint to be responsible for the day-to-day management of the site.
 - A criminal records certificate for themselves and the person appointed or to be appointed to be responsible for the day to day management of the site.
6. **Where the site owner is not an individual and will be subject to the assessment**, they must provide;
- for each relevant officer of the site owner;
 - (a) their name and
 - (b) details of their role (if any) in relation to the management of the site.
 - the information in para N and a criminal records certificate for the person that the site owner has appointed or intends to appoint to be responsible for the day-to-day management of the site;
 - where the person appointed to manage the site is not a relevant officer of the site owner, the information in para N and a criminal records certificate must be provided for the relevant officer to whom the person managing the site is/will be accountable for the day-to-day management of the site.
 - where the person responsible for the day-to-day management of the site (“B”) is not an individual, the information in para N and a criminal records certificate must be provided for the individual (“C”) that B has appointed or intends to appoint to be responsible for the day-to-day management of the site;
 - where C is not a relevant officer of the organisation (“B”), the information in para N and a criminal records certificate must be provided for the relevant officer to whom C is/ will be accountable for the day-to-day management of the site.