

GENERAL LICENSING COMMITTEE

TUESDAY, 28TH NOVEMBER, 2017, 6.00 PM

CROSS ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25
1DH

AGENDA

1 Apologies for Absence

2 Declarations of Any Interests

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

3 Minutes of the General Licensing Committee

(Pages 3 - 8)

To confirm the minutes of the General Licensing Committee meeting held on 17 October 2017 attached.

4 Minutes of the General Licensing Sub Committee Panel

To confirm the minutes of the General Licensing Sub Committee Panel meeting(s) held on 17 October and 24 October 2017 attached.

4a Minutes of meeting Tuesday, 17 October 2017 of General Licensing Sub-Committee Panel

(Pages 9 - 10)

4b Minutes of meeting Tuesday, 24 October 2017 of General Licensing Sub-Committee Panel

(Pages 11 - 14)

5 Residential Caravan Sites - Proposed Adoption of (1) Model Standards 2008 and (2) Draft Mobile Home Fee Policy with Associated Documentation

(Pages 15 - 78)

Report of the Director of Development, Enterprise & Communities attached.

6 Implementation Plan	Report of the Director of Development, Enterprise & Communities attached.	(Pages 79 - 88)
7 Forward Plan	Report of the Director of Development, Enterprise & Communities attached.	(Pages 89 - 94)
8 Member Training Programme	Report of the Director of Development, Enterprise & Communities attached.	(Pages 95 - 100)
9 Update on Miscellaneous Licensing Activity	Report of the Director of Development, Enterprise & Communities attached.	(Pages 101 - 106)
10 Exclusion of the Press and Public	<p>To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.</p> <p>By Virtue of Paragraph 1: Information relating to any individual.</p>	
11 Update on Recent Decisions to Revoke Two Drivers' Licences Taken (1) Under Standing Order 35 and (2) by a General Licensing Sub-Committee Panel	Report of the Director of Development, Enterprise & Communities attached.	(Pages 107 - 112)

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the General Licensing Committee
Councillors John Rainsbury (Chair), Mike Nelson (Vice-Chair), Jane Bell, Mary Green, Harry Hancock, Ken Jones, James Marsh, Barbara Nathan, David Watts, Paul Wharton and David Wooldridge

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings
6.00 pm Tuesday, 23 January 2018 - Cross Room, Civic Centre, Leyland



MINUTES OF	GENERAL LICENSING COMMITTEE
MEETING DATE	Tuesday, 17 October 2017
MEMBERS PRESENT:	Councillors John Rainsbury (Chair), Jane Bell, Mary Green, James Marsh, Barbara Nathan, Paul Wharton and David Wooldridge
CABINET MEMBER:	Councillor Jacqui Mort (Public Health, Safety and Wellbeing).
OFFICERS:	Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager) and Dianne Scambler (Democratic and Member Services Officer)
OTHER MEMBERS AND OFFICERS:	Denise Johnson (Director of Development, Enterprise and Communities), Peter Haywood (Revenues Manager), Stephanie Fairbrother (Licensing Officer) (Licensing Officer) and Chris Ward (Licensing Officer) (Licensing Officer)
PUBLIC:	1

38 Apologies for Absence

Apologies for absence were received from Councillors Mike Nelson (Vice Chair), Harry Hancock and Ken Jones.

39 Minutes

RESOLVED (Unanimously): That the meeting of the General Licensing Committee held on 19 September 2017 be confirmed as a correct record for signing by the Chair.

40 Declarations of Any Interest

There were no declarations of any interests.

41 Equalities Legislation (1) - Activation of elements of s165 and s167 of the Equalities Act 2010 relating to wheelchair users, along with associated documentation

The Committee considered a report of the Director of Development, Enterprise and Communities that presented the outcome of a consultation exercise undertaken on Equalities Legislation (1) – Activation of Elements of Section 165 and 167 of the Equalities Act 2010 relating to wheelchair users, along with associated documentation relating to its enforcement.

Members were also reminded that authorities who chose to implement the relevant sections of the Equalities Act 2010 in relation to wheelchair users are obliged to

produce a list of “designated users” that will set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle; the name of the operator; and information on the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a “reference wheelchair” can be accommodated. The draft list produced by the Council was attached to the report.

It was acknowledged that some drivers may have a medical condition, a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the level of assistance that these duties require. The Act therefore allows licensing authorities to grant exemptions, requiring a local system to be put in place and Members considered a proposed Medical Exemptions Policy that had been drafted for this purpose.

Despite the considerable lengths officers had undertaken to ensure that all interested parties were made aware that the consultation was taking place few responses had been received and these were included within the report.

RESOLVED (Unanimously):

1. That full Council be recommended to formally adopt (a) sections 165 and 167 of the Equalities Act 2010; (b) the draft Medical Exemptions Policy (c) associated documentation consisting of the draft application form, draft letter confirming the granting of exemption and draft certificate/notice to be displayed by exempted drivers.
2. That drivers of vehicles on the list of “designated vehicles” be provided with an opportunity to apply for medical exemption in accordance with the Medical Exemptions Policy; and
3. That following is adoption by Council, the final version of the list of designated vehicles be published.

42 Equalities Legislation (2) - Draft Policy for Medical Exemption from Requirement to Carry Assistance Dogs

The Committee considered a report of the Director of Development, Enterprise and Communities that presented the outcome of a consultation exercise undertaken on Equalities Legislation (2) – Draft Policy for Medical Exemption from requirement to carry assistance dogs.

At its meeting on 13 June 2017, the Committee received a report that sought formal adoption of formal documentation relating to the enforcement of equalities legislation regarding the transporting of visually impaired passengers and assistance dogs. The report also outlined the current licensing conditions relating to the transportation of assistance dogs and set out the findings of a test purchase exercise. The Committee agreed that there should be a consultation exercise with relevant stakeholders on the Medical Exemption Policy before a decision was made on the recommendation to formally adopt Sections 168-173 of the Equalities Act by the Council.

Despite the considerable lengths officers had undertaken to ensure that all interested parties were made aware that the consultation was taking place few responses had been received and these were included within the report.

RESOLVED (Unanimously):

That full Council be recommended to formally adopt (a) sections 168-173 of the Equalities Act 2010, (b) the draft Medical Exemptions Policy, (c) the draft application

form, (d) draft letter confirming the granting of exemption and the (e) draft certificate/notice to be displayed by exempted drivers.

43 Equalities Legislation (3) - Draft Policy/Testing Requirements to ensure Safety of Licensed Vehicles which have been subject to modification

The Committee considered a report of the Director of Development, Enterprise and Communities that presented the outcome of a consultation exercise undertaken on Equalities Legislation (3) – Draft Policy/Testing Requirements to ensure the safety of licensed vehicles which have been subject to modification.

The draft policy includes details of the technical standards considered necessary to ensure the continuing roadworthiness of licensed/modified vehicles and subject to a number of technical objections raised within the consultation it was considered appropriate to delegate authority to officers to initiate further discussion with the trade in order to refine the technical specification element of the policy.

Two options for the testing of modified vehicles had been identified, one option to allow the current independent testing stations to undertake the additional testing or the requirement of all additional testing to be carried out by Lancashire County Council at their premises in Bamber Bridge. Although three responses to the consultation had expressed their opposition to the second option, members considered that the purpose built facility of the County Council's would give a more consistent approach to the testing regime.

RESOLVED (Unanimously):

1. To recommend to full Council to formally adopt the Draft Policy/Testing Requirements to ensure the safety of licensed vehicles which have been subject to modification.
2. That delegated authority be given to the Revenue and Benefits Manager and Interim Licensing Officer to initiate further discussion with the trade, in a constructive manner, in order to refine the draft technical specification, prior to its referral to full Council on 22 November 2017. by the trade.

RESOLVED (F6: Abstention:1):

- 3 To recommend full Council agree Option 2 (LCC facility at Bamber Bridge) for the testing of modified vehicles.

44 Proposed Adoption of Intended Use Policy

The Committee considered a report that sought Members recommendation to full Council for the formal adoption of the draft Intended Use Policy following a consultation exercise that had been undertaken throughout August 2017.

Although the Authority does not consider itself to have a major problem arising from the number of out of town drivers operation within the borough it is considered imperative that the Council plays its part in seeking to minimise its exposure to risk at every opportunity. Although only a few responses had been received both drivers and operators generally supported the idea.

RESOLVED (Unanimously):

1. To recommend full Council to formally adopt the draft Intended Use Policy and associated documentation.
2. Approval of the proposed amendment at section 6.14 of the current Licensing Policy to reflect the adoption of the policy if approved.

45 Proposed Revisions to Licensing Policy

The Committee received a report on the outcome of a consultation exercise that had been undertaken on a number of proposed changes relating to the Licensing Policy. Full details of the 14 proposed Policy/Condition changes were contained within the report. Each proposal was individually discussed and voted upon.

RESOLVED (Unanimously): Approval of Proposed Changes 1, 2, 5, 6, 7, 8, 10, 11, 12, and 13 with general guidance to be provided for drivers within the Licensing Policy on Proposed Change 13: (Seating numbers)

RESOLVED (F5:A2): Approval of Proposed Change 9

RESOLVED (Unanimously):

That Proposed Change 3 be changed to include vaping devices.

That Proposed Change 4 be changed to include vaping devices.

That Proposed Change 14's wording be changed "Operators must..."

That delegated authority be given to the Chair of Licensing to approve Proposed Changes 3, 4 and 14 following further consultation by the trade.

46 Safeguarding Training

The Committee received a report informing Members of the outcome of a consultation exercise that had been undertaken on the requirement for all new applicants for a driver's licence to complete appropriate online Safeguarding training prior to their application being granted, and for all licensed drivers to successfully re-take this training prior to renewal of their licence and in accordance with certain criteria as defined by the authority.

Although all drivers who responded to the consultation objected to the training proposals, one operator was broadly in agreement. The Committee considered it imperative that all drivers licensed by the authority attended CSE training as they are in direct daily contact with some of the most vulnerable members of our society. Members also commented that drivers can also be vulnerable and need to know how to protect themselves.

RESOLVED (Unanimously): That full Council be recommended to approve the replacement of section 5.9 of the Licensing Policy with new wording set out in Section 10 of this report which would:

- a) Require all new applicants for a Hackney Carriage or Private Hire Driver's Licence to satisfactorily complete the online/e.learning training course on Child Sexual Exploitation (2017) run by the Lancashire Safeguarding Children's Board; and for all new applicants to provide proof of the successful completion of this online course as part of the application process;
- b) Require all drivers currently licensed with this authority to re-take and provide documentary evidence of successful completion of the above course prior to each subsequent renewal of their licence;
- c) Require all applicants (i.e. whether a new applicant or existing licence holder seeking to renew their licence) to provide evidence of successful completion of the above course which is dated within a 3 month period prior to the date on which a new application or application for renewal is made;

- d) Require that all, in all cases, the online test referred to above shall be taken under officer supervision at the Civic Centre and only upon production of proof of identity; and
- e) Require any licensed driver to complete a training course within a reasonable period of up to 3 months when obliged to undertake one by the Licensing Authority at risk of suspension for non compliance.

Chair

Date

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MINUTES OF GENERAL LICENSING SUB-COMMITTEE PANEL

MEETING DATE Tuesday, 17 October 2017

MEMBERS PRESENT: Councillors John Rainsbury (Chair), Mary Green, Ken Jones, James Marsh and David Wooldridge

OFFICERS: Peter Haywood (Revenues Manager), Tasneem Safdar (Senior Solicitor) and Dianne Scambler (Democratic and Member Services Officer)

PUBLIC: 0

1 Apologies for absence

None.

2 Declarations of Any Interest

Although one of the Council's witnesses was Councillor Mike Nelson who is the Vice Chair of the General Licensing Committee, all Members stated that they only knew Councillor Nelson in his Councillor capacity and confirmed individually that none of them had discussed the case with Councillor Nelson. Therefore, no declarations of interests were declared.

3 Exclusion of the Press and Public

RESOLVED (Unanimously): That the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

4 Complaint of False Allegation Made Against A Licensing Officer by A Licensed Hackney Carriage Driver

The Committee received a report regarding a driver's suitability to continue to hold a Hackney Carriage Driver's Licence. The applicant attended the meeting along with his legal representative and addressed the Committee. The Committee also received representations from the Council's Revenue Manager, several officer witnesses of the Council and Councillor Mike Nelson (Vice Chair of the General Licensing Committee)

The Committee RESOLVED (Unanimously): to revoke the driver's Hackney Carriage Licence. The Committee found that on the balance of probabilities the driver was no longer a fit and proper person to hold a Hackney Carriage Driver's Licence.

Chair

Date

The Applicant told the Panel that he does not advertise the vehicle, but that the company does have a webpage.

The Applicant was questioned whether there would be any issue in giving assistance to the disabled/elderly individuals getting into/out of the vehicle. The Applicant stated that this was not an issue, as one of the current contracts with a travel company is for the over 50's.

RESOLVED (Unanimously): To grant the application for the following reasons:

The Panel took into account Paragraph 7.13 of the Council's Policy. This states:-

The Panel took into account Paragraph 7.13 of the Council's Policy. This states:-
"Where a private hire vehicle is of exceptional quality and is to be used exclusively for executive hire work, the proprietor may apply for an exemption from the requirements to display the licence plate on the exterior of the vehicle and the private hire door stickers."

The Panel having inspected the vehicle were of the view that it was a vehicle of exceptional quality.

It was accepted the vehicle was to be used exclusively for executive work.

8 Application for an exemption from the requirement to display a private hire vehicle licence plate - Holland

The General Licensing Sub-Committee Panel considered an application by Mr & Mrs Holland of 4 Greystock Close, Bamber Bridge, PR5 6YS. The Applicants wished for their vehicle, a Private Hire Vehicle Registration Number: PN63 BFO, a black Jaguar XJ to be exempt to display its external plates. Mr & Mrs Holland jointly hold an Operators' licence and trade as "Chauff/Air".

In reaching its decision the Committee took into account both Written and Oral Evidence, the Local Government (Miscellaneous Provisions) Act 1976/Town Police Clauses Act 1847 (where applicable) and the Council's Policy.

The Panel considered the written and oral representations made by the Licensing Officer and the Applicants. The vehicle was inspected by all members of the Panel and Members noted that the vehicle had had been granted a Private Hire Vehicle licence on the 1 September 2017.

The Panel were informed that the Applicants had been in business for over 20 years. However, in the last 10 years they had concentrated exclusively on providing executive work to the senior management of companies with which they had contracts.

The Applicants told the Panel that they do not advertise the vehicle, but that the company does have a webpage. The majority of their work is by word of mouth.

RESOLVED (Unanimously): To grant the application for the following reasons:

The Panel took into account Paragraph 7.13 of the Council's Policy. This states:-
"Where a private hire vehicle is of exceptional quality and is to be used exclusively for executive hire work, the proprietor may apply for an exemption from the requirements to display the licence plate on the exterior of the vehicle and the private hire door stickers."

The Panel having inspected the vehicle were of the view that it was a vehicle of exceptional quality.

It was accepted the vehicle was to be used exclusively for executive work.

Chair

Date

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	28 NOVEMBER 2017

September 2017



TITLE	REPORT OF
RESIDENTIAL CARAVAN SITES – PROPOSED ADOPTION OF (1) MODEL STANDARDS 2008 AND (2) DRAFT MOBILE HOME FEE POLICY WITH ASSOCIATED DOCUMENTATION	DIRECTOR OF DEVELOPMENT, ENTERPRISE AND COMMUNITIES

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report will present (i) the Model Standards 2008 and (ii) a draft Mobile Homes Fee Policy and associated documentation, with a view to seeking members' agreement to enter a consultation exercise on the adoption of both matters.

2. RECOMMENDATIONS

Members are requested to:

Model Standards 2008:

- 2.1 consider the Model Standards 2008 for Caravan Sites in England (attached as Appendix 1);
- 2.2 with regard to future applications for a site licence, agree that the Licensing Section should undertake a consultation exercise with stakeholders on the proposed adoption of the Model Standards 2008 using the methodology set out in section 10 of this report;
- 2.3 with regard to existing holders of a site licence, agree that the Licensing Section should enter into negotiations with each of the 3 current holders of a site licence in order to secure their agreement for incorporation of the 2008 Model Standards within the site licence.

Draft Mobile Homes Fee Policy:

- 2.4 consider the attached draft Mobile Homes Fee Policy (Appendix 2) and associated documentation (Appendices 3-5);
- 2.5 agree that the Licensing Section should undertake a consultation exercise with stakeholders on the proposed adoption of the draft Mobile Homes Fee Policy, using the methodology set out in section 10 of this report; and
- 2.6 agree in principle that – should the draft Mobile Homes Fee Policy be adopted - holders of a site licence should pay an annual fee for an inspection by Licensing staff from 2018/19 onwards (section 7.7.3 below refers).

General:

- 2.7 in relation to both of the above, agree to receive a report on the outcome of the consultation exercises at a future meeting, with a view to forwarding the draft documentation referred to in sections 2.1 and 2.4 above to full Council for formal adoption.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	X	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND – MODEL STANDARDS 2008

- 4.1 The Council has responsibility for the licensing of residential mobile home sites, including the application and enforcement of appropriate conditions. This arises from the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”).
- 4.2 The Government is able to produce guidance on conditions to be applied to caravan sites. The most recent guidance for residential sites was produced in 2008, although this guidance does not appear to have been formally adopted by the Council.
- 4.3 The aim of licence conditions is to promote the safety and welfare of the residents. The specific purposes for which conditions can be applied are set out in Section 5 of the 1960 Act.
- 4.4 The currently-licensed residential sites in the borough are:

Site:	No of residential plots	Date that site licence issued:
Carrwood Park Oakland Glen Walton-le-Dale PR5	80	13.5.03
Croft Park Wigan Road Leyland PR25	Approx. 50	23.1.17
Penwortham Residential Park off Stricklands Lane Penwortham PR1	78	5.11.02
Total:	208	

- 4.5 The definition of “caravan” under the 1960 Act encompasses what are commonly called “park homes” or “mobile homes” as well as more traditional static caravans. The licence cannot apply conditions beyond the limitations of any planning conditions.
- 4.6. The use of land as a residential mobile home site is controlled by relevant planning legislation. The standards, layout and amenities are controlled by the site licence which is issued under section 5 of the 1960 Act. Conditions are attached to the licence which relate

to the physical use of the site and its management. The local authority must consider the national guidance and any consultation with the fire service when deciding what conditions to attach.

- 4.7 The Model Standards 2008 for Caravan Sites in England (Appendix 1) replaces the previous 1989 version and incorporates a number of new requirements, particularly in relation to maintenance of sites and flood protection measures. In addition, other recommended standard conditions have been modified. Significantly, the latest guidance also takes into account the effect of the Regulatory Reform (Fire Safety) Order 2005. For the avoidance of doubt, the guidance does not apply to sites which are used for holiday and/or touring caravans or for traveller sites.
- 4.8 Under Section 8 of the 1960 Act, the local authority may also consider from time to time altering the conditions held on an existing site licence. When doing so, the authority must consider whether it is appropriate to apply any new standard and justify any reasons for doing so. The authority must also have regard to the benefit that the standard will achieve and the interests of the residents and licence holder. This process must involve consultation with the licence holder and the residents/residents association allowing them an opportunity to make representations.

5. CURRENT POSITION – SITE LICENCES

- 5.1 As stated above, the Council should maintain standard licence conditions for the benefit of residents of residential caravan sites. These standard conditions should provide clarity to both the site owners and licence holders.

Existing holders of a site licence:

- 5.2 Copy licences held on file for the 3 sites identified in section 4.4 above state that:

“The site must at all times comply with the Model Standards currently in force in respect of Permanent Residential Caravan Sites”

- 5.3 Given that two of the licenses issued pre-date the 2008 Model Standards, and the model conditions attached to the site licence for Croft Park (issued after 2008) do not appear to match the 2008 requirements, it is appropriate for the Council to seek to apply the 2008 Model Standards to existing licences. For existing sites, the 2008 Model Standards can only be applied through a process of negotiation with the licence holder, where the local authority can justify the reason for applying the new Standards and demonstrate the benefits that this will achieve (taking into account the interests of both the residents and the site owner).

- 5.4 Clearly, the updating of site licence conditions will need to allow a certain amount of time for the licence holders to bring the sites up to the required standards. Where there is no apparent significant risk to health or safety, it is proposed to allow a phased approach to upgrading or changes to be made. This will also allow time for consultation with residents and site owners on any changes required.

- 5.5 The General Licensing Committee will be updated on the progress of negotiations with current holders of site licences at a future meeting.

Future applicants for a site licence:

- 5.6 The 2008 Model Standards – if subsequently adopted - would then apply automatically apply to any new licences issued by the Council. However, this can only be done after a period of consultation as outlined in section 9 below.

6. BACKGROUND – FEE POLICY

- 6.1 On 8 September 2015, the General Licensing Committee had received a report on the proposed Mobile Home Fee Policy (including associated documentation) made under the Mobile Homes Act 2013. The minutes of the meeting show that the Committee noted the proposed Mobile Homes Fee Policy; made certain comments about the associated documentation; and agreed that the proposed Fee Policy be approved for public consultation in order to allow providers and users of mobile homes sites an opportunity to comment on the legislative changes within the 2013 Act.
- 6.2 A 12 week period of consultation was then undertaken; it is understood that this involved use of the Council’s website to publicise the consultation and also a letter being delivered by hand to every park home resident in the Borough. Council records indicate that no responses to the consultation exercise were received. Due to the unforeseen changes in staffing circumstances which then prevailed in early 2016, the results of the public consultation exercise were not reported back to the General Licensing Committee and the matter was not progressed any further. Accordingly, no charges permitted by the 2013 Act have yet been levied by the Council.
- 6.3 The following section of this report is intended to re-visit the issues first put before the General Licensing Committee in September 2015 and seek members’ views on undertaking a new public consultation exercise on the contents of a draft Fee Policy.

7. CHANGES TO LEGAL REGIME AND PROPOSED FEES

- 7.1 As stated above, South Ribble Borough Council has traditionally granted caravan site licences under the 1960 Act referred to above. However, the 1960 Act was amended by the Mobile Homes Act 2013 (“the 2013 Act”), and new legislative changes came into effect from 1 April 2014. The aim of the new legal regime was to provide greater protection to occupiers of residential park homes and caravans, as the existing legislation had not been updated for more than 50 years.
- 7.2 Powers for local authorities to charge fees for their licensing functions extend only to “relevant protected sites” as defined in the 1960 Act. A relevant protected site is defined in the statute as any land to be used as a caravan site with planning consent, other than one where a licence is:
- granted for holiday use only; or
 - in any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).
- 7.3 The 3 sites currently licensed by this authority and identified in section 4.4 above will fall within the definition of a relevant protected site and will therefore be subject to the fee-charging regime. Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the 1960 Act, but crucially the provisions relating to payment of fees do not apply.
- 7.4 The 2013 Act introduces some important changes to the buying, selling or gifting of a pitch on a relevant protected site, as well as setting out rules relating to the fees which councils may charge. Where a local authority decides to charge fees these must be published in its Fees Policy document. Fees must be transparent and reasonable. A copy of the Council’s draft Fees Policy is attached to this report as Appendix 2. Also attached as Appendix 3 is a document setting out the calculations which underpin the proposed level of fee to be charged if the Fee Policy is adopted. For ease of reference, the proposed fees are set out in the following sections of the report, along with an assessment of the Council’s current stance.

7.5 Applications to grant a new licence

7.5.1 All sites (subject to exemptions contained within legislation) require a licence to operate a residential park home site. Failure to make an application for a site licence is a criminal offence under Section 1(2) of the 1960 Act. Section 3(2A) of the 1960 Act as amended allows the local authority to require a fee to accompany applications for licences, and this should accompany any new application. The Council may only issue a licence for a site with a valid and correct planning permission for the use of the land as a residential park home site. Any application made before the planning status must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the receipt of the site licence application.

Proposed new licence application fee £260.57 (plus £6.50 per additional unit on site)

Current position:

7.5.2 All 3 sites previously issued with a site licence by the Council have not been charged any fee for the licence issued. (This would be appropriate given that no fee policy was in place). As the licence is not renewed annually, but exists until it is revoked or surrendered, it is not proposed to charge a retrospective fee for a licence previously issued. Any new applicants for a site licence would need to pay the fee imposed by the Council at the time.

7.6 Applications to transfer or amend an existing licence

7.6.1 Where an existing licence holder or new site owner wishes to transfer or amend an existing licence, an application must be made to the Council, for which a fee is payable. Section 10(1A) of the 1960 Act (as amended) allows the Council to charge a fee for this function.

Proposed fee for transferring / amending a licence £104.90

7.6.2 Where significant amendments to the site licence conditions are requested, and this is likely to involve a site visit, the fee for this licensing activity will increase accordingly.

Proposed fee for transferring / amending a licence with site visit required £181.65

Current position:

7.6.3 No charges are currently levied by the Council for a licence transfer or amendment.

7.7 Annual licence fees for administering and monitoring existing site licences

7.7.1 All 'relevant protected sites' must pay an annual fee to the Council (subject to any exemptions). The annual fee covers the costs associated with an annual site inspection to ensure compliance with site licence conditions and a follow up visit to ensure compliance with any formal schedule of works. If there is still a breach in site licence conditions at the point of the follow up visit, further charges may be payable to cover the costs of any enforcement action which may be taken.

7.7.2 The proposed fee is calculated on a price per unit based on the total estimated cost to the Council of carrying out its annual licensing function for all 'relevant protected

sites' in the Borough. The unit cost is multiplied by the actual number of each unit on each site to provide the annual fee payable.

Proposed annual Fee – number of pitches x £7.97 per pitch

Current position:

- 7.7.3 No annual fees are currently levied by the Council for administering and monitoring existing site licences. However, if the Fees Policy is ultimately adopted by the Council, it would be appropriate for an annual fee (accompanied by an inspection) to be initiated in the year of adoption (2018/19). In section 2.6 above, members are asked to endorse the proposal to begin charging the annual fee to cover inspection costs from 2018/19.
- 7.7.4 Further detail about enforcement sanctions available to officers is given in section 9 below.

7.8 Site Rules

- 7.8.1 Site Rules are different to the site licence conditions and are put in place by the owner of the site to ensure that (a) acceptable standards are maintained for the benefit of residents and (b) to promote and maintain community cohesion on the site. The 2013 Act changes the way in which the Site Rules must be agreed between the site owner and residents.
- 7.8.2 The 2013 Act requires that the operators of relevant protected sites deposit their Site Rules with the local authority. The Council is then required to keep a public register of Site Rules and publish this online.
- 7.8.3 The legislation allows the Council to charge a fee for depositing, amending, or deleting Site Rules. Before publishing the Site Rules the Council will ensure the rules deposited have been made in accordance with the Statutory Procedure.

**Proposed fee to deposit, amend or delete (and then publishing) site rules
£81.14**

Current position:

- 7.8.4 The Council currently displays the following on its website at the following address:

<https://www.southribble.gov.uk/content/caravan-site-licensing>

Public Register of Protected Site Rules

The Mobile Home Act 2013 requires that the operators of protected residential park home sites deposit site rules with the local authority. The Council is required to keep a public register of site rules.

Site rules which have been deposited with South Ribble Borough Council can be viewed below:

Carrwood Park Site Rules

Croft Park Site Rules

Penwortham Residential Park Site Rules.

7.8.5 However, no charge for the depositing of Site Rules is currently made.

8 DRAFT FEES POLICY – ADDITIONAL COMMENTS

8.1 The fee rates set out in the draft Policy attached as Appendix 2 are intended to cover the period from adoption to 31st March 2019. It is proposed that the fee levels will be revisited on a 12 monthly basis thereafter to ensure their continued accuracy.

8.2 A copy of the proforma to be completed when applying for a new site licence under the 2013 Act is attached as Appendix 4.

8.3 An Equality Impact Assessment has been compiled and is attached as Appendix 5.

9 ENFORCEMENT OPTIONS AVAILABLE

9.1 In the event of a complaint made against a “relevant protected site”, or a finding of non-compliance with a licence condition discovered on inspection under section 7.7 above, officers will work with the site owner to resolve any matters of concern. However, where a local authority considers that a park owner is failing or has failed to comply with a site licence condition it has the option to serve a statutory Compliance Notice on the park owner listing the steps that need to be taken, within a specified time period, to comply with the requirements of the site licence. The Compliance Notice must specify to the park owner:

- (a) the site licence condition and how the park owner has failed to comply;
- (b) the steps that need to be taken to ensure compliance;
- (c) the time period allowed to carry out those steps to ensure compliance; and
- (d) the right the owner has to appeal the Notice.

9.2 A site owner on whom a Compliance Notice is served may appeal to the First Tier Tribunal (Property Chamber) within 21 days of service of the notice. For example, the site owner may consider that the notice has been served on the wrong person; that the works specified are unnecessary or excessive; or that the time period allowed is unreasonable.

9.3 The tribunal may quash the Notice; vary it; or endorse it. If the Compliance Notice remains valid after an appeal, it becomes a criminal offence if it is not complied with. The penalty for a contravention, following a successful prosecution, is a level 5 fine.

10 PROPOSED CONSULTATION / COMMUNICATION PLAN

10.1 Should members wish to proceed with the proposed consultation exercise, it will be necessary to engage with local interested parties. As well as relevant protected sites, it is proposed to consult with all residents who occupy a pitch on them – this is because any fees levied by the Council are likely to be reflected in increased charges for residents. Also other stakeholders such as the Planning Department, the Local Fire and Rescue Service and the HSE.

10.2 It is therefore proposed that the following process be adopted:

- a) details of the consultation exercise will appear on the Council’s website;
- b) all 3 current holders of a site licence identified in section 4.4 above will be written to and advised of a formal 28 day consultation period, along with the ways in which any feedback may be submitted; and
- c) each mobile home on the 3 sites above will be hand-delivered a letter by Licensing staff. The letter will give details of the consultation exercise and how any views may be submitted as part of the consultation process.

10.3 On conclusion of the consultation exercise, a further report can then be presented to members updating them of the feedback / responses received. Should members still wish to proceed at that point, the report can be forwarded for consideration for adoption by the committee and confirmation by full Council.

11. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

11.1 Comments of the Statutory Finance Officer

As set out above, under the legislation in relation to residential mobile home sites, local authorities have the power to charge fees for their licensing functions where the sites meet the definition of relevant protected sites. Fees set are on a cost recovery basis, based on specified activities defined by the DCLG and these fees must be published in a Fees Policy document. Fees must be transparent and reasonable and therefore the basis of the proposed new charges has been appended to this report.

11.2 Comments of the Monitoring Officer

The legal implications have been identified in the body of the report.

Other implications:	
▶ Risk	Failure to formally adopt the 2008 Model Standards would prevent these standards being applied to future applicants for site licence. Should the Council decide that it wishes to charge fees under the Mobile Homes Act 2013, a Fees Policy must be adopted.
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

12. BACKGROUND DOCUMENTS (or there are no background papers to this report)

- Appendix 1 – 2008 Model Standards
- Appendix 2 - SRBC Mobile Homes Fees Policy (draft)
- Appendix 3 – SRBC fees working out document (draft)
- Appendix 4 – SRBC Mobiles Homes Application form (draft)
- Appendix 5 – Equality Impact Assessment

SMT Member's Name – Denise Johnson

Job Title – Director of Development, Enterprise & Communities

Report Author:	Telephone:	Date:
Peter Haywood	01772 625575	6 November 2017

Model Standards 2008 for Caravan Sites in England
Caravan Sites and Control of Development Act 1960 – Section 5



Model Standards 2008 for Caravan Sites in England
Caravan Sites and Control of Development Act 1960 – Section 5

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Introduction

- 1.** Under section 5(6) of the Caravan Sites and Control of Development Act 1960 (the Act) the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.
- 2.** These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued). The standards also do not apply to sites occupied by gypsies or travellers or caravan sites which house agricultural workers.
- 3.** These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents' Association, where appropriate. Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition).
- 4.** The model standards represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions.
- 5.** The annex to this document provides advice on the application and enforcement of the model standards when considering attaching conditions to licences.

6. In the model standards any references to “site” includes a park home site (including a mobile home site) and to “caravan” includes a mobile or park home.
7. This document should be referred to as Model Standards 2008 for Caravan Sites in England.

Previous Standards

8. The 2008 Standards replace the document “Model Standards 1989: Permanent Residential Mobile Homes Sites”. When issuing any new licences or reviewing current ones the local authority must have regard to the 2008 Standards in setting or varying any of the conditions attached.

THE STANDARDS

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.
- (b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.

- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- (viii) Roads shall be maintained in a good condition.
- (ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

6. Bases

- (i) Every unit must stand on a concrete base or hard-standing.
- (ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

15. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

- (ix) A record shall be kept of all testing and remedial action taken.
- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the caravan or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade (the nearest phone is sited at).”

Annex to Model Standards 2008 for Caravan Sites in England: Explanatory Notes

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Preface

1. These explanatory notes are designed to be read in conjunction with Model Standards 2008 for Caravan Sites in England (“the Standards”) and are intended to offer guidance on the application and enforcement of the standards for local authorities.
2. The standards are a revision and modernisation of the 1989 standards, incorporating a number of new requirements, particularly in relation to maintenance of sites and flood protection measures, other standards have been modified and the standard relating to telephones has been deleted. The standards also take account of the effect of the Regulatory Reform (Fire Safety) Order 2005.
3. These standards do not apply to sites used exclusively for siting holiday or touring caravans. However, the standards apply to holiday sites containing permanent residential caravans (except those holiday sites where the only permanent residents are the site owner and members of his family and/or his employees who are employed on the site and occupy the caravan pursuant to their contract of employment). The standards should be applied with due regard to the particular circumstance of the site to which they are intended to apply, including its physical characteristics, size, density, layout, amenities and services. See also paragraph 3 of the Standards document for further advice on the application of the standards.
4. In this document the term “site owner” is referred to throughout, as normally that person would be the licence holder.

Legal background

5. The use of land as caravan sites is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960 (“the Act”). Section 5 of the Act enables local authorities to set licence conditions.
6. Under the Act, most privately owned sites must be licensed by the local authority, unless exempted under the Act¹. A licence will be granted unless the applicant does not have relevant planning permission to operate the site or has had a licence revoked in the last three years.²

¹ Section 2 and Schedule 1 to the Act set out in which circumstances a site licence is not required.

² Section 3 (4) and (6).

- 7.** The local authority may attach conditions to the licence, but these can only relate to the physical use of the site and its management³. The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence⁴. The authority may from time to time alter a site licence condition (either of its own volition or upon the application of the licence holder)⁵.
- 8.** A licence holder may appeal against the imposition of a condition in a licence or any proposed alteration to a condition or a refusal to alter a condition⁶.
- 9.** It is an offence to breach a licence condition and on summary conviction the offender can currently be fined up to £2,500⁷. Where a condition requires works to the site to be carried out and these are not done either within the time specified or to satisfaction of the local authority, the authority may carry out the works itself and recover from the licence holder any expenses it has reasonably incurred in doing so⁸.
- 10.** The local authority may apply to the court to have a licence revoked if the licence holder has been convicted on two or more occasions of breaches of licence conditions⁹.
- 11.** The local authority is required, under Section 25 of the Act, to maintain an accurate register of the site licences in their area. Given the number of different types of sites that local authorities may deal with, it is recommended that the register shows what type of site each is, be it holiday, residential, mixed use or gypsy and traveller. It is recommended as a minimum the information the site register has is:
 - Name and address of site (if available the Geographic Information Service mapping code should also be logged)
 - Name of the licence holder, the site owner (if different) and any person managing the site on behalf of either of those persons
 - Type of site
 - The number of pitches
 - The licence conditions (if any)

³ Section 5 (1) to (5). For restriction see *Mixnam's Properties v Chertsey UDC* A.C. 735.

⁴ Section 5 (6).

⁵ Section 8.

⁶ Sections 7 and 8 (2).

⁷ Section 9 (1). The maximum penalty on summary conviction is a fine not exceeding level 4 on the standard scale.

⁸ Section 9 (3).

⁹ Section 9 (2).

MODEL STANDARDS – EXPLANATORY NOTES

Introduction

- 12.** The Model Standards 2008 for Caravan Sites in England have been made under powers conferred on the Secretary of State under section 5(6) of the Caravan Sites & Control of Development Act 1960 (the Act). A local authority must have regard to the standards when it imposes conditions in a site licence.
- 13.** The standards do not apply to sites used solely for caravan holiday homes (although they do apply to mixed residential/ holiday sites), touring caravans or to sites occupied by gypsies and travellers or agricultural workers. The standards as laid out represent what would normally be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any facilities or services that may already be available within convenient reach and other local conditions.
- 14.** The local authority must apply the Model Standards with regard to the particular characteristics of the site to which they are intended to apply, and in particular its existing layout and size. It is recognised that not all sites will easily be able to meet the Model Standards in every case due to their particular characteristics, but a local authority will need to be able to justify any decision not to have regard to a standard in setting a licence condition.
- 15.** The standards are not intended to be the “ideal”; local authorities may in the circumstances set more demanding ones if that can be justified.
- 16.** There will be some licence conditions which require inter and cross agency input and advice from other teams within the local authority and outside organisations, such as the Health and Safety Executive, the local Fire and Rescue Service and the Environment Agency. It is important for all parties concerned with sites that effective lines of communication are established to ensure that any problems are identified and resolved as early as possible.
- 17.** Disability Discrimination legislation applies to sites and this should be borne in mind when framing licence conditions and considering possible enforcement action. Guidance can be found at www.dwp.gov.uk and this can also help local authorities in their consideration of licence conditions. Further guidance can also be found on the Equality and Rights Commission website at www.equalityhumanrights.com.

Enforcement

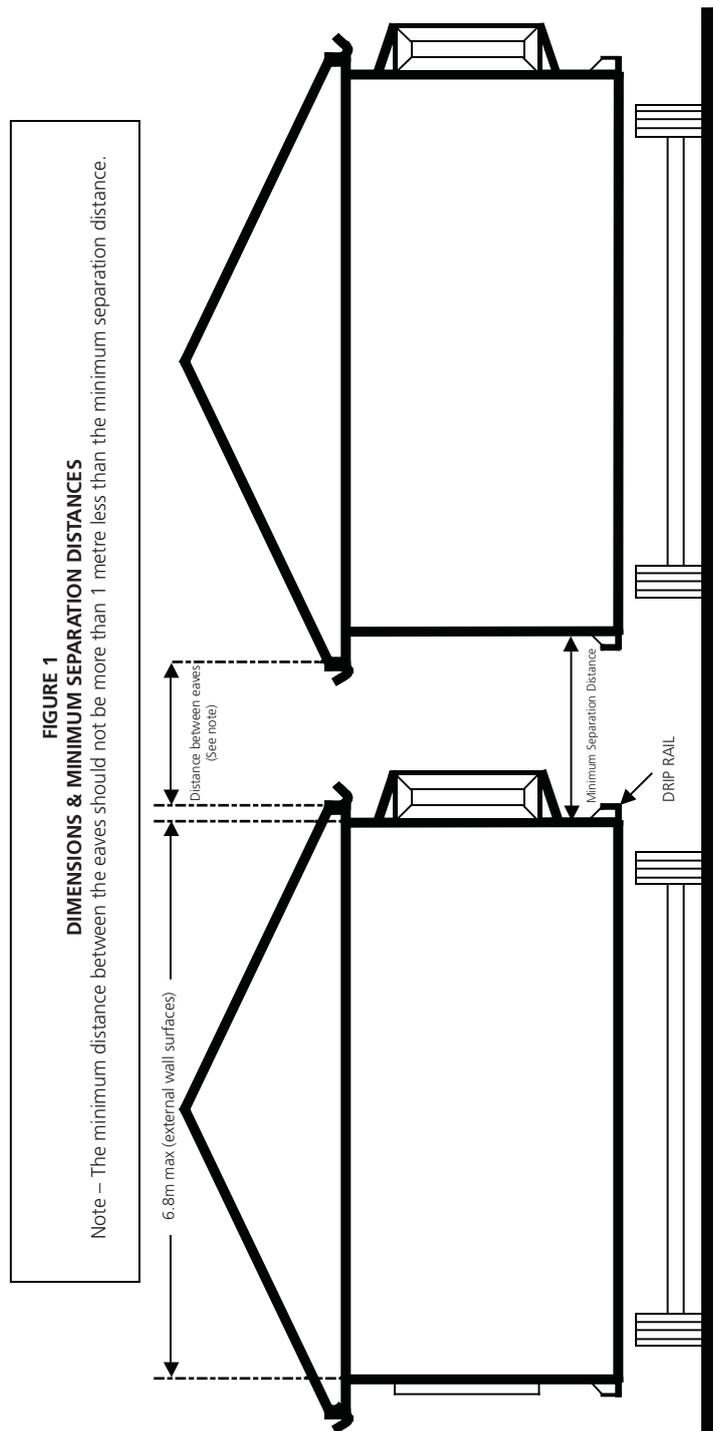
- 18.** Any decision to enforce a licence condition should be taken in line with the Compliance Code (ISBN: 978-0-85605-712-0) which came into force in April 2008, for which comprehensive guidance is available on the Department for Business, Enterprise and Regulatory Reform website, www.bre.berr.gov.uk.
- 19.** Local authorities should allow a reasonable period of time after any site licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
- 20.** When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

The Boundaries and Plan of the Site

- 21.** The boundary should clearly define the limit of the site owner's responsibility. The boundary should be suitably marked and properly maintained. This boundary could be formed of a fence, hedge, wall or natural feature or any other suitable structure (or any combination of these) or it may in whole, or part, be formed by an appropriate natural feature, such as a river or a wood. It would not normally be appropriate for that natural feature to simply include an open field.
- 22.** Plans of the site shall be provided to the local authority at the site owners' expense.
- 23.** It is best practice for copies of the plan to be made available to the emergency services.
- 24.** The 3 metre separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side of the boundary, such as a road, and other developments, such as houses etc.
- 25.** The 3 metre separation distance measurement should be taken from the caravan wall.

Density, Spacing and Parking Between Caravans

26. The 6 metre separation distance is required for two reasons:
- Health and safety considerations; and
 - Privacy from neighbouring caravans.
27. A diagram explaining the separation distances is attached below.



- 28.** If a caravan has been fitted with cladding from class 1 fire rated materials, then the distance between units may be reduced. However, there is a need for the privacy of residents to be taken into consideration. Health and safety matters, such as the positioning of gas bottles, etc. will also need to be taken into account.
- 29.** For the purposes of calculating the distance between the caravans, the point from which measurements are taken is the exterior cladding of the relevant caravan. Eaves, drainpipes, gutters, sills, threshold, door canopies and bay windows should be discounted.
- 30.** Porches should not render the home incapable of being moved, which means they should be demountable.
- 31.** If structures, other than garages, are on pitches within the separation distance and are of a combustible construction, then the local authority should consider allowing sufficient time for them to be replaced with an acceptable non combustible model.
- 32.** At no time should a garage constructed of combustible material be allowed in the separation distance.

Enforcement

- 33.** In considering the enforcement of the separation distance the local authority should consult with the local Fire and Rescue Service. It should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
- 34.** Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.

Roads Gateways and Overhead Cables

- 35.** Roads should be constructed of bitumen macadam or concrete with suitable compacted base. However, sites with roads constructed of tarmacadam (which is now obsolete and no longer commercially available) should not be required to automatically upgrade their roads. The roads should only be required to be upgraded as and when they begin to fall into disrepair.

- 36.** Some larger sites may have traffic calming measures such as speed humps on their roads. Though not specifically covered in this standard, it will be worth ensuring that any legal requirements applying to un-adopted roads are met. Guidance and assistance can be found on the Department for Transport website, www.dft.gov.uk.
- 37.** Gateways, roads and turnings should have enough clearance to allow safe entry for emergency vehicles and new units on lorries. The widths and heights given are based on the maximum sizes of emergency vehicles that may regularly attend incidents on sites.
- 38.** In determining the permitted height of cable overhangs the local authority must take into account the current statutory requirements. Those applying as at the date of this guidance are found in the Electricity Safety Quality and Continuity Regulations 2002 SI 2002/2665 (ESQCR). These regulations provide that, in general, cables should not overhang a road at a height of less than 5.8 metres. In the case of fully insulated overhead conductors the ground clearance is 3.8 metres. There are a number of exceptions where:
- The overhead line follows a route along a hedgerow, fences, boundary walls or similar features. The minimum clearance in these circumstances is 4 metres.
 - If it crosses a driveway with an access width of no more than 2.5 metres (and the driveway is defined by gateposts or similar features), the minimum clearance is 4.3 metres.

Further advice on minimum clearances is available from the Health and Safety Executive.

- 39.** It is good practice that all overhead lines on sites should be fully insulated and where a cable is in within easy reach of a property; it must be so and protected from interference.
- 40.** The authority should require the site owner to comply with regulation 3 of the ESQCR and in considering any enforcement action in relation to cables must consult with the HSE.

Footpaths and Pavements

- 41.** Communal path widths should normally be 0.9 metres in respect of new sites or sites that are undergoing substantial redevelopment (including expansion to part of the site); otherwise paths of not less than 0.75 metres should be accepted where they already exist.

Lighting

- 42.** The lighting provided for communal paths and roads should be adequate to allow safe movement around the site during the hours of darkness. Many sites use low lighters rather than traditional street lamps and these work well as long as they are well maintained and plants/vegetation are not allowed to grow around them and stop them emitting light effectively. The lighting must be fit for purpose i.e. to allow vehicles and pedestrians to navigate around the site between dusk and dawn.

Bases

- 43.** It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The Industry's current standard for the bases provides:

"A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006¹⁰) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary."

- 44.** Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

Enforcement

- 45.** When considering any enforcement action, the authority should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
- 46.** Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.
- 47.** Where a caravan has to be removed in order to facilitate works to the base the authority should normally, if it is feasible and if it is the resident's wish, require the site owner to reinstate, at his own expense, the caravan on the original pitch on completion of the works.

¹⁰ Copies of the Standard can be obtained from the British Standards Institute.

Maintenance of Common Areas, including Grass, Vegetation and Trees

48. Cut grass and vegetation should be removed from the site as soon as practicable. Bonfires should not be used as a means of disposal. Vegetation is often used for sight screening but should be kept at a reasonable height.
49. Trees on the site will normally be the responsibility of the site owner. Where trees are in need of care and maintenance the local authority should, before any action is taken, liaise with the officer responsible for trees at the authority to ensure that all statutory and other requirements are complied with.
50. The common parts of the site (including roads, paths and pavements) must be kept free of any rubbish and maintained in a clean and tidy condition. The local authority may wish to consider whether appropriate receptacles for litter need to be provided in such areas. In any case the site owner should be required to make arrangement for the regular collection of routine rubbish from the site. He should also be required to make arrangements for the prompt disposal of waste and other materials which accumulate on the site during any works etc. Secure non combustible facilities should be provided on the site for the proper storage of rubbish and waste prior to its removal and disposal off the site.

Supply and Storage of Gas etc

51. The HSE website, www.hse.gov.uk, provides details and information about the various legislative requirements and contacts if further information is needed. In addition the trade body for LPG suppliers, [uklpg](http://uklpg.com), www.lpga.co.uk, also has information which may be of use.
52. Anyone being employed by a site owner to carry out work on gas (including natural gas) or oil installations should be suitably qualified to do the work. The HSE pages contain details of some of the schemes. The Communities and Local Government website contains details of various certification schemes which may apply. The details of these schemes can be found at www.communities.gov.uk .

Enforcement

53. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.

- 54. Local authority officials who identify areas of concern on sites should always consult the HSE about the problem(s).
- 55. All new installations must be to the current regulations and maintained at that standard.

Electrical Installations

- 56. The electrical installations on the site will be a distributor's network either belonging to the local regional electricity network operator or the owner of the site. The HSE website: www.hse.gov.uk contains information on the electricity legislation which may well apply to the site and can provide further information if needed.
- 57. A suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above.
- 58. It may be necessary to ensure the electricity distribution network complies with ESQCR, in which case such work should only be undertaken by a competent person familiar with those Regulations.
- 59. All new installations must meet the requirements of the current regulations and maintained at that standard.

Enforcement

- 60. In considering whether to take enforcement action for a breach of site licence conditions, officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.
- 61. Local authority officials who identify significant areas of concern with site electrical networks and installations should always consult the HSE about the problem(s).

Water Supply

- 62.** OFWAT lay down service standards for the water suppliers and details can be found on their website at www.ofwat.gov.uk . In addition there are various schemes for suitably qualified persons and authorities should check to see those undertaking works are qualified. The main scheme is run by NIC certification and details can be found about the scheme at www.niccertification.com .

Enforcement

- 63.** With the majority of well established sites, enforcement of this section will need to be carefully handled, as most sites will have long established water systems. As with gas and electricity above, there may be a case for dual enforcement if an offence is identified. Consultation with the Environment Agency and the local water company is essential.
- 64.** As with the previous sections, local authority officers who identify an issue with water supply on a particular site may wish to advise the Environment Agency, and the local water company of the problem.
- 65.** All new installations must be to the current regulations and maintained at the appropriate standard.

Drainage and Sanitation

- 66.** As with water supplies, provision of sewerage facilities is overseen by OFWAT and codes of practice are in place.
- 67.** It is important that all drains and sewers are well maintained and are connected to the appropriate system. If left unchecked, there can be consequences for the health of residents, along with those who live near the site.
- 68.** It should be noted that the environmental quality of drainage is regulated by the Environment Agency, with whom the local authority must consult about any problems.

Enforcement

- 69.** In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Environment Agency to ensure any action taken by the authority is not in conflict with any action the Agency are proposing to take.

- 70.** Local authority officials who identify areas of concern on sites should alert the Environment Agency and the local water company to the possible defects.
- 71.** All new installations must be to the current regulations and maintained at that standard.

Domestic Refuse Storage and Disposal

- 72.** If communal bins are provided they should be of a type that is non-combustible and stored properly. Liaison with colleagues who deal with refuse collection matters will help in ensuring that the bins provided by the site owner (in the case of communal bins) are acceptable to the local authority in pursuance of its collection of rubbish from them.
- 73.** The site owner should be required to discuss with the local authority arrangements for the separation of waste for the purpose of recycling it, and require him to provide the necessary receptacles etc on the site.

Communal Vehicular Parking

- 74.** Parking needs will vary considerably between individual parks. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of units, the occupation criteria of the site and the availability of public transport in the immediate vicinity.
- 75.** Provision of parking spaces on new sites or those undergoing redevelopment or extension should be consistent with local planning policies.

Communal Recreation Space

- 76.** This standard should only be applied if the local authority is satisfied that it is both practicable to provide recreation space on the site and there is insufficient recreation space off the site in the near locality.
- 77.** It will only be practicable to provide such space on the site if there is sufficient open space which is available and it is possible to safely use that space for recreation. The standard requires the local authority to consider the need for recreation space; it does not require it to consider the need for

recreation facilities, although the local authority may consider that need as part of a licence condition. The larger the site the more recreation space or spaces may be needed. On small sites there may be no need for space at all. In deciding whether it is practicable to provide the space the authority should also consider the site layout, the availability of private open spaces (e.g. within the pitch), the availability of other amenities on the site (e.g. club houses) and the age and number of residents on the site.

- 78.** On site recreation space may be considered unnecessary if there is sufficient suitable space available off site within close (walking) distance of it. The space must, however, be freely accessible by the public, such as a municipal park, commons land, and greens or any part of the countryside to which the public have a right to walk.

Notices and Information

- 79.** It is important that all notices are protected from the weather and are prominently displayed, either on a board, in an office open to the public, or other places on the site which the residents have free and reasonable access to.
- 80.** The notices must include the most recent site licence, and the contact details of the site manager, and if different the licence holder. This should include an out of hours contact number for emergencies, and if available an e-mail address.
- 81.** The site owner is also required to make available certain information for inspection by residents in a prominent position on the site. That could be the site office provided it is open at reasonable times, a community room which every resident was entitled to use and which is also open at reasonable sites or a notice board located at the entrance to or in a central part of the site.

Flooding

- 82.** It is important that if a site is in an area susceptible to flooding, procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice should be prominently displayed with all relevant information.

83. The site should be included in any local authority flood evacuation plan.
84. Advice on flood risks is available from the Environment Agency website: www.environment-agency.gov.uk
85. It is important in those parts of the country where flooding is an issue that local authorities have effective liaison with the Environment Agency office for their area, as well as relevant officials across their own local authority. Local water companies should also be contacted.

Fire Safety Measures

86. The Regulatory Reform (Fire Safety) Order 2005 (the Order) applies to caravan sites. The Order disapplies some fire related standards that may be in current site licensing conditions. It applies to all non domestic premises in England and Wales, including certain types of caravan sites:
 - all sites with common or shared parts; and
 - individual caravans which are holiday-let type i.e. they are rented out
87. On such sites the local authority should advise the 'responsible person', who will be the licence holder of his duty under that Order to undertake a fire risk assessment and decide what prevention and protection arrangements are appropriate and adequate to mitigate the identified risks.
88. However, there are some sites around the country which do not fall under the Order. These may include single unit sites and those sites which are occupied by single family groups.
89. Where the Order applies the authority should satisfy itself that the site owner is aware of, and complying with, his obligations under it, in particular that a fire risk assessment has been carried out. In this regard the local authority should seek the advice of the local Fire and Rescue Service who are the main enforcers of the Order.
90. The Communities and Local Government website: www.communities.gov.uk contains a range of helpful information on fire safety and the requirements of the Fire Safety Order. This includes links to technical guides for specific types of accommodation, including one for sleeping accommodation.

- 91. The Fire and Rescue Service has a duty to provide fire safety advice to those who ask for it, although it will not carry out risk assessments.
- 92. In applying any standards relating to fire safety measures where the Order does not apply, the local authority must consult the local Fire and Rescue Service.

Fire Fighting Equipment

- 93. The Guidance under the remaining sections only applies to sites to which the Order does not apply; however these standards will provide a useful benchmark of the sort of preventative and protective measures that may be necessary following completion of a fire risk assessment.
- 94. The siting of the fire points should be so that they are visible at all times, and marked in a way that makes it obvious as to what they are. They will need to be kept clear of any obstructions at all times should they be needed in the event that a fire breaks out.
- 95. Fire Points are the places on sites where fire fighting equipment is stored, ready for use by anyone in the event of an emergency.
- 96. If hosepipes are provided, they should be of the relevant British and European Standards¹¹, and positioned in such a way that they are easily attachable to the mains water supply, if not permanently attached. Any valves connecting the hose to the water supply should be easily accessible. The hose reel should be well maintained and in good working order.
- 97. Any hydrants provided on the site should be kept clear of any obstruction in the event that they need to be used. The positioning of mains connected hydrants is the responsibility of the local water company, and any queries as to whether a site has a hydrant should be directed to them. The positioning of the hydrants should be recorded on the site map, which will assist the emergency service in locating them in the event of an emergency.
- 98. Fire Extinguishers should only be used if there is not enough water pressure for a hose reel. Where provided, extinguishers should comply with the current British or European Standard.

¹¹ Details of relevant British Standards can be found at www.communities.gov.uk

- 99.** A water tank with buckets and a pump should not be the main means of fighting fire for the following reasons:
- Pumps and buckets are likely to be vandalised or stolen.
 - Pumps and buckets are inadequate for fighting a fire.
 - A water storage tank should be securely covered to prevent it becoming a health or safety hazard.

Fire Warning

- 100.** The means of raising the alarm in the event of a fire should be appropriate to the size and layout of the site. If you are unsure of which form of raising the alarm is the most suitable to the site, then contact the local Fire and Rescue Service, who will be able to advise you.

Maintenance and Testing of Fire Fighting Equipment

- 101.** It is important that all fire warning systems and fire fighting equipment are regularly inspected and maintained. The suggestion is that these checks should be carried out on an annual basis. All testing and maintenance should be carried out by a person suitably qualified to do the work. Records should be kept of any testing and when the most recent inspections were carried out. The record of all tests and inspections should be kept on the site for inspection.

Fire Notices

- 102.** The fire action notice should be displayed on a notice board, and at other suitable points around the site. The full address of the site, including the postcode should be included.

Enforcement

- 103.** The main enforcer for the Order is the Fire and Rescue Service.

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South Ribble Borough Council

Mobile Homes Fees Policy

2017/18



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Related documents

The following documents have been consulted when drafting this policy:

- The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)
- Mobile Homes Act 2013 (MHA 2013)
- Regulators Compliance Code
- RBC Corporate Enforcement Policy
- DCLG Guidance on Site Licensing Fee Setting
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285926/140227__A_guide_for_Local_Authorities_on_setting_site_licensing_fees.pdf

1. Introduction

South Ribble Borough Council has granted Caravan site licences under **The Caravan Sites and Control of Development Act 1960** (as amended) (CSCDA60) for sites that have planning permission for a caravan site.

The CSCDA60 has now been amended by the **Mobile Homes Act 2013** (MHA 2013). The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years.

This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions.

The council can also now charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. The Fee generated by the MHA 2013 is not designed to include investigation of harassment or matters not related to the Site Licence – these should be dealt with through Residents Associations or other appropriate channels.

2. Fees charged for site licences

The changes introduced by the MHA 2013 for Site Licensing came into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks and Gypsy Roma and Traveller sites and so on.

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

Under the new Act, a fee can be charged for:

- applications to GRANT a new licence
- applications to TRANSFER or AMEND an existing licence
- Annual licence fees for administering and monitoring existing site licences.

This policy details the fees to be charged for all of these licensing functions.

The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. (Appendix 1 details what the council can consider in calculating the fee levels)

The fee rates set out in this policy cover the period from adoption until 31st March 2019.

3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the CSCDA60); failure to apply for licence is an offence under Section 1(2) of CSCDA60.

The council may only issue a licence for a site with a valid and correct planning permission for the use.

Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision.

Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The fee for a new site licence is currently **£260.57 fixed cost plus £6.50 per pitch** to reflect the variation in the cost of processing the application according to the size of the site.

4. Transfer / amendment of existing site licence

Where a licence holder wishes to transfer the licence an application must be made to the council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Similarly where a site owner requests an amendment to site licence conditions, the council can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions; the fee is payable at the application stage.

If the council deem it necessary to alter conditions, there will be no fee payable.

The fee for an application for transfer or amendment of up to two site licence conditions is currently **£104.90**.

Where significant amendments to the site licence conditions are requested this is likely to involve a site visit so the fee for this licensing activity will increase to **£181.65**.

5. Annual fees for Existing Site Licences

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy). The fee is due on 1st April each year and annually thereafter.

The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any outstanding

works required. If there is still a breach in site licence condition at the point of the revisit further charges may be payable to cover the cost of any enforcement action which may be taken.

(See Enforcement costs – section 6)

The fee is currently **£7.97 per pitch** and is calculated on a price per unit based on the total estimated cost to the council of carrying out its annual licensing function for all sites in the Borough. The unit cost is multiplied by the actual number of units on each site to provide the annual fee payable.

The DCLG guidance for fee setting offers a variety of suggested options for local authorities in calculating the annual fee:

- Option 1 – fee per pitch (A fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit)
- Option 2 – fee based on site size bandings
- Option 3 – fee based on a risk rating that takes into account the size of a site; the level of compliance on a site and confidence in management

Option 1 has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Initial charges have been based on average estimates. Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

Conditions

The conditions on the existing site licence will remain the same until the Council deem they are out-dated or incorrect and then a review will take place or unless an application is made to amend conditions on the licence by the site owner.

Sites exempted from Annual Licensing fees

- Sites that are not relevant protected sites
- Sites with 3 units or less
- Sites for the Site owner and their family (does not include sites that are run for financial gain)

These categories of site are exempt from the annual licensing fee as the council do not intend to carry out annual inspections of these sites, however, any complaints would be dealt with as appropriate.

Charging Arrangements

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year.

The fee will be charged to the site owner / licence holder and invoices will be sent at the start of the financial year with payment due within 30 days. (Legislation allows the licence holder to pass on the annual fee cost to the resident's pitch fee)

Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following years annual fee.

In the event an annual fee is not paid within the terms of the invoice, the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

6. Enforcement costs

Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice.

The CSCDA60 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred for example legal costs.

Hourly rate for enforcement costs = £33.38

Charges for enforcement costs cannot be passed onto the residents pitch fee.

If any works in the compliance notice are not carried out, the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

If a prosecution was successfully taken, the council would have the power to carry out the works in default of the licence holder.

7. Fees for depositing Site Rules

Site Rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained, which will be of benefit to occupiers or will promote and maintain community cohesion on the site.

The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee.

The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

The fee is currently **£81.14** and reflects the fixed costs for this function.

8. Publishing and revising the fee policy

This fees policy will be published on the South Ribble Borough Council website at: www.southribble.gov.uk.

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically with consideration of the changes the new Act has introduced.

Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, at the time of producing this policy some elements of the licensing regime are still awaiting further regulation by government which may impact on the processes and the time involved and may therefore result in a revision to the proposed charges.

This policy will be revised no later than 31 March 2019.

APPENDIX

Appendix 1 - Elements included in fee setting

The DCLG guidance sets out the activities that the council can include when calculating its annual fee, these include:

- letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- review by manager or lawyers
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- A pre- programmed full site inspection;
- A follow – up inspection to check compliance following programmed inspection

APPENDIX 2 – List of current Mobile Home Sites with South Ribble

- Carrwood Park, Oakland Glen, Walton-le-Dale PR5 **(80 plots)**
- Croft Park, Wigan Road, Leyland PR25 **(Approx. 50 plots)**
- Penwortham Residential Park, Off Stricklands Lane, Penwortham PR1 **(78 plots)**

TOTAL – 208 plots

APPENDIX 3

Section 1 – Applications for Grant of a New Licence

In order to set fees for these applications, we can take into account the following matters on which costs are incurred. This charge will be in addition to the annual fee.

Initial Licence Fee Time Calculation	Time (minutes)
Enquiry received and service request entered on Lalpac and allocated. (admin)	10
Obtain planning documents and liaise with Planning. Make new site licence file. (officer)	30
Send out site application form with covering letter. (admin)	10
Contact applicant and make appt to carry out initial site inspection (officer)	10
Travel Time. (officer)	30
Carry out initial site inspection. (officer)	60
Check application valid e.g. all compulsory questions completed and correct fee included. Carry out Land Registry Search to verify applicant is owner of land. (officer)	30
Examine electrical certificate and any other documentation submitted with licence for validity. (officer)	20
Prepare draft site licence and send to applicant with covering letter. (officer)	60
Discuss with applicant proposed site licence conditions. (officer)	60
Site licence to be checked and signed by Exec Manager. (Manager)	30
Send out site licence to applicant with covering letter. (officer)	10
Scan documents and update public register. (officer)	20
Upon occupation of site contact site owner to make appointment for licensing inspection. (officer)	10
Carry out full site inspection. Make note of any breaches of site licence conditions/ works required. (officer)	60
Travel time. (officer)	30
Record visit and details on Lalpac. (officer)	20
TOTAL FIXED TIME (minutes)	500
Additional inspection time for all pitches in addition over and above the first. (Full inspection) (officer)	10
VARIABLE TIME (minutes per pitch)	10

Fee estimation

20 mins admin - @ £26.35 per hour = £8.78

30 mins manager - @ £43.08 per hour = £21.54

450 mins officer - @ £30.70 per hour = £230.25

Total fee = £260.57 (plus £6.50 per additional unit on site)

Section 2 - Applications for Amendment or Transfer of a licence

Amendment or Transfer Fee Time Calculation	Time (minutes)
Enquiry received and service request entered on Lalpac and allocated. (admin)	10
Send out site application form with covering letter. (admin)	10
Upon receipt of application form, scan, enter on Lalpac. Generate acknowledgement letter and send to applicant. (admin)	30
Check application valid e.g. all compulsory questions completed and correct fee included. Carry out LRS to confirm applicant is new owner of the site. (officer)	30
Amend site licence. (officer)	60
Amended site licence to be checked signed by EM. (manager)	30
Look up records of outstanding historic breaches, outstanding notices etc. (officer)	10
Send amended site licence to site owner with covering letter. (officer)	10
Amend public register. (officer)	10
TOTAL FIXED TIME (minutes)	200

Fee estimation

50 mins Admin@ £26.35 per hour = £21.96

120 mins Officer@ £30.70 per hour = £61.40

30 mins Manager @ £43.08 per hour = £21.54

Total fee = £104.90

Additional site visit for amendments

150 mins Officer @ £30.70 per hour (+above fee)

Total fee= £181.65

Section 3 – Annual Fee setting template

$$[(A + B \times C) / 60] \times D / B$$

A = Fixed admin time (minutes) for all units – this also includes inspection of the one pitch at each unit

B = Number of pitches.

C = Time taken to inspect additional units (minutes) – estimated as 10 mins.

D = Officer hourly rate (Ave hourly rate for Manager / Officer / Admin = £33.38)

Annual licence admin/monitoring time calculation – cost A	Time (minutes)
Put on service request, letter to site owner. (Admin)	10
Liaison with Site owner. (Officer)	15
Records check on Lalpac and anite / Site file. (Officer)	15
Travel to site. (Officer)	30
Inspection common parts and one unit. (Officer)	60
Record details of inspection. (Officer)	30
Follow up letter and phone call. (Officer)	30
Annual fee processing. (Admin)	20
Revisit travel. (Officer)	30
Revisit and subsequent admin. (Officer)	60
TOTAL MINUTES FOR THE COST OF ONE SITE	300

Average annual fee taken over **208 pitches on 3 sites** in the Borough

$$[(900 + (208 \times 10)) / 60] \times 33.38 / 208 = \text{£}7.97 \text{ per pitch}$$

Section 4 – Site rules deposit fees

Site rules deposit fee calculation	Time (minutes)
Application for site rules deposit received and service request entered on Lalpac and allocated. (admin)	10
Check application valid and site rules have been made in accordance with statute, consultation carried out, no banned rules, and no appeals to first tier tribunal outstanding. (officer)	120
Amend public register and deposit rules on website. (officer)	30
TOTAL FIXED TIME (minutes)	160

Fee estimation

10 mins Admin-@ £26.35 per hour

150 mins Officer@ £30.70 per hour

Total fee = £81.14

Caravan Sites & Control of Development Act 1960
Application / Variation Form for a Site Licence

1. Brief Site Details

Full Name of Site:		
Full Postal Address of Site:		
	Postcode:	
Contact Details:	Landline	
	Mobile	
	Fax	
	Email	

2. Applicant(s) Details

Full Name:	Mr / Mrs / Miss / Ms / Other (please state).....	
Full Home Address:		
	Postcode:	
Contact Details:	Landline	
	Mobile	
	Fax	
	Email	

3. Is the Applicant the:

Freeholder	<input type="checkbox"/>	Tenant	<input type="checkbox"/>
Leaseholder	<input type="checkbox"/>	Other.....	<input type="checkbox"/>

If applicant is the leaseholder of a tenant, please give details of the agreement:

4. Existing licence conditions:

Type of Unit	Please tick below as appropriate	Number
Permanent residential		Caravans
Static Holiday		Caravans
Holiday Chalets		Chalets
Touring Holiday		Units
Opening Season:		
Static Sites		To
Touring Sites		To

5. Proposed Application to alter Licence Conditions:

Type of Unit	Please tick below as appropriate	Number
Permanent residential		Caravans
Static Holiday		Caravans
Holiday Chalets		Chalets
Touring Holiday		Units
Opening Season:		
Static Sites		To
Touring Sites		To

6. Does the Site have Planning permission?

Yes

No

Applied for if so, what date?

If Yes, please give relevant permissions and references:

7. How is drinking water provided?

Mains supply to unit Units

Standpipes Units

8. How are toilets and wash hand basins provided?

Communal toilet blocks Units

Units have their own facilities Units

9. How are showers provided?

- Communal shower blocks Units
Units have their own showers Units

10. Type of foul drainage?

- Mains drainage Units
Cesspool or cesspit Units

11. How is kitchen waste water disposed of?

- Units have their own sinks connected to foul drainage Units
Communal washing up sinks / waste water
Disposal points connected to foul drainage Units
No waste water disposal Units
Other (*please give details*) Units

12. How is surface water drainage provided?

13. How is refuse stored on the site?

- Individual bins at each unit Units
Communal wheeled bins or skips Units
Communal bin store Units

14. Do units use liquefied petroleum gas (LPG) cylinders?

- Yes
No

15. Is there a LPG storage area on the site?

- Yes
No

16. Has the applicant held a Site Licence which has been revoked at any time in the last three years?

- Yes

No

17. Was the site in use as a Caravan site?

On 9th March 1960

On 29th March 1960

At any other time since 9th March 1958

If so, when:

18. Address for correspondence?

Caravan site

Applicants address

Other (please state below)

Full Name:	Mr / Mrs / Miss / Ms / Other (please state).....	
Full Home Address:	Postcode:	
Contact Details:	Landline	
	Mobile	
	Fax	
	Email	

19. Documents to send with this application form

On a scale of 1:500 layout plan of site including:

1. Site Boundaries
2. Position & numbering of Touring / Holiday caravans and Residential Park Homes
3. Roads & footpaths
4. Toilet blocks, stores and other buildings
5. Water supplies
6. Recreational spaces
7. Fire points
8. Parking spaces
9. Foul and surface water drainage

20. Declaration

I do hereby certify, that to the best of my knowledge and belief, the above particulars are correct.

Signed	
Print Name	
Designation	
Date	

Please send this completed application form along with the relevant fee and any relevant documentation to:

South Ribble Borough Council
Licensing Section
Civic Centre
West Paddock
Leyland
PR25 1DH

APPLICATION FEES

Type of Application	Amount
Applications for Grant of a New Licence Initial Application fee (per additional unit on site)	£260.57 (plus £6.50 per additional unit on site)
Amendment or Transfer of a licence Application fee (Additional site visit for amendments)	£104.90 (£181.65 total sum inclusive of above fee)
Annual Fee Per pitch	£7.97 per pitch
Site Rules Deposit Fee	£81.14

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Equality Impact Assessment

Introduction

An Equality Impact Assessment (EIA) is required to ensure that equality is placed at the centre of policy development and review, as well as service delivery. The purpose of this EIA is to systematically analyse the likely impact of a service, policy or proposals on different community groups, and how the needs of such groups have been taken into account in developing those proposals.

The EIA can anticipate and recommend ways to avoid any discriminatory or negative consequences for a particular group, on the grounds of any protected characteristic. It provides the opportunity to demonstrate the potential benefits for equality target groups arising from a proposed policy or project.

The need for an EIA stems from the general duty placed on public authorities to eliminate unlawful discrimination in carrying out functions, and promote equality of opportunity. This is outlined in the Equality Act 2010, with specific public sector duties in place from April 2011.

1. Name of Policy or Service (existing or proposed)	
Draft Mobile Homes Fee Policy	
2. Responsible Manager	
Peter Haywood	
3. Date EIA completed	Review date
29 September 2017	
4. Description and aims of policy / service (including relevance to equalities)	
<p>The government has introduced the Mobile Homes Act 2013, which changes the legislative arrangements relating to licensing of caravan sites (where they meet the definition of a “relevant protected site”). The 2013 Act enables local authorities to charge a fee for a variety of functions including (i) granting a new site licence; (ii) transferring or amending an existing licence; renewing a previously-granted licence on an annual basis; and retaining / publishing Site Rules.</p>	
5. Who are the stakeholders?	
<p>Council officers</p> <p>All Councillors including in particular the members of the Council’s General Licensing Committee</p> <p>Owners of caravan sites which meet the definition of a relevant protected site</p> <p>Residents who occupy a pitch on the above sites</p> <p>Also other stakeholders such as the Planning Department, the Local Fire and Rescue Service and the HSE.</p>	

6. What outcomes do we want to achieve?

Introduction of a fee-charging regime relating to relevant protected sites

7. How will performance be measured?

Whether a fee-charging regime is introduced

Number of licences granted / transferred / amended / renewed

Number of Site Rules deposited and published

Number of inspections (and subsequent enforcement work) carried out

8. Brief summary of research and background data

There are an estimated 208 pitches spread over 3 relevant protected sites in the Borough.

The 2011 Census confirms that the overall population of South Ribble is 109057. It is not known how many of these are resident on relevant protected sites.

It is suspected (though not backed up by any known data) that many residents on relevant protected sites will be elderly and/or in lower income groups.

There is no designated site for travellers in the Borough at the time of writing.

9. Methods and outcome of consultation

A consultation exercise has previously been undertaken in 2015, although the Policy was not subsequently introduced. No consultation responses were received.

The proposed consultation methodology is outlined in the accompanying committee report as follows:

- a) details of the consultation exercise will appear on the Council's website;
- b) all current owners of relevant protected site will be written to and advised of a formal 28 day consultation period, along with the ways in which any feedback may be submitted; and
- c) letters will be hand delivered to all residents of relevant protected sites.

10. Results of initial screening

The following questions have been considered in order to evaluate the various equality groups:-

Age – *Is there any concern that these proposals could cause differential impact on the grounds of age?*

It is anticipated that many residents of relevant protected sites will be elderly. The legislation permits site owners to pass on the cost of any licence fee to residents, meaning that elderly people could be disproportionately affected. However, it is considered that the cost to residents will not be excessive; if the cost of a site licence is c£300, and there are 70 pitches per site (208 pitches over 3 sites), then the cost which is passed on per pitch should not exceed £4.30.

Disability – *Is there any concern that these proposals could cause differential impact on the*

grounds of disability? Disability is recognised under the Equality Act as ‘a physical or mental impairment which has a substantial and long term effect on a person’s ability to carry out normal day to day activities.’

There is no evidence to suggest that there is a disproportionate percentage of residents of relevant protected sites who are disabled. However, the comments re “Age” above also apply.

Gender Reassignment – *Is there any concern that these proposals could cause differential impact on the grounds of gender reassignment? The Equality Act recognises this where a person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for changing sex.*

N/a

Marriage / Civil Partnership – *Is there any concern that these proposals could cause differential impact on the grounds of marriage or civil partnership? Under the Equality Act, no such protection exists for single or unmarried people.*

N/a

Pregnancy / Maternity – *Is there any concern that these proposals could cause differential impact on the grounds of pregnancy or maternity?*

N/a

Race – *Is there any concern that these proposals could cause differential impact on the grounds of race? Race is recognised under the Equality Act as a person’s skin colour, nationality or ethnic origin.*

There is no information available on the balance of ethnic minority groups in relation to the residents of relevant protected sites.

Sex – *Is there any concern that these proposals could cause differential impact on the grounds of gender? Including men, women and transgender people.*

There is no information available on the gender balance of residents of relevant protected sites.

Sexual Orientation – *Is there any concern that these proposals could cause differential impact on the grounds of sexuality? Including heterosexual, gay, lesbian and bisexual people.*

There is no information on the prevalence of particular sexual orientation in relation to residents of relevant protected sites.

Religion or belief – *Is there any concern that these proposals could cause differential impact on the grounds of religion or faith? All faiths recognised in the European Convention of Human Rights are included.*

N/a

A commentary has been provided for each policy where appropriate – see Appendix A

11. Links with the Council’s Safeguarding Policy (please outline any implications and actions that need to be taken)

Inspections of sites by enforcement staff may provide valuable intelligence which can be used in support of the Council’s Safeguarding Policy.

12. Decisions and / or recommendations (including supporting rationale)

Members are asked to consider whether they wish to ask officers to explore implementation of the proposed Fees Policy.

13. Is an Equality Action Plan required?

No – see commentary in Appendix A below

Appendix A – Results of initial screening

Policy / service	Protected Characteristics									Commentary
	Age	Disability	Gender reassignment	Marriage / civil p'ship	Pregnancy / maternity	Race	Religion or belief	Sex	Sexual Orientation	
Introduction of proposed Fees Policy for Mobile Homes	P	O	O	O	O	O	O	O	O	There is no definitive evidence to suggest that the impact of the proposed Fee Policy would be disproportionate. .

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Symbol	Impact
+	<i>Positive</i>
O	<i>Neutral / Negligible</i>
-	<i>Negative</i>
P	<i>Potential issue</i>

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	28 NOVEMBER 2017

September 2017



TITLE	REPORT OF
IMPLEMENTATION PLAN	DIRECTOR OF DEVELOPMENT, ENTERPRISE AND COMMUNITIES

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report is intended to provide members with an updated version of the ongoing Implementation Plan.

2. RECOMMENDATIONS

Members are requested to:
2.1 consider the attached report; and
2.2 comment accordingly.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

4.1 At its meeting on 21 March 2017, the General Licensing Committee was first presented with a draft Implementation Plan, the purpose of which was to combine into a single document the key outcomes from the various recent reviews into the Licensing function. The Plan would be updated on a regular basis, and was colour-coded so that members could easily discern the progress made.

4.2 Updated versions of the Implementation Plan have been presented to members of the General Licensing Committee on a regular basis, the last occasion being at the meeting on 19 September 2017.

5. COMMENTARY

5.1 The Implementation Plan is a live working document and has therefore been amended on a regular basis since version 16 was last presented to members in September 2017. (The latest iteration attached as Appendix 1 is version 21). For instance, in light of resource constraints it has been necessary to change certain timescales in order to reflect matters

of the highest priority. However, real progress continues to be made against the identified targets.

5.2 The latest version of the report contains 32 actions to be implemented, whereas the previous number of actions reported to members was 31; the additional action is D12 relating to the introduction of a Mobile Homes Licensing Policy (covered elsewhere on the agenda for this Committee). Of the 32 actions:

- 17 are shown as green (complete) as opposed to 14 in the September 2017 report to the General Licensing Committee – an increase of 21%;
- 12 are shown as amber (in progress) as opposed to 14 in September – a reduction of 14%; and
- 3 are yet to be commenced (this being the same number as reported to members in September).

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

The report is for information only and therefore there are no direct financial implications arising. Actions completed in the forward plan have been funded from within existing revenue budgets.

6.2 Comments of the Monitoring Officer

There are no legal implications identified.

Other implications:	
▶ Risk	It is imperative that the improvement plan is implemented, thereby enabling the Licensing Section to continue to improve its process and procedures.
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

7. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – Implementation Plan V21

SMT Member's Name – Denise Johnson

Job Title – Director of Development, Enterprise & Communities

Report Author:	Telephone:	Date:
Peter Haywood	01772 625575	31 October 2017

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Appendix 1 - Licensing Service Improvement Plan V21

No	Action	Responsibility	Target Date	Progress	In Progress/ Completed
Decision Making					
D1	Forward Plan to be a standing agenda item for each Licensing Committee, to include: <ul style="list-style-type: none"> • Member training • Taxi Forums • New/Revised/Reviewed Policies • Quarterly performance reports 	Licensing Manager	February 2017	Draft Plan produced and to be considered by members at GLC on 21.2.17	Complete
D2	Convictions Policy to be reviewed	Licensing Manager	February 2017	Report drafted and on GLC agenda 21.2.17	Complete
D3	Clarification of process to be followed in determining when a matter should be referred to GLC for consideration of the “fit and proper” test. Development of checklist / proforma to record consultation with Legal Services.	Licensing Manager	March 2017	Adopted at committee on 21.3.17	Complete
D4	Clarification of procedure for emergency action under SO 38	Licensing Manager	March 2017	Report drafted and on GLC agenda 21.2.17	Complete
D5	Update procedures in light of new format for Hearings (first implemented on 18 May). Specifically: <ul style="list-style-type: none"> • New text to be drafted for letters to invite person to (i) interview and (ii) Hearing • Revisit wording on interview template • Consider drafting officer witness statements prior to Hearing 	Licensing Manager	June 2017	Draft amendments / updates produced and circulated for comment. Monitoring Officer confirmed that content of revised interview letter was satisfactory 8.6.17.	Complete
D6	Update the report template for information to be presented to the General Licensing Committee which require a decision on the “fit and proper” test, specifically including, where appropriate, mechanics (eg use of ex parte hearings); format; and inclusion of professional advice and recommendations	Licensing Manager	April 2017	Adopted at committee on 21.3.17	Complete

D7	Implement a policy for the testing of modified vehicles	Licensing Manager	November 2017	Work commenced, practical activity underway, on GLC agenda March 2017. Meeting with Brian Derbyshire of LCC on 30 th March. Draft policy adopted by GLC on 13 June 2017, with a requirement to consult before adoption at committee and subsequently at full council. Consultation will include issue of whether to use LCC as sole testing station. Consultation to commence on 1 Aug 2017. Report to GLC 17Oct17. Report to full Council in January	In Progress
D8	Written procedure instructions to be in place for Licensing Officers detailing roles, responsibilities and processes (administrative and enforcement). To include a peer review procedure for decisions taken by Licensing Officers and 10% management checks	Licensing Manager	December 2017	Currently in progress	In Progress
D9	Annual review of the Hackney Carriage and Private Hire Vehicle Licensing Policy and associated appendices	Licensing Manager	November 2017	14 amendments identified to date and presented to June committee when formal consultation with trade was agreed (to be finally adopted at full Council in Nov). Consultation to commence on 1 Aug 2017. Report to GCL 17Oct17. Report to full Council 22Nov17	In Progress
D10	Complete implementation of s165-167 of the Equality Act relating to the creation of a list of wheelchair accessible vehicles	Licensing Manager	September 2017	21st March committee approved implementation of the Act. Next steps – identify relevant vehicles, medical exemptions and training programme. GLC 3 June 17 – agreed to consult trade on draft exemptions policy, new documentation adopted. Consultation to commence on 1 Aug 2017. Report to GCL 17Oct17. Report to full Council 22Nov17	In Progress

D11	Review the constitution of hearing panels with a view to moving to 3 or 5 member panels, with a consistent chair, afternoon hearings. Hearing papers to be restricted to members of the panel with consideration given to the recording of hearings	Licensing Manager in consultation with Corporate Governance Manager	November 2017	Initial report to GLC in June 2017 was withdrawn pending further consultation with leadership. Discussed with vice chair and portfolio holder on 3 rd July, who were in agreement. Confirmation on proportionality issue to be obtained from Dem Services, then portfolio holder to be asked to raise with the leader. A report on moving to 5 member panels is on the agenda for the 19 th Sep GLC	Completed
D12	Mobile Homes Licensing Policy to be introduced	Licensing Manager		Draft policy to the November GLC	In Progress
Strengthening Partnerships					
S1	Re-locate Licensing in closer proximity to Legal Services	Licensing Manager	February 2017	Done	Completed
S2	Hold Taxi Forums on a quarterly basis with members invited to attend	Licensing Manager	June 2017	Included on draft Forward Plan. Need initial discussions with trade. GLC June 2107 - first forum to be arranged for first 2 weeks in July with GLC chair, vice chair and portfolio holder expected to attend (other GLC members invited). Forum took place on 13 th July	Complete
S3	Protocols / practical arrangements (data sharing, relationship building) put in place to meet and share information with partner agencies on a trusted basis. Partners to include: <ul style="list-style-type: none"> the police (fortnightly meetings); LCC / LADO; and other District councils as appropriate 	Licensing Manager	April 2017	Met with the police in February Andy met with the LADO on 27 April. One outcome was details provided giving direct access to the Lancs Constabulary Disclosure Unit.	Complete
Building Confidence					
B1	Formally record details of pro-active enforcement action for reporting to the Licensing Committee	Licensing Manager	February 2017	Details recorded on LALPAC database and manual records	Completed
B2	A performance monitoring report to be submitted to each Licensing Committee	Licensing Manager	June 2017	Agreement for reporting to GLC from June 2017 meeting onwards in place, to detail enforcement undertaken on a monthly basis from the start of 2017-18. Report for	Complete

				members' initial consideration was on agenda for GLC on 13 June 17 but deferred until July 2017. Reported to GLC on 11 th July	
B3	Review current driver / operator licences against the revised Convictions Policy once that has been approved	Licensing Manager	Begin: April 2017 Concluded: August 2017	Exercise underway and c120 files revisited. Due to be completed by mid September.	Complete
B4	An annual report will be provided to the Licensing Committee detailing the performance and activity of the licensing function over the previous 12 months	Licensing Manager	June 2017	On the 13 June GLC agenda but deferred until July meeting. Presented to GLC on 11th July	Complete
B5	Council to receive reports from the Chair of the GLC on the Licensing Service and Committee activity (other than quasi-judicial matters)	Licensing Chair	July 2017	Discussed with Cllr Rainsbury 11 April. Peter to speak to Caroline Elwood re scheduling on the Council agenda. Caroline has suggested that the presentation of the annual report to council should be incorporated into the GLC's Terms of Reference. The presentation of the annual report to full Council by the Chair of GLC is included in amendments to the GLC ToRs that are being reported to GLC on 19 th Sep. GLC ToRs have been amended – GLC Chair to present the annual report to the November council meeting. On the forward plans for SMT and November council. Annual report to full Council 22 Nov	In Progress
B6	Safeguarding training to be provided to all drivers	Licensing Manager	December 2017	All drivers have been asked to attend safeguarding training, but 27 drivers have failed to attend. One to one training will be provided to these drivers as they renew their licences. Safeguarding information is provided to all new drivers at the point of application. A meeting is planned with an external training to provider to consider the possibility of this provider providing driver and safeguarding	In Progress

				training. The meeting with Personnel Checks took place, although suggested way forward would require drivers to attend venues across Lancashire. On GLC agenda for 11th July. Consultation commenced on 1 st August regarding using the online Lancashire Children's Safeguarding Board tool as the appropriate training method. Report to GCL 17Oct17. Report to full Council 22Nov17	
B7	Implement an operator accreditation scheme	Licensing Manager	March 2018	Report to the March 18 GLC	
B8	Member training plan, including safeguarding training and job shadowing, to be agreed	Licensing Manager	March 2017 & ongoing	Approved at 21 Mar 17 GLC. Training on the hearings process to be provided to members on 9 May. Agenda item to reflect on this and identify next steps set for 11 July. Consider a committee visit to another council – possible Preston. An approach has subsequently been made to Preston to observe one of their GLC meetings. No response received from Preston – to be followed up. Preston did not want to go ahead, so Chorley have been approached. Shadowing arranged at Chorley on 15Nov17	In Progress
B9	Implement a communications strategy, which includes promotion of the complaints procedure	Licensing officer in consultation with comms team	May 2017	Social media is currently being used to raise the profile of taxi licensing. For example, tweets and facebook posts were uploaded to inform the public of the guide dog test purchase exercise. Steph has agreed to take this on board and to liaise with PR	Complete
Service delivery and transformation					
T1	Develop a schedule of pro-active enforcement action to be undertaken by Licensing Officers during 2017-18	Licensing Manager	May 2017	The team has discussed the best way of scheduling enforcement work. They are considering deciding which work to undertake when they meet weekly on a Monday afternoon	Complete

T2	Training and development programme to be created for Licensing Officers	Licensing Manager	April 2017 & Ongoing	Some training needs identified and options for delivery explored. PDRs to be completed on 28 th April with training (including safeguarding and PACE) being included. PDRs have been completed with Steph & Chris both asking for follow up training on PACE.	In Progress
T3	Complete review of Licensing and its preferred location in the corporate structure	Chief Exec	January 2018	Delayed due to the re-structure and shared services agenda	In Progress
T4	Review the Licensing Officer job descriptions and person specifications. Consider introduction of formal out of hours working requirement / financial implications.	Licensing Manager	January 2018	Delayed due to the re-structure and shared services agenda	In Progress
T5	Improvement plan for other licensing matters to be developed: <ul style="list-style-type: none"> • Gambling • Alcohol 	Licensing Manager	Dec 2017	Member learning hour took place on liquor licensing 10 th July. New Gambling policy to be added to the GLC Forward plan for late 2018	In Progress
T6	Implement the new version of LALPAC with data converted/input from the previous version	Licensing Manager	October 2017	Testing complete. Live database installed on 24 th April. IDOX consultancy procured to transfer data onto the new database 24-26 Oct	Complete
T7	Document retention policy to be adopted	Licensing Manager	May 2018	To be dealt with as part of a corporate response to the implementation of GDPR	
T8	Assessment of fees and charges to be effective from April 2018	Licensing Manager	March 2018	Delayed due to the re-structure and shared services agenda	

REPORT TO	ON
GENERAL LICENSING COMMITTEE	28 NOVEMBER 2017

September 2017



TITLE	REPORT OF
FORWARD PLAN	DIRECTOR OF DEVELOPMENT, ENTERPRISE AND COMMUNITIES

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report sets out the latest version of the Forward Plan 2017/18 for consideration by the General Licensing Committee.

2. RECOMMENDATIONS

The Committee is requested to:

- 2.1 consider the attached Forward Plan; and
- 2.2 comment on its content as appropriate.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

4.1 Members have received various iterations of the Forward Plan at previous Committee meetings. The latest version is attached for members' consideration.

5. KEY CHANGES TO LATEST VERSION

5.1 The latest version of the Forward Plan 2017/18 is attached as Appendix 1. Members will note that it includes certain changes from that previously presented, namely:

- the inclusion of the Fees and Charges report is still listed on the agenda for the Committee meeting in January 2018. However, members should note that this is provisional upon the staffing situation within the Licensing section being clarified – this will then allow an accurate assessment of staff costs during 2018/19 to be made, which in turn will allow an accurate computation of the anticipated fees and charges to be made. Only at this stage can a report be brought to Committee for members' consideration;

- the intention to bring a report to the February 2018 Committee outlining issues surrounding the potential introduction of mandatory in-cab CCTV; and
- a reference at the end of document to a reminder from the Gambling Commission, pointing out that the Council's Gambling Policy will need to be re-visited and adopted by the end of January 2019. This is a potentially a significant and time-consuming piece of work and will need to be factored in to the Committee's Forward Plan for 2018/19.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

6.2 Comments of the Monitoring Officer

Other implications:	
▶ Risk	Failure to adhere to the timescales / milestones identified may result in non-compliance with statutory deadlines or reduced performance
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

7. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – latest version of Forward Plan 2017/18

SMT Member's Name – Denise Johnson

Job Title – Director of Development, Enterprise & Communities

Report Author:	Telephone:	Date:
Peter Haywood	01772 625575	31 October 2017

Appendix 1

General Licensing Committee – Forward Plan 2017/18

Standing agenda items:

- Presentation of monthly performance data
- Any matters to be considered under the statutory “fit and proper” test

Schedule of specific matters:

Date:	Items for consideration:	Progress / monitoring (RAG)
21 March 2017	Member training – report on proposed activities for year ahead	
	Proposed Implementation Plan	
	Draft Annual Review of 2016/17 activities	
	Review of governance arrangements – referrals to GLC under “fit and proper” test (mechanics / process, clarification of trigger criteria etc)	
	IVA Policy	
	Fees and Charges	
	Equalities Act (wheelchairs)	
	Implementation Plan	
13 June 2017	Taxi Trade Forum	Report attached but Forum itself deferred to late June pending this report
	Annual Report 2016/17	Was scheduled for June but deferred to July due to heavy June agenda
	Fees and Charges	
	Equalities Act 2010 / wheelchair users	
	Carriage of Assistance Dogs	
	Forward Plan	
	Final Annual Report for 2016/17 activities	Was scheduled for June but deferred to July due to heavy June agenda
	Draft proposals – operator accreditation scheme	Deferred to March 18
	Taxi and Private Hire Licensing Enforcement Policy - review	Brought forward from July
	Uber / out of town drivers	Was scheduled for June but deferred to July due to heavy June agenda
Performance data		

	Modified Vehicles	
	Licensing Act updates	Was scheduled for June but deferred to July due to heavy June agenda
	Member Training	Was scheduled for June but deferred to July due to heavy June agenda
	Review of Constitution	Deferred for further consideration
11 July 2017	Annual Report	
	Annual Review of Hackney Carriage and Private Hire Licensing Policy	Completed in June
	Quarterly review of Implementation Plan	
	Member Training Plan	
	Uber / out of town drivers	
	Performance data	
	Safeguarding training	
19 September 2017	Quarterly review of Implementation Plan	
	Report on consultation / next steps - operator accreditation scheme	Deferred to March 18
	Forward Plan – mid-year review	
	Review of Constitution	
	Performance data	
	Review of recent activities	
	National campaign – out of town drivers	
17 October 2017	Quarterly review of Implementation Plan	Presented in Sept
	Consultation outcome - wheelchairs	
	Consultation outcome – assistance dogs	
	Consultation outcome – modified vehicles	
	Consultation outcome – changes to Licensing Policy	
	Consultation outcome – Intended Use Policy	
	Consultation outcome – Safeguarding training	
28 November 2017	Taxi Trade Forum (held on 26 October)	
	Forward Plan	
	Mobile Homes Policy	
	Member training plan	
23 January 2018	Fees and Charges for 2018/19*	
	Quarterly review of Implementation Plan	
20 February 2018	Taxi Trade Forum	
	Annual Review of Convictions Policy	
	Year-end review of Implementation Plan	
	Year-end review of Forward Plan 2017/18 and setting new Plan for 2018/19	
	In-cab cameras – implications for introducing	

*subject to clarification of staffing situation to allow accurate calculation of proposed fee levels

Other topics to be scheduled as more information becomes available:

- Reminder from Gambling Commission:

each licensing authority's revised Statement of Gambling Policy (the Statement) is due to be reviewed soon and then republished in January 2019. In short, it is a legal requirement under s349 of the Gambling Act (2005) (the Act) for each licensing authority to prepare the Statement that they propose to apply in exercising their functions under the Act. The Statement must be reviewed every 3 years. This applies even if amendments have been made in the intervening period (during the 3 years).

In terms of timelines for the preparation of the Statement, each council will have its own protocols and processes for such consultations. However it is worth noting that the Statement must be published 4 weeks before it comes in to effect. **The current 3 year period therefore requires Councils to prepare and publish their policy statement by 3 January 2019 at the latest, with it coming into force on 31 January 2019.** The last time Statements were reviewed the majority of Councils started the process in **March – June of the year prior to completion.**

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	28 NOVEMBER 2017

September 2017



TITLE	REPORT OF
MEMBER TRAINING PROGRAMME	DIRECTOR OF DEVELOPMENT, ENTERPRISE AND COMMUNITIES

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report will produce the ongoing training programme for members of the General Licensing Committee; ask members to reflect on the visit to Chorley Borough Council's Licensing function on 15 November 2017; and consider a proposed training course for members to be held in conjunction with Chorley Borough Council

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note and comment upon the updated training programme attached as Appendix 1;
- 2.2 reflect upon the visit to Chorley Borough Council's Licensing function on 15 November 2017; and
- 2.3 consider the proposal to jointly-fund a training event with Chorley Borough Council to be held in March 2018 (details of which are provided in section 6 below).

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

4.1 At previous meetings of the Committee, members have been presented with the draft training programme for their consideration. A copy of the latest version of the programme is attached as Appendix 1.

4.2 Members are requested to consider and comment upon the attached programme, with a view to identifying any future training initiatives they would wish to undertake.

5. VISIT TO CHORLEY BOROUGH COUNCIL'S LICENSING FUNCTION

- 5.1 As part of their overall learning experience, members had previously asked officers to arrange a visit to observe the Licensing function of another local authority. Officers therefore approached other local authorities in the area and were ultimately able to arrange a visit to Chorley Borough Council on 15 November 2017.
- 5.2 The programme for the event was helpfully put together by colleagues at Chorley BC and is reproduced below:

Time	Event
1.30pm	Chair's Briefing (Councillor Rainsbury was welcome to attend)
2.00pm	Licensing and Public Safety Committee – all members of the General Licensing Committee were welcome to observe
3.00pm	Licensing Act 2003 Committee – all Members of the General Licensing Committee were welcome to stay as this meeting was open to the public

- 5.3 Members are invited to reflect on the above experiences with a view to identifying any key learning points / examples of good practice which they may wish to consider incorporating within the procedures of this authority.
- 5.4 Members may wish to consider sending a formal letter of thanks to the Chair of Licensing at Chorley BC (Councillor Marion Lowe).

6. PROPOSED JOINT TRAINING EVENT TO BE HELD WITH CHORLEY BOROUGH COUNCIL

- 6.1 On 31 October 2017, officers received an approach from colleagues at Chorley Borough Council who were contemplating arranging a training event on Licensing and asked if this authority would wish to participate. Details of the proposed course are set out below:

6.2 Course arrangements:

The proposed date of the training is 9 March 2018, with the venue being Chorley Town Hall. The cost of the course would be split between the 2 authorities, with a cost to this authority of £570 + VAT and expenses. Refreshments will be provided.

6.3 Course content:

The half-day training would be carried out by the prominent and leading Licensing expert Mr Jim Button. The main emphasis of the course will be on taxi licensing and hearings, but it will also cover key elements of the Licensing Act 2003.

The course is primarily aimed at elected members, although officers will also be present. It is anticipated that up to 40 delegates will be there on the day.

- 6.4 Members are requested to confirm whether they would wish to support Chorley Borough Council in this joint initiative and (if so) authorise officers to make the appropriate arrangements.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

The cost of the proposed training event can be met from existing revenue budgets.

7.2 Comments of the Monitoring Officer

The Training of members is important and provides them with a necessary tool when making decisions.

Other implications:	
▶ Risk	Training is a vital component in developing the work of the Committee and its approach to handling cases of legal and reputational significance to the authority. The real risk here is in failing to develop a training programme for the benefit of members moving forward.
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – member training programme

SMT Member’s Name: Denise Johnson

Job Title: Director of Development, Enterprise & Communities

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	31 October 2017

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Appendix 1

Options on training for members

Proposal	Status
Two dedicated training sessions of 1 hour (on top of scheduled committee meetings) during 2017/18	
Session 1: Presentation of scenarios, members to develop own questions, officer / member discussion on areas which could usefully be explored (AG to lead, April / May 2017)	9 May 2017
Session 2: Presentation / discussion on other areas of committee responsibility, eg scrap metal, late night refreshment licences etc (precise area tbc after consultation with Chair)	
Other training approaches:	
1) Broadening understanding of work of partner agencies, eg external speakers to attend committee from:	
• Lancs Constabulary	
• LADO (role and remit, overlap with GLC)	
• Gambling Commission	
2) Best practice – speakers from other authorities	
• Gateshead (Denise said this been cited as example of good work at committee level. Mentioned at LGA training on 21.2.17)	
3) Attend other Licensing Committees:	
• Other Lancashire district councils?	Chorley 15.11.17
4) Attend enforcement operations	
• Taxi inspections	
• VOSA exercise with police	
5) Understand licensed trades / closer engagement	
• Taxi forum	
• Visit local operators and see professional approach	
• Night-time economy – understand how licensed premises manage responsible trading at peak times (visit)	
6) Other formal training sessions	
• Proposed joint training session with Chorley BC on taxi hearings / LA03 in March 2018	TBC

REPORT TO	ON
GENERAL LICENSING COMMITTEE	28 NOVEMBER 2017

September 2017



TITLE	REPORT OF
UPDATES ON MISCELLANEOUS LICENSING ACTIVITY	DIRECTOR OF DEVELOPMENT, ENTERPRISE AND COMMUNITIES

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report is to update the Committee on a range of Licensing activity which has taken place since the October meeting of the Committee, including:

- (i) the Taxi Trade Forum held on 26 October 2017;
- (ii) the consultation process which has taken place in November 2017 as a result of members' deliberations at the General Licensing Committee in October 2017;
- (iii) a decision to defer referral of the modified vehicles' report to full Council until 17 January 2018; and
- (iv) the outcome of an inspection exercise carried out by Licensing staff to ensure that all vehicles licensed with tinted rear windows and licensed since July 2016 meet with the revised requirements of the Licensing Policy.

2. RECOMMENDATIONS

Members are requested to:

2.1 note the information provided below in sections 6-8 below on recent Licensing activity; and
2.2 with regard to the Taxi Trade Forum:

- consider the main issues highlighted during the Forum held on 26 October 2017 (as set out in section 5.3 below);
- note that the proposed date of the next Forum is 1 February 2018; and
- consider the proposals which emerged from discussion with the trade and which are set out at sections 5.3bi and ii below, with a view to determining any appropriate next steps.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire	Efficient, effective and exceptional council	X

4. UPDATE - TAXI TRADE FORUM

4.1 Members will recall that, at their meeting on 19 September 2017, they received a report on the Taxi Trade Forum which had taken place on 13 July 2017. This had been the inaugural meeting of the revised Forum, which had not been held for a period of 12 months or more.

4.2 Minutes of the September meeting of the General Licensing Committee record that:

“The Committee discussed lessons learnt from the Taxi Trade Forum that included better promotion of the event, a change of layout for future meetings and information as to the extensive measures taken by officers to ensure that they received as much trade and public feedback as possible on the consultation documentation.”

4.3 In response to the above, the following changes were made in advance of the Forum meeting held on 26 October 2017:

- a) Increased efforts were made to promote the Forum amongst the trade – these included:
 - sending a promotional email to all operators;
 - text messaging all owners and drivers not attached to an operator;
 - posters were produced and distributed to all depots / displayed in the Civic Centre reception / attached to badge and plate renewals; and
 - details of the Forum were distributed via the Council’s social media;
- b) agenda suggestions for the meeting were submitted by the trade on 22 September, a month in advance of the meeting. Licensing staff asked that the 12 suggestions submitted be narrowed down to a more manageable 4 (which then appeared on the agenda); and
- c) a pre-Forum meeting took place on 20 October 2017 with 2 drivers who had expressly requested it as they were unavailable to attend on the scheduled date. The session was held with the agreement of the Chair, but this is not necessarily seen as an ongoing option; when the Forum is established the Council would prefer to deal with all attendees at the same time so as to give a consistent message.

4.4 The following changes were implemented at the meeting on 26 October:

- a) officers gave a detailed written response to the questions submitted prior to the Forum – a copy of the written response presented to the trade is attached as Appendix 1; and
- b) wider policy concerns were introduced for discussion with the trade – on this occasion a presentation was given by the Acting Public Health Manager Andrew Howard, on the Council’s intention to become a Dementia Friendly authority.

5. REFLECTIONS ON THE FORUM

5.1 Attendance

As a result of the considerable efforts referred to in section 4.3a above, the number of trade persons present rose to 12, with 2 other drivers having attended the pre-meeting on 20 October. This was a considerable improvement on the 3 persons present at the July meeting.

5.2 Agenda

- a) With regard to the presentation by the Acting Public Health Manager, it was pleasing to see that a member of the taxi trade volunteered to work with the Council moving forward and contribute his views to the Dementia Action Alliance;
- b) Part of the rationale for holding the Forum after a scheduled General Licensing Committee was to allow officers to feedback on important policy changes which may affect drivers / operators moving forward. Given the significance of the 6 policy areas covered by the Committee at its October meeting (covering topics from the Equalities agenda to Safeguarding training), the Forum offered an important opportunity for the trade to be updated. The Interim Licensing Manager gave a presentation on the forthcoming changes, which prompted a lively discussion;
- c) The trade was also given advance warning about future consultation issues (such as the extension of the no smoking provisions in the Licensing Policy to “vaping” equipment); and
- d) The section of the agenda where officers responded to the 4 pre-submitted questions from the trade seemed to work well – it allowed for a useful and focused discussion to take place within the time constraints available.

5.3 Post-meeting

- a) Minutes of the meeting were taken and the final version will be displayed on the Council’s website. Along with the minutes of the previous meeting, these can be accessed via the following link:

<https://www.southribble.gov.uk/content/taxi-trade-forum-minutes>
- b) Members’ attention is drawn to key issues arising at the last Forum, including:
 - i) In light of the continuing trade concerns expressed at the need for drivers to acquire a Level 2 qualification, the Chair of the Forum agreed to explore a further amendment to the Licensing Policy. If adopted, such an amendment would permit applicants who did not possess an appropriate qualification to receive their licence on a conditional basis, along with a period of 6 months grace within which they would then be obliged to acquire the qualification; and
 - ii) Trade representatives expressed the view that it was illogical to have a policy of differential age limits for saloon vehicles and wheelchair accessible vehicles, and enquired whether it would be possible for these to become more aligned. The Chair commented that it may be appropriate for a working group of committee members to be set up, with a view to considering the issue in detail and reporting back to the General Licensing Committee at a future date.
- c) A date for the next meeting of the Forum has been set – it is proposed to hold the Forum on 1 February 2018 from 1700-1830 in the Wheel Room at the Civic Centre. Members are requested to note this date in their calendars.

6. CONSULTATION UPDATE

- 6.1 Members will recall that – at the October meeting – they agreed to submit two matters for further consultation. These items were (i) the “no smoking” rule in the Licensing Policy to extend to vaping equipment and (ii) operators to oblige dispatch staff to undertake Safeguarding training.

6.2 The following action has subsequently taken place:

- the consultation period was agreed as 1.11.17 to 30.11.17;
- the consultation pages have been drawn up and appear on the Council's website. They can be accessed via the following link:

<https://www.southribble.gov.uk/content/taxi-licensing-consultation>

- an advisory email sent out to all licensed operators on 1 November 2017; and
- the consultation exercise was promoted at the Taxi Trade Forum on 26 October 2017 and subsequently via social media.

7. LICENSED VEHICLES WHICH HAVE BEEN SUBJECT TO MODIFICATION

7.1 At their October meeting, members received a draft Policy which included details of the technical standards considered necessary to ensure the continuing roadworthiness of licensed / modified vehicles. The minutes of the meeting record the following:

RESOLVED (Unanimously):

1. To recommend to full Council to formally adopt the Draft Policy/Testing Requirements to ensure the safety of licensed vehicles which have been subject to modification.
2. That delegated authority be given to the Revenue and Benefits Manager and Interim Licensing Officer to initiate further discussion with the trade, in a constructive manner, in order to refine the draft technical specification, prior to its referral to full Council on 22 November 2017 by the trade.

7.2 With regard to point 2 above, officers have made extensive efforts to arrange for a meeting to be held prior to the full Council meeting on 22 November. However, it has proved impossible to find a suitable date / time which would accommodate all parties. As a result, and with the agreement of the Chair, the decision was made to defer the submission of the report to the meeting of the full Council, scheduled for 17 January 2018.

7.3 At the time of writing, no date had yet been fixed for the round-table meeting with trade representatives and the County Council to take place. However, it is intended to update members on this issue at the November meeting of the General Licensing Committee.

8. INSPECTIONS – TINTED WINDOWS

8.1 Members will recall that, on 4 July 2016, the General Licensing Committee received a report proposing the adoption of a revised Licensing Policy. Members considered the report and agreed that the proposed Licensing Policy should be forwarded to full Council on 20 July 2016. Full Council agreed on 20 July that the proposed Licensing Policy should be formally adopted and it came into effect on 20 July 2016.

8.2 The revised Licensing Policy introduces specific requirements regarding the use of tinted windows – these are considered a potential risk as they obscure any physical activity taking place inside the vehicle. The revised wording is set out in section 6.6 of the Policy (hackney carriages) and section 7.5 (private hire):

“All factory fitted glass in the vehicle shall permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or darken the glass.

In respect of hackney carriage / private hire vehicles licensed prior to the implementation of this policy, an exemption from the 70% requirement may be applied to factory fitted glass to the rear of the driver’s pillar on application to the Licensing Unit.”

8.3 Officers were aware that this new standard may cause some difficulty for the trade, as they may be expected to make physical changes to their vehicles at their own expense. Consequently, owners of all vehicles licensed since July 2016 (and which have windows to the rear of the driver’s pillar which omit less than 70% light transparency) were written to and advised of the new requirement. Owners were informed that the vehicle would be suspended from 1 November 2017 if they were found not to meet the Licensing Policy requirement by that date.

8.4 Officers devoted some effort to chasing up the owners of the vehicles and worked with them to ensure that the new standards were met. In total, 17 private hire vehicles and 18 hackney carriages (35 vehicles in total) were proactively called in and checked by officers. Of these 35, 34 were confirmed to be in compliance by the deadline of 1 November – a compliance rate of 97%. The only vehicle not inspected by the deadline is currently suspended after being involved in an accident; it is understood that the windows have already been changed to bring the vehicle into compliance but this will be verified if and when confirmation is received that the vehicle will be operational once more and is not to be written off.

8.5 This is an excellent piece of proactive work and particular credit goes to Licensing Officers Stephanie Fairbrother and Christopher Ward who instigated and carried out the exercise.

9. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

8.1 Comments of the Statutory Finance Officer

There are no financial implications arising as a result of the recommendations in this report.

8.2 Comments of the Monitoring Officer

There are no legal implications in this report.

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity ▶ HR & Organisational Development ▶ Property & Asset Management ▶ ICT / Technology 	<p>It is important that the Council’s Licensing process is seen as open and transparent. The purpose of (i) the Taxi Trade Forum and (ii) bringing consultation exercises to a successful conclusion is to ensure that this is acknowledged to be the case. With regard to tinted windows, it is imperative that there is compliance with the requirements of the Licensing Policy in order to preserve public safety.</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
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10. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – written response to submitted questions

SMT Member's Name: Denise Johnson

Job Title: Director of Development, Enterprise & Communities

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	6 November 2017

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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