

GENERAL LICENSING COMMITTEE

TUESDAY, 20TH FEBRUARY, 2018, 6.00 PM

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

AGENDA

1 Apologies for Absence

Minutes

2 Minutes of the General Licensing Committee

(Pages 3 - 6)

Minutes of the last meeting held on 23 January 2018 attached to be signed as a correct record.

3 Minutes of the General Licensing Sub Committee Panel

(Pages 7 - 8)

Minutes of the last meeting of the General Licensing Sub-Committee Panel held on 31 January 2018 attached to be signed as a correct record.

4 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.

5 Residential Caravan Sites - Proposed Adoption of: (1) Model Standards 2008; (2) Draft Mobile Home Fee Policy; and (3) Associated Documentation

(Pages 9 - 74)

Report of the Revenues Manager attached.

6 Mandatory In-Cab CCTV for Licensed Vehicles - Implications for Licensing Authority

(Pages 75 - 84)

Report of the Revenues Manager attached.

<p>7 Draft Policy / Testing Requirements to ensure the safety of licensed vehicles which have been subject to modification</p> <p>Report of the Revenues Manager attached.</p>	<p>(Pages 85 - 104)</p>
<p>8 Update on recent licensing activity</p> <p>Report of the Revenues Manager attached.</p>	<p>(Pages 105 - 108)</p>
<p>9 Implementation Plan</p> <p>Report of the Revenues Manager attached.</p>	<p>(Pages 109 - 120)</p>
<p>10 Forward Plan</p> <p>Report of the Revenues Manager attached.</p>	<p>(Pages 121 - 128)</p>
<p>11 Exclusion of the Press and Public</p> <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>	
<p>12 Update on a recent decision to revoke a driver's licence taken by the General Licensing Sub-Committee Panel</p> <p>Report of the Revenues Manager attached.</p>	<p>(Pages 129 - 134)</p>

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, Claire Hamilton, Harry Hancock, Ken Jones, Jim Marsh, Barbara Nathan, David Watts 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, 10 April 2018 - Cross Room, Civic Centre, West Paddock, Leyland PR25 1DH

MINUTES OF GENERAL LICENSING COMMITTEE

MEETING DATE Tuesday, 23 January 2018

MEMBERS PRESENT: Councillors John Rainsbury (Chair), Mike Nelson (Vice-Chair), Jane Bell, Mary Green, Claire Hamilton, Harry Hancock, Ken Jones, Jim Marsh, David Watts and David Wooldridge

OFFICERS: Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager) and Andy Houlker (Senior Democratic Services Officer)

CABINET MEMBER: Councillor Jacqui Mort (Public Health, Safety and Wellbeing)

OTHER MEMBERS AND OFFICERS: Peter Haywood (Revenues Manager), Stephanie Fairbrother (Licensing Officer) (Licensing Officer), Chris Ward (Licensing Officer)

PUBLIC: 1

58 Apologies for Absence

An apology for absence was submitted on behalf of Councillor Barbara Nathan.

59 Declarations of Any Interests

There were no declarations of interest.

60 Minutes of the General Licensing Committee

RESOLVED (Unanimously):

That the minutes of the meeting of the Committee held on 28 November 2017 be approved and signed.

61 Proposed Changes to the Licensing Policy

The Interim Licensing Manager presented a report following the outcome of recent consultation carried out and asked the committee to consider three proposed revisions to the Council's existing Licensing Policy. These were detailed in section 4.1 of the report and centred on vaping devices / e-cigarettes, relevant signage for same and, that all operators' dispatch staff must undertake appropriate Safeguarding training.

Whilst the report indicated that this would be presented to the meeting of Council on 28 February 2018 it was felt the following meeting on 21 March 2018 was more appropriate. This was due to the heavy budget agenda at the next meeting of the Council.

RESOLVED (Unanimously):

That the Committee recommends to Council at its meeting on 21 March 2018, the formal adoption of the three proposed revisions to the Council's current Licensing Policy (as detailed in section 4.1 of the report).

62 Proposed Change to the Licensing Policy (Professional Qualifications) and Revised Approach to Future Changes

The Interim Licensing Manager presented a report following concerns expressed by the trade in its ability to recruit new drivers under the Council's existing policy requirement that all new driver applicants must obtain a relevant professional qualification before being granted a licence.

This had arisen following issues which drivers and operators had raised with the Council of drivers actually being unable to take/obtain the relevant professional qualification. An alternative approach was proposed (as set out in sections 7.3 and 7.6 of the report) to alleviate this whilst a remedy to the issue was explored further.

The Committee discussed in length the pros and cons of the proposed changes. It was conscious that at this stage it was only deciding whether or not to approve a consultation exercise on the matter.

RESOLVED (Yes: 9, Abstention: 1) that:

1. the trade's concerns regarding professional qualifications expressed in section 6 of the report be noted;
2. a consultation exercise be carried out in respect of the proposed amendments to the Licensing Policy as set out in sections 7.3 and 7.6 of the report and this be in line with the methodology as set out in section 8 of the report;
3. following the close of consultation the Committee receive a further report on its outcome for consideration;
4. any subsequent proposed amendment to the Council's Licensing Policy be recommended for adoption to an appropriate future meeting of the Council;
5. the approach to future policy changes be that they are considered by the Committee on a six-monthly basis unless a matter is felt to need consideration sooner.

63 Establishment of Working Group

Further to Minute No. 55 of the meeting held on 28 November 2017, the Interim Licensing Manager presented a report on a number of aspects including the appointment of chair, proposed scope/terms of reference and, possible co-option on to the working group. In respect of the latter co-option, it had been suggested that the council approach Disability Equality North West.

It was envisaged that the working group not meet more than twice to consider the matter and then report its findings to the next appropriate meeting of this Committee.

RESOLVED (Unanimously) that:

1. the working group's title be the Working Group on Differential Age Limits for Licensed Vehicles;

2. the Chair of the working group be Councillor David Wooldridge;
3. the draft terms of reference of the working group (Appendix 1 to the report) be noted;
4. the suggested co-option of two representatives from the trade and a representative from a local disability group (Disability Equality North West) be agreed;
5. the draft agenda for the first meeting of the working group (Appendix 2 to the report) be agreed; and
6. the draft documentation (Appendix 3 to the report) be agreed.

64 Update on Recent Licensing Activity

The Interim Licensing Manager provided an update on licensing activity since the last meeting of the Committee. These related to; the previously agreed consultation on mobile homes, taxi trade forum, joint training event and, pro-active promotional work over the Christmas period.

It was intended that a report on the results of the consultation on mobile homes would be presented to the committee at its meeting on 20 February 2018. In view of the responses received to date and subsequent potential attendees at this meeting it was suggested the Committee meeting be moved to a larger room.

The Committee was reminded that the next Taxi trade Forum would be in the Civic centre at 5.00pm on Thursday 1 February 2018.

Regarding the joint training event there had been some confusion concerning the date of the training. This had been confirmed today as being on **Friday 9** March 2018 (10.00am to about 2.30pm) at Chorley Town Hall. In view of the fact that members had previously experience parking issues at this venue, it was agreed that transport would be organised from/to the Civic Centre for attending members.

The Committee appreciated officers' pro-active work, particularly the use of social media to promote the use of taxis over the Christmas period.

RESOLVED (Unanimously) that:

1. the information on consultation exercise on mobile homes be noted and that those that had responded to the consultation be notified of the meeting and in view of that a larger room be booked for the meeting of the Committee on 20 February 2018;
2. the date of the next Taxi trade Forum be noted;
3. Committee members be re-invited to attend the joint training session at Chorley Town Hall on **Friday 9** March and transport be provided for their attendance; and
4. officers be thanked for their pro-active work over the Christmas period.

Chair

Date

MINUTES OF	GENERAL LICENSING SUB-COMMITTEE PANEL
MEETING DATE	Wednesday, 31 January 2018
MEMBERS PRESENT:	Councillors John Rainsbury (Chair), Mary Green, Harry Hancock, Ken Jones and Jim Marsh
OFFICERS:	Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager) and Andy Houlker (Senior Democratic Services Officer)
OTHER MEMBERS AND OFFICERS:	Peter Haywood (Revenues Manager), Stephanie Fairbrother (Licensing Officer) and Chris Ward (Licensing Officer)
PUBLIC:	0

9 Apologies for absence

None all members were present.

10 Declarations of Any Interest

There were no declarations of interest.

11 Exclusion of the Press and Public

RESOLVED (Unanimously):

That the press and public be excluded from the meeting during the consideration of the following item of business as it involved the discussion of information defined as exempt from publication under paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, 'information relating to any individual' and in which the public interest in maintaining the exemption outweighed the public interest in disclosing it.

12 Allegation made against a licensed driver

The Panel received a report on an allegation against a licensed driver.

The Chair referred those present to the circulated established procedure for hearings and the process that would be followed.

The licensed driver was present and addressed the Panel.

The Panel also received representations from the Council's Interim Licensing Manager.

RESOLVED (Unanimously):

That the licensed driver was not felt to be a fit and proper person to hold a licence and that the driver's licence be revoked with immediate effect.

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Chair

Date

REPORT TO	ON
GENERAL LICENSING COMMITTEE	20 FEBRUARY 2018

September 2017



TITLE	REPORT OF
RESIDENTIAL CARAVAN SITES – PROPOSED ADOPTION OF: (1) MODEL STANDARDS 2008; (2) DRAFT MOBILE HOME FEE POLICY; AND (3) ASSOCIATED DOCUMENTATION	PETER HAYWOOD

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

Taking into account (i) the Equalities Impact Assessment (attached as Appendix 5) and (ii) the outcome of the consultation exercise undertaken in December 2017 / January 2018 (summarised throughout sections 9 and 10 below), this report invites members to consider recommending the formal adoption of:

- the Model Standards 2008 (Appendix 1); and
- the draft Mobile Homes Fee Policy (Appendix 2); and
- associated documentation (Appendices 3 and 4).

2. RECOMMENDATIONS

Members are requested to:

- 2.1 with regard to the 3 current holders of site licences within the Borough, note the limited progress made by officers with regard to the voluntary adoption of the Model Standards 2008 and the further correspondence to be initiated (section 8 below);
- 2.2 with regard to future applications for a site licence, consider whether to forward this report to the meeting of full Council on 21 March 2018 with a recommendation for formal adoption of the Model Standards 2008 (attached as Appendix 1) and a draft application form (Appendix 4);
- 2.3 with regard to both the existing holders of and future applicants for a site licence, forward this report to the meeting of full Council on 21 March 2018 with a recommendation for formal adoption of the draft Mobile Homes Fee Policy (attached as Appendix 2) and the associated methodology for determination of fees (Appendix 3); and
- 2.4 note the comparative data for fees charged by other licensing authorities set out in section 12 below.

3. EXECUTIVE SUMMARY

- 3.1 This report relates to two associated matters relating to the licensing of residential mobile home sites.
- 3.2 The first such matter is the proposed adoption of the Model Standards 2008 (these being standard conditions developed by central government). If adopted by the Council, the Model

Standards would apply automatically to any new site licence granted by this authority. The report sets out the outcomes of a consultation exercise authorised by the General Licensing Committee at its November 2017 meeting. The Model Standards, however, cannot be applied retrospectively to the 3 sites currently licensed by South Ribble Borough Council – the report updates members on correspondence sent to each of the site owners which seeks to open discussions on the voluntary adoption of the 2008 Standards by the site owners.

3.3 The second aspect of the report relates to the proposed adoption of a Fee Policy which would enable the Council to charge fees for site licences and associated activity. The report sets out a methodology used to calculate the proposed fees; the relevant fees in question; and the outcomes of the consultation exercise again authorised at the General Licensing Committee in November 2017. The report provides comparative data previously requested by members on fees levied by other licensing authorities, and sets out the steps taken (at members' request at the January meeting) to promote the meeting and accommodate a potentially larger audience.

4. 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

5. INTRODUCTION

5.1 Members of the General Licensing Committee will recall that, at their meeting in November 2017, they received a report relating to the licensing of residential mobile home sites. The report detailed the proposed adoption of the Model Standards 2008 and a draft Fee Policy which would enable the Council to charge for certain activities relating to the licensing of such sites.

5.2 Members agreed that a consultation exercise should be undertaken with a view to the potential adoption of both the Model Standards 2008 and the draft Fee Policy. The purpose of this report is to update members on the outcomes of the consultation exercise which has subsequently taken place.

6. OUTLINE OF CONSULTATION EXERCISE

6.1 In relation to both the Model Standards 2008 and the draft Fee Policy, the following methodology was adopted for the consultation exercise:

- the consultation period was agreed as 18 December 2017 to 5pm on Sunday 28 January 2018. This was to give adequate time to encompass the Christmas and New Year holidays;
- the landing pages for the consultation exercise were drawn up and placed on the Council's website;
- an advisory letter was sent to each of the 3 currently-licensed site operators on 12 December 2017 informing them of the forthcoming exercise; and
- a similar letter was also hand-delivered by Licensing staff to all residents of the licensed sites on 18 December 2017.

6.2 A log was devised on which all consultation responses were recorded. To assist members in their deliberations, the consultation responses received for both Model Standards and the draft Fee Policy are summarised after the relevant sections of the report below.

7. BACKGROUND – MODEL STANDARDS 2008

7.1 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”).

7.2 The Government produces occasional 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.

7.3 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.

7.4 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	

7.5 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.

8. CURRENT POSITION – EXISTING HOLDERS OF SITE LICENCES

8.1 Given that two of the three licences currently issued by the authority pre-date the 2008 Model Standards, and the model conditions attached to the third site licence (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 cannot be applied retrospectively; they 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).

- 8.2 Consequently, a letter was sent to each of the three current holders of a site licence to inform them of the Council's proposed adoption of the Model Standards 2008, and to ask them to consider their voluntary adoption. This letter was sent on 19 December 2017 and asked the licence holders to make contact with a view to discussion taking place.
- 8.3 At the time of writing this report, only the owners of Carrwood Park had responded to this letter. In their response they confirmed their willingness to adopt the Model Standards 2008, but only from the current point in time onwards (ie not with regard to mobile homes already in situ on their site). No response from any other site owners has been received.
- 8.4 It is therefore proposed to send a follow-up letter to the 2 sites which have not yet responded to the letter of 19 December, with a further invitation to commence dialogue in the near future. The outcome of this correspondence will be reported to a future meeting of the committee.

9. OUTCOME OF CONSULTATION – ADOPTION OF MODEL STANDARDS 2008

- 9.1 If adopted, the Model Standards 2008 would automatically apply to any site which in the Borough is the subject of an application for a site licence.
- 9.2 In the course of the consultation exercise on the proposed introduction of the Model Standards 2008 (carried out in accordance with the methodology in section 5 above), the following responses were received:

Source	Comments	Council response
Resident (15.1.18)	Wanted explanation of what proposals meant	Provided explanation
Site owner (22.1.18)	Wanted to see letter sent to residents	Provided
	Has there been discussion with the residents' association	Yes

10. DRAFT FEE POLICY - CHANGES TO LEGAL REGIME AND PROPOSED FEES

- 10.1 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.
- 10.2 The 3 sites currently licensed by this authority (and any similar sites which are the subject of a future licence application) fall within the terms of the legislation and will therefore be subject to the fee-charging regime.
- 10.3 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 a summary of any relevant consultation responses. In addition, a summary of general comments made is given below:

Source	Comments	Council response
Representative of site residents (27.12.17)	Any fees levied by the Council on the site owner will undoubtedly be passed on in full to the residents, which will be in addition to their monthly rent and subject to an increase in line with RPI. The residents base this belief on the fact that the Act (and its predecessor) allows site owners to extract a commission of UP TO 10% on the sale of any park home, and not one site owner in the country extracts a penny less than 10%.	Noted
	If the site owners are not responsive to the councils requests necessitating in increased visits and extra vigilance then a further charge could be imposed. Will this also be passed onto the residents?	Confirmed belief that it could.
	The introduction of this regime will not be beneficial for the residents as the Council will not be able to spend much time on enforcement for the fees charged. We have unfortunately in the past felt a little like a convenient ping pong ball between SRBC and the site owners.	Noted
	The pitch rent fees we all pay are becoming a significant burden to lots of residents and seem to be creeping up in ever increasing increments each year and all subject to RPI which is currently running at 4%, all this is in addition to the normal council tax paid to SRBC, The result of this is that being park home owners is becoming a very expensive way to live on our limited retirement income	Noted
Resident (15.1.18)	Wanted to understand what the letter dated 18.12.17 meant in practice	Advised

10.4 Applications to grant a new licence

10.4.1 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 of £261 (rounded up, plus £6.50 per additional unit on site)

Consultation responses:

None

10.5 Applications to transfer or amend an existing licence

10.5.1 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 £105 (rounded up)

Consultation responses:

- Site owner 22.1.18 – if a site is sold prior to adoption of Fee Policy, would a fee be payable? (Advised no).

10.5.2 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 £182 (rounded up)

Consultation responses:

None

10.6 Annual licence fees for administering and monitoring existing site licences

10.6.1 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.

10.6.2 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 £8 per pitch (rounded up)

Consultation responses:

- Site owner (22.1.18) – is the proposed fee of £8 final or an estimate? (Advised - firm figure)
- Site owner (22.1.18) – when would inspection regime (and therefore the date when invoices would be sent to sites) be likely to commence? (Advised – after any adoption by full Council).

10.7 Recovery of compliance costs

10.7.1 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 10.6 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.

10.7.2 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.

10.7.3 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.

Proposed hourly rate at which enforcement costs may be recovered - £34 (rounded up)

Consultation responses:

See general comments in section 10.3 above.

10.8 Site Rules

10.8.1 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.

10.8.2 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.

10.8.3 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 £82 (rounded up)

Consultation responses:

- Site owner (22.1.18) – if site rules have already been deposited, would a fee now be payable? (Advised no).

11 DRAFT FEES POLICY – ADDITIONAL COMMENTS

11.1 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.

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

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

12. DRAFT FEES POLICY – COMPARISON WITH OTHER LOCAL AUTHORITIES

12.1 At their meeting in November 2017 members of the Committee requested data enabling them to make a comparison of the fees proposed by this authority as opposed to fees charged by others. Accordingly, the following table has been compiled:

	SRBC (proposed)	Fylde	Cheshire East	Craven	Eden
Annual fee	£8 per pitch	£250 + £5 per pitch	£154-£494*	£0-£483*	£9 per pitch
New application fee	£261 + £6.50 per pitch	£320	£154-£494*	£171-654*	£412 (0-5 pitches) plus £80 per additional 10 pitches or part thereof
Transfer fee	£105	£190	£72	£250	£260
Simple licence amendment	£105	£375	£72		£196
Detailed licence amendment	£182		£261		
Deposit of site rules	£82	£80	£20	£50	£80

*dependant on pitch numbers

12.2 The above figures show a wide variation in the range of charges levied. However, this may not be surprising given that fees are calculated on a cost-neutral basis with varying degrees of officer / management time devoted by individual authorities.

13. STEPS REQUESTED AT JANUARY MEETING

13.1 Members will recall that, at their meeting on 23 January 2018, they asked for certain measures to be taken in advance of the February meeting. These included:

- promoting the meeting at which the outcome of the consultation would be considered ; and
- holding the meeting on 20 February in a room with a bigger capacity in case members of the public were to be accommodated.

13.2 As a result, the following measures have been taken:

- the venue has been moved to the larger Shield Room in the Civic Centre;
- social media has been used to promote the event;
- a poster has been produced for on-site display; and
- an advisory letter has been sent to the site owners; residents (including site representatives) who have responded to the consultation; and site managers.

14. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

14.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report, however if a fees policy is adopted this will generate additional income to the Council.

14.2 Comments of the Monitoring Officer

The Legal implications can be found in the body of the report.

If the 2008 Model Standards and the Fees Policy for Mobile Homes are to be utilised, then will have to be adopted at a meeting of Council.

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

15. 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 – Peter Haywood
Job Title – Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625575	6 February 2018

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

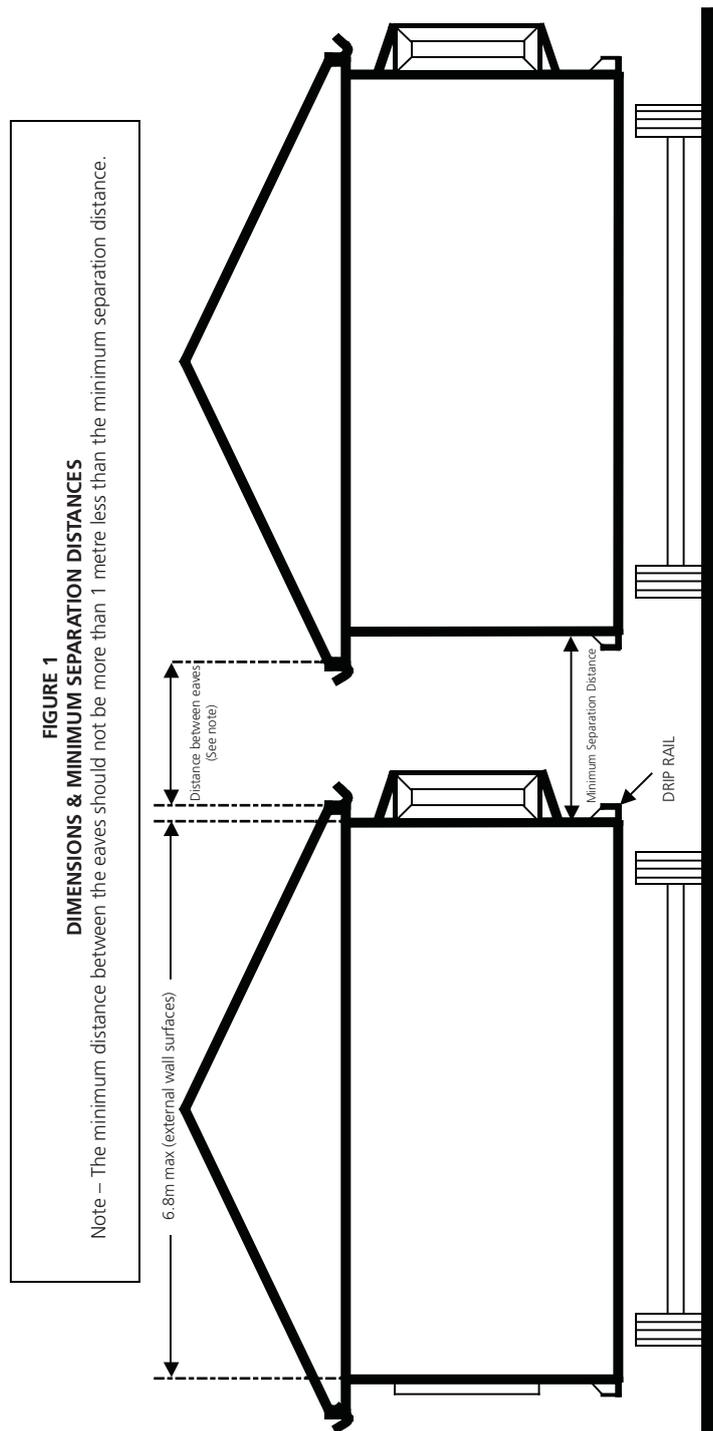
- 18.** Any decision to enforce a licence condition should be taken in line with the Compliance Code (ISBN: 978-0-85605-712-0) which came into force in April 2008, for which comprehensive guidance is available on the Department for Business, Enterprise and Regulatory Reform website, www.bre.berr.gov.uk .
- 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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Appendix 1 – Elements which can be included in fee setting

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

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

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

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	<i>Please tick below as appropriate</i>	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	<i>Please tick below as appropriate</i>	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:		
Contact Details:	Postcode:	
	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>	

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. .

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	20 FEBRUARY 2018

September 2017



TITLE	REPORT OF
MANDATORY IN-CAB CCTV FOR LICENSED VEHICLES – IMPLICATIONS FOR LICENSING AUTHORITY	PETER HAYWOOD

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

This report will inform members of the Council’s current permissive stance towards the use of CCTV in licensed vehicles, as well as updating them on (i) the benefits and (ii) legal implications of adopting a mandatory approach to this issue.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the Council’s current permissive approach to the use of CCTV in licensed vehicles (as set out in section 7 of the report);
- 2.2 in light of (i) the perceived advantages of mandatory CCTV (set out in section 8) and (ii) the legal implications of such an approach (section 9), consider whether to support further efforts to develop the mandatory use of CCTV in vehicles licensed by South Ribble Borough Council; and
- 2.3 should members wish to consider a move towards a mandatory CCTV, consider whether efforts to develop this on a pan-Lancashire basis (section 11.3) would be preferable.

3. EXECUTIVE SUMMARY

3.1 Mandatory in-cab CCTV is increasingly seen by licensing authorities as a valuable tool in the promotion of Safeguarding as well as wider public protection. In common with many other councils, this authority has traditionally adopted a permissive approach to CCTV. Whilst the benefits of a mandatory approach are identified in section 8 below, it is clear that such a stance could not be adopted without a range of other factors being considered. One of these is cost; another is the range of legislative requirements which have an impact in terms of data protection and information governance – these are spelled out in detail in section 10. Given the complexity of the legal background; the time-consuming nature of the work to be undertaken; and the specialist technical knowledge required, the report considers whether a pan-Lancashire approach is potentially a preferable way forward.

4. 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	

5. BACKGROUND

- 5.1 There has been a national focus on the licensed taxi trade for some years, following issues of Child Sexual Exploitation in Rochdale, Rotherham and elsewhere. The Rotherham situation was the subject of a length report by Professor Alexis Jay (entitled Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 – 2013) in 2014; paragraphs 8.16-8.27 outline the involvement of licensed taxi drivers in this abuse. This was followed by Dame Louise Casey's inspection report on Rotherham MBC in February 2015, which maintained the spotlight on taxi regulation.
- 5.2 Traditionally, many local authorities have adopted a permissive approach to the use of CCTV in licensed vehicles. However, in response to the Jay and Casey reports, some authorities are now seeking to adopt a more proactive approach which obliges - rather than permits - licensed vehicles to carry a CCTV system; the purpose of this is to enhance the evidence-gathering capability of the Licensing Section with regard to issues such as Child Sexual Exploitation.
- 5.3 Members will recall that – when she carried out a review of South Ribble's Licensing Section in March 2017 - Commissioner Mary Ney was a strong advocate of the use of mandatory in-cab CCTV, citing Rotherham MBC's previous adoption of such a system. A press release on Rotherham MBC's website dated 13 April 2016 attributes the following comments to Commissioner Ney:

"The camera system will provide protection for both passengers and the driver, and there needs to be the correct balance between protecting people and making sure that there is no breach of people's rights to privacy.

The driver is required to make sure that the system is operating correctly when the taxi is working. We will carry out random checks including downloading footage from the systems to verify that the systems are being used as required by the Council's policy. If they are not then drivers may have their licence suspended or revoked."

6. INTRODUCTION

- 6.1 The term "CCTV system" used throughout this report will include any electronic recording device attached to the inside of a vehicle and which has the technical capability of capturing and retaining (i) visual images and (ii) audio recording from inside or outside the vehicle.

7. CURRENT POSITION UNDER THE COUNCIL'S LICENSING POLICY

- 7.1 Under the current Licensing Policy, and in line with many other local authorities, South Ribble Borough Council permits (but does not require) the use of CCTV in licensed vehicles. This is confirmed by sections 6.13 (Hackney Carriage vehicles) and 7.12 (Private Hire vehicles) of the Licensing Policy, which state:

"The Council **recommends** [added emphasis] the use of CCTV systems in vehicles for the safety of both the driver and passenger.

CCTV or any other image recording device may be used within a Hackney Carriage subject to the Council being given prior notification of the installation.

CCTV systems must comply with the current data protection requirements as directed by the Information Commissioner.

Where CCTV is installed in a vehicle, there must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

CCTV systems must be capable of storing image/audio files in a manner which prevents them being downloaded or viewed by the driver or any other person travelling in the vehicle.

The storage device must be encrypted and image/audio files may only be downloaded by an authorised officer of the Council or a Police Constable.

The CCTV system supplier shall furnish the Council with de-encryption software at no cost to the Council, along with a lifetime licence for the use of such software as may be required.”

7.2 This permissive rather than mandatory stance is considered to be typical of that currently adopted by most local authorities.

8. ADVANTAGES OF IN-CAB CCTV

8.1 The implementation of mandatory CCTV within licensed vehicles would be intended to support the prevention and detection of crime (as well as promoting a safe experience for both drivers and the travelling public). The advantages of such an approach are considered in more detail below:

The protection of licensed drivers

8.1.1 At the time of writing, members of the General Licensing Committee have received evidence against drivers / applicants at 8 hearings (either at full committee or sub-committee) during the current calendar year. In at least 1 of these, the availability of CCTV evidence would have been of assistance to members in making their decision. For instance, an applicant was accused of inappropriate behaviour, whilst driving a licensed vehicle. . Clearly, the availability of CCTV footage would have allowed the hearing to consider the CCTV evidence and make a more informed assessment before reaching their decision.

8.1.2 Drivers work alone, often at antisocial hours, visiting areas that may be poorly lit or away from safe routes, and could be carrying any amount of cash within the vehicle. These factors could increase the risk posed to drivers and drivers may feel more protected if there is the potential for assaults against them to be captured on film.

The protection of the travelling public

8.2.1 Licensed vehicles are used extensively to service the late night economy, the period of which extends well beyond the availability of other forms of public transport. Patrons often have little choice but to use licensed vehicles. Some customers may be vulnerable if they have consumed excessive amounts of alcohol, and or, become separated from their friends. Licensed vehicles are often the only option for vulnerable people who have no direct transport links, or who have special transportation requirements.

The protection of contracted support

8.3.1 Licensed vehicles are often used to transport particularly vulnerable children to and from school. The availability of CCTV footage could be of assistance, should it be required.

To ensure that licensed drivers continue to be 'fit and proper' in line with wider Licensing requirements

8.4.1 A driver's behaviour even when not on duty, particularly when in charge of a vehicle, can be taken into account when applications and renewals for a license are considered. A taxi is a licensed vehicle at all times and is marked as such with identification plates even when being used for personal journeys. Where the Council receives a complaint it has to investigate whether the licensed driver remains compliant with the licensing conditions, including being a 'fit and proper person'.

8.4.2 It is established in case law that once a vehicle is licensed as a taxi or for private hire it remains a licensed vehicle 24 hours day and as such it is incapable of operating on a purely private basis outside the licence; Benson v Boyce (1997) and Yates v Gates (1970).

8.4.3 Existing control measures include the requirement for Disclosure & Barring Service (DBS) checks for drivers upon application, and then every three years. The DBS check provides a snapshot at that time of matters such as unspent convictions. Under the Council's current Convictions Policy, it is the case that holders of existing driver's licences are obliged to inform Licensing staff within 5 working days if they are the subject of criminal proceedings. However, it is not unknown for such information to be withheld, and it would not necessarily be picked up unless the organisation requested another DBS check to be undertaken.

8.4.4 Where the Council receives a complaint or allegation, it currently has no option but to investigate the incident - the implementation of CCTV would again provide the council with a useful tool which could speed up any such investigation.

9. MANDATORY CCTV IN OTHER LOCAL AUTHORITIES

9.1 The latest information available (April 2017) from the Local Government Association (LGA) confirms that local authorities seeking to mandate CCTV is not a new thing; currently 9 councils are known to be doing this, namely:

- Brighton and Hove
- Herefordshire
- Gravesham
- Northumberland
- Portsmouth
- Rossendale
- Rotherham
- Southampton
- Warrington

9.2 According to the LGA, data from the Department for Transport suggests that support for mandatory CCTV is strong; a 2012 survey indicated that 62% of responding councils were in support of mandatory CCTV and only 8% in opposition.

9.3 For the avoidance of doubt, authorities who require mandatory CCTV also tend to be supportive of the need for in-cab audio recording; the main rationale for using audio recording in

taxis / Private Hire vehicles is that this would pick up any inappropriate conversations between passengers and drivers.

10. MANDATORY IN-CAB CCTV – LEGAL IMPLICATIONS

10.1 Should this authority resolve to oblige drivers to install in-cab CCTV, a wide range of significant legal issues would need to be taken into account. These particularly relate to the topics of Data Protection and Information Governance, as the ensuing potential for intrusion / infringement of civil liberties is considerable. The Local Government Association is currently in the process of producing draft guidelines for authorities in a similar position to South Ribble, and enquiries with the LGA have confirmed the complexity of the situation; an indication of the public authorities with an interest in this field and which would need to be satisfied with the robustness of the Council's approach is given below.

10.2 Information Commissioner's Office (ICO)

10.2.1 The ICO is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation, including regulating the personal data derived from use of CCTV systems in taxis/PHVs. The ICO has taken an active role in advising, and in some cases challenging, councils which have introduced policies. It is therefore important that this authority is aware of the ICO's CCTV Code of Practice in order to ensure compliance with its requirements.

10.2.2 The ICO has previously stated that if CCTV systems are to be mandated through the use of licence conditions, this can only be done with strong justification. Any such policy will need to be subjected to regular review, particularly where audio recording is being used in addition to cameras.

10.2.3 The ICO has previously accepted mandatory usage of CCTV on the grounds that it provides a safer environment for the benefit of the Taxi/PHV driver and passengers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the Police in investigating incidents of crime; and
- assisting insurance companies in investigating motor vehicle accidents.

10.2.4 Continuous or blanket use of CCTV is considered more intrusive than where recording is restricted to certain times, and would require strong justification (especially in the case of audio recording). The hours of operation of audio recording in particular should therefore be considered carefully. The ICO's code includes a useful set of questions that must be thought through before the use of audio recording is agreed:

- is there pressing social need and do you have evidence that this need must be addressed?;
- have you considered other, less privacy-intrusive, methods of addressing the need?;
- have the alternative options been reviewed and is there evidence to show that the only way to address the issue is through the use of audio recording?;
- have you got a clear specification for the audio system to ensure appropriate privacy and the necessary quality of recording?; and
- is the public aware when audio recording is taking place, and how they can activate it?

Case study – Southampton City Council

It is understood that Southampton Council's use of audio recording was challenged by the ICO for breaches of the Data Protection Act. The challenge was around the proportionality of Southampton's policy for blanket camera and audio recording. The tribunal's view was that the requirement for continual audio recording in licensed vehicles was disproportionate, with the impact on the right of privacy outweighing any positive impact it may have on public safety or reducing crime.

As a result, Southampton Council amended their requirements around audio recording and adopted a more targeted scheme in line with the requirements set out in the ICO's enforcement notice. Southampton Council's policy now sets out circumstances when audio recording should be activated based on times of day; types of customer (for example, children or vulnerable adults); and the use of panic buttons.

10.2.5 Similarly, policies adopted in Rotherham and by Transport for London (TFL) have been developed to reflect the ICO's code of practice and as such illustrate how Licensing Authorities can balance privacy and Safeguarding in a way that is judged by the ICO to be justifiable and proportionate. Rotherham Council's current policy is understood to state:

- CCTV must be in operation whenever the vehicle used in the capacity of a Hackney Carriage or Private Hire vehicle; and
- Audio can be used in prescribed circumstances, namely:
 - audio recording must be activated by the driver whenever an unaccompanied child or vulnerable adult is being carried in the vehicle;
 - the driver and the passenger can also activate the audio recording at any time. Both the driver and the passenger have access to buttons to switch on audio recording; and
 - a small indicator light will show when audio is being recorded, and stickers and notices will give people information about the systems and how they are used.

Examination of Rossendale Borough Council's CCTV policy (set out in Appendix R to its Taxi Policy) also confirms that both passengers and drivers must be able to activate audio recording in what is described as a "two trigger approach".

10.2.6 In addition, the ICO requires Licensing Authorities to pay attention to Information Governance (namely how images / audio from CCTV are stored and accessed). A clear policy covering the processing of any information collected from CCTV systems in Hackney Carriage or Private Hire vehicles relating to individuals will need to be established and should include:

- who has responsibility for the control of this information;
- how the information should be used and providing fair processing to passengers (ie when it will be downloaded); and
- to whom it may be disclosed.

10.2.7 The Data Protection Act (DPA) defines a "data controller" as the individual who or organisation which has ultimate responsibility for how personal data is collected and processed. The ICO has the view that in mandating the use of CCTV in Hackney Carriage or Private Hire vehicles, a council acts as a data controller and as such:

- is ultimately responsible for how the images are stored and used;
- determines in what circumstances the images should be disclosed; and
- is responsible for complying with all relevant data protection legislation.

- 10.2.8 Licensing Authorities will need to provide evidence which sets out detailed requirements and what action has been taken to ensure compliance with legislation. For instance, CCTV systems should be installed in a way that allows data to be secured in a locked “data box” inside a vehicle as well as being encrypted. No one but the relevant council officer or authorised staff from the data processor should be able to access this data. Councils may want to consider compiling a list of “approved installers” in the area so they can be confident that installation requirements have been met and data is secure.
- 10.2.9 Data controllers are required to register with the ICO, in most cases councils will already be registered with the ICO as data controllers, but registration will need to be updated to reflect new use of personal data.
- 10.3 Surveillance Camera Commissioner (SCC)
- 10.3.1 As well as complying with the ICO’s requirements, councils must also ensure that they meet the separate demands of the SCC.
- 10.3.2 The SCC’s role is to implement the Surveillance Camera Code of Practice (2013) and ensure compliance with it. The code covers all forms of surveillance camera systems including CCTV.
- 10.3.3 The SCC recommends following and completing a “Passport to Compliance”, which will ensure that a Licensing Authority complies with the Surveillance Camera Code of Practice. The SCC can also provide Self-Assessment Tools to assist local authorities in demonstrating publicly their compliance with the Surveillance Camera Code once CCTV is installed and operating.

11. MANDATORY IN-CAB CCTV – COST IMPLICATIONS

- 11.1 The introduction of CCTV would clearly have a cost implication (understood to be several hundred pounds per vehicle). In at least some (if not all) local authorities where mandatory CCTV has been adopted, this cost has been borne by the licensed trade rather than the council. However, to alleviate the impact of this cost, it may be possible for competitive rates to be negotiated with approved suppliers on the assurance that they will be entitled to compete in an appropriately-sized market which reflects the fleet size within the borough.

12. NEXT STEPS

- 12.1 Should members wish to proceed with a policy of mandatory in-cab CCTV, and have clarified their thinking in terms of system requirements (eg constant recording or more a privacy-friendly approach) then the following policies / procedures will need to be produced as a minimum:
- an overall policy establishing the rationale and justification for the introduction of mandatory in-cab CCTV in the desired form;
 - a “download policy” prescribing who can access the CCTV / audio recordings and the security arrangements to prevent abuse;
 - documents to reassure the regulators that any processes meet their respective requirements, eg the SCC’s Passport to Compliance;
 - a detailed specification of equipment which is known to be of sufficient capability to meet the Council’s expectations as defined (eg privacy-friendly recording buttons to enable the activation of audio recording by the passenger, if required);
 - a list of approved retailers who will fit the equipment, and rules / criteria for establishing the inclusion of particular suppliers on the list;

- a certificate of installation to be displayed in the vehicle, along with other appropriate notices to provide adequate warning to members of the public travelling in the vehicles; and
- a Privacy Impact Assessment drawn up to ensure that all privacy issues have been considered and all statutory expectations met.

12.2 This will then need to be followed by a comprehensive and meaningful public consultation exercise to seek the views of all stakeholders, which will then be reported back to members for further deliberation.

12.3 Officers are aware that the formal introduction of mandatory in-cab CCTV is complex, time-consuming and requires a degree of specialist technical and legal knowledge. In view of this, and the potential impact upon scarce officer resource within the authority, a possible way forward would be to consider a wider pan-Lancashire approach. This could be pursued through a county-wide officer co-ordinating group, with tasks and costs conceivably shared out across a number of authorities. It may even be possible to use the Police and Crime Commissioner as a catalyst for such an approach. Members may therefore wish to consider this as a potential alternative to a more South Ribble-focused methodology.

13. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

13.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

13.2 Comments of the Monitoring Officer

The legal implications are set out within the body of the report.

Should any changes be introduced in respect of CCTV in licensed vehicles, the law relating to hackney carriage and private hire which is governed by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and the Transport Act 1985, should be adhered to. Furthermore, compliance with Data Protection and Information Governance laws together with adherence with Codes of Practice and Guidance would be appropriate in the circumstances.

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity ▶ HR & Organisational Development ▶ Property & Asset Management ▶ ICT / Technology 	<p>Mandatory in-cab CCTV is a potentially useful evidence-gathering tool to protect both licensed drivers and members of the public from risks they may otherwise face. However, this is a complex and technically-challenging area of the law which – if not thoroughly explored - could expose the Council to significant risk of intervention by regulatory bodies.</p> <p>None</p> <p>None</p> <p>None</p> <p>The mandatory use of in-cab CCTV represents an innovative use of technology to assist with public protection. However, as indicated in the text of the report, there are significant legal</p>
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	safeguards to be born in mind.
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14. BACKGROUND DOCUMENTS

There are no background papers attached to this report.

SMT Member's Name – Peter Haywood

Job Title – Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	6 February 2018

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	20 FEBRUARY 2018

September 2017



TITLE	REPORT OF
DRAFT POLICY / TESTING REQUIREMENTS TO ENSURE THE SAFETY OF LICENSED VEHICLES WHICH HAVE BEEN SUBJECT TO MODIFICATION	PETER HAYWOOD

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

This report seeks to update members on the latest position regarding the proposed adoption of a draft policy to ensure the safety of licensed vehicles which had been subject to modification.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the outcome of the round-table discussion held with key stakeholders on 12 January 2018; and
- 2.2 in light of the amendments to the draft specification made at that meeting (identified in section 5 below), agree to submit the revised specification (Appendix 2) to a further short period of consultation with the trade in line with the methodology set out in section 7 below; and
- 2.3 agree to receive a further update report at a future meeting of the committee, with a view to then considering whether to forward the final version of the draft specification to a future meeting of 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 TO THE REPORT

- 4.1 On 21 March 2017, the General Licensing Committee received an initial report on a draft policy to ensure the safety of licensed vehicles which had been subject to modification. This report confirmed that the need for such a policy had arisen from a situation discovered by Licensing staff formerly employed by the Council, when it had been discovered that vehicles licensed for use in the Borough were being modified but were not then subject to any further enhanced testing to ensure their continuing roadworthiness. These vehicles were typically

larger road vehicles which had been modified to carry wheelchairs, with many service users affected being particularly vulnerable. In these circumstances there is clearly an enhanced responsibility for the licensing authority to ensure the safety of passengers and other road users. Members requested that a more detailed report was brought back to a future meeting after further work had been carried out.

- 4.2 On 13 June 2017, an updated report containing a draft policy and testing specification was presented to the General Licensing Committee. This updated report contained two alternative options relating to the testing of modified vehicles for roadworthiness; one option was that tests could continue to be carried out by a range of private sector testing stations as at present, and the other option restricted the tests to the Lancashire County Council facility at Bamber Bridge. Members agreed that the proposed policy and specification should be subject to a consultation exercise as set out in the report, with the option on restricting the location of tests to the LCC facility being stated as the preferred option.
- 4.3 On 17 October 2017, members received a further report which updated them on the outcome of the consultation exercise. A number of technical objections to the content of the draft had been raised by stakeholders which responded to the consultation exercise. Some of these objections (such as the incorrect reference to a floor height of 420mm) were relatively non-contentious and were accepted, but others were more fundamental in that they suggested at least some elements of the proposed tests will be either (a) unnecessary or (b) a duplication of tests already carried out by Lancashire County Council. A summary of the consultation responses is attached as Appendix 1.

4.4 The minutes of the October meeting record the following:

“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. [my emphasis]**

RESOLVED (F6: Abstention:1):

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

4.5 As a result of the highlighted second resolution in section 4.4 above, officers worked hard to convene a meeting with key stakeholders at which the draft technical specification previously considered by members could be refined. Unfortunately this meeting proved difficult to arrange due to competing diary commitments and the festive period. However, with the helpful intervention of the Deputy Chair of the General Licensing Committee, a meeting was finally arranged for 12 January 2018. Further details of this meeting are provided below.

5. MEETING WITH KEY STAKEHOLDERS

5.1 On 12 January 2018, a meeting was held to consider the content of the original draft specification provisionally approved by members in October 2017. The meeting was held at the County Council testing facility at Bamber Bridge and in attendance were:

- Interim Licensing Manager (SRBC) (Chair)
- Lancashire County Council's Compliance Manager (Integrated Transport Services)
- Lancashire County Council's Fleet Compliance Officer (Fleet Services)
- Mr Andrew Wallbank of Andrew Wallbank Ltd, Leyland

5.2 The Interim Licensing Manager explained the purpose of the meeting (namely that it had been requested by members of the General Licensing Committee at their October 2017 meeting in response to comments submitted during the consultation period). The meeting lasted from 2pm to 3.30pm and was both amicable and constructive.

5.3 As a result of the discussion, a revised draft of the specification provisionally approved by the General Licensing Committee in October 2017 was compiled. A copy of this is attached as Appendix 2. The main changes proposed to the original version which had previously been considered by councillors are summarised below:

- i) Section 2 of procedure – re-wording of seating requirements to emphasise need for safety rather than aesthetic appearance;
- ii) Section 2 of procedure – correction of error regarding step height;
- iii) Section 2 of procedure – clarification of requirements for turning circles within vehicles;
- iv) Technical specification (tracking) – confirmation that minimum rail length (as stated in manufacturer's (Unwin's) official publication on User Operating Instructions / Rail Installation) is 1300mm; and
- v) Inspection list – additional requirement re secure storage.

5.4 In addition, the report seeks to clarify the relationship between Individual Vehicle Approvals (IVAs) and the extended roadworthiness test set out in Appendix 2. In essence, the draft procedure confirms that:

- an IVA will be needed where a modified vehicle (which has not previously been licensed with the Council) is submitted for initial licensing. Where the vehicle is already licensed with the authority, no IVA will be required; and
- all modified vehicles (whether in possession of an IVA or not) will be required to pass the extended roadworthiness test in Appendix 2, which will ensure that any modifications (including any made subsequent to the IVA) are safe.

5.5 Officers are aware that – due to the nature of the proposed revisions to the draft specification – it may be prudent to submit the latest version (Appendix 2) to a further round of consultation. This is because at least one of the proposed changes (relating to the safe storage of equipment) was only raised at the meeting on 12 January and did not feature in the previous consultation exercise.

6. PROPOSED LEVEL OF FEES

6.1 During the meeting on 12 January, Lancashire County Council confirmed that its proposed level of fees (previously put to members in October 2017) was still valid, namely:

- a) The County Council confirmed that, for a fee of £90 plus VAT, it still envisages being in apposition to undertake a package of 3 tests which includes the checks on modified vehicles. These tests are itemised below:

- i) regular 6 monthly SRBC roadworthiness test;
- ii) annual LOLER (Lifting Operations and Lifting Equipment Regulations) for safety of tail lifts; and
- iii) annual safety check on modified vehicles as per appendix to Appendix A (structural conversion work, tracking and seating).

6.2 Alternatively, the County Council stated that it would undertake the annual LOLER tail lift check (paragraph 7.2ii above) AND the safety check (paragraph 7.1iii above) on modified vehicles for a sum of £60 plus VAT. This would leave the vehicle owner free to continue to have their other 6 monthly checks required by the Council carried out at the private testing stations currently utilised across the Borough.

6.3 As stated in section 4.4 above, the General Licensing Committee has already committed its support for the sole use of the County Council facility at Bamber Bridge for the undertaking of the tests set out in sections 6.1aii and iii above.

7. CONSULTATION METHODOLOGY

7.1 It is proposed that the following process be adopted:

- a) details of the consultation exercise will appear on the Council’s website;
- b) as this is the second consultation exercise, on an advanced draft and with a limited number of stakeholders, it is proposed that the period of consultation should be reduced to 2 weeks during March 2018; and
- c) the main stakeholders (Lancashire County Council and Andrew Wallbank Ltd) together with all other relevant stakeholders will be written to and advised of the repeated consultation exercise, along with the ways in which any feedback may be submitted.

7.2 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.

8. 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

Road safety is of paramount importance to the licensing authority, and this report seeks to ensure the safe transport of passengers in modified vehicles, by introducing an additional testing regime on modified vehicles.

It is imperative that any additions and changes proposed to the draft specification (after the initial consultation period) are subject to consultation to enable all stakeholders to comment.

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity 	<p>See Legal comments above.</p> <p>The report seeks to ensure the safe transport of passengers with physical disabilities, many of whom will be wheelchair</p>
--	---

	users and require modified transport.
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

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

Appendix 1 – summary of consultation responses as presented to General Licensing Committee in October 2017

Appendix 2 - latest version of draft specification following input from meeting on 12 January 2018

SMT Member's Name: Pater Haywood
 Job Title: Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	6 February 2018

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Appendix 1 – summary of consultation responses as presented to General Licensing Committee in October 2017

Source:	Date:	Issue:	Council response
Driver 1	17.8.17	Not like the thought of just 1 testing station for this it creates an unfair competition which forces prices up.	Noted
Driver 2	24.8.17	Would prefer testing at SRBC approved garage rather than by LCC – would keep cost down and employment local	Noted
LCC	25.8.17	Draft suggests that maximum height of step should be 420mm for first step and 300 mm for subsequent ones, whereas LCC criteria for school work are 250mm for first step and 300mm for subsequent ones	Noted
Manufacturer 1	30.8.17	<p><u>Inspections to ensure converted vehicles have been correctly and safety modified:</u></p> <p>Feels that further consultation is required with all interested parties before a meaningful revision to a policy for wheelchair accessible vehicles can be adopted</p> <p>Current testing regime by LCC ensures vehicles are inspected to VOSA standards and include ensuring tracking and seats are correctly fitted</p> <p>Current testing undertaken by the appointed testing stations also ensure correct fitting and use of seats and seatbelt during a class 5 test</p>	All noted

Seating compliance is impossible to demonstrate for older vehicles already licensed as many seat certificates are unavailable from manufacturers due to age

Standards for modified minibuses/psv's

All drivers have been trained in wheelchair use by LCC compliance officer

Passenger seats have the same trim wherever possible but due to operational needs matching seats are not always possible. This is not a safety issue and these type of vehicles aren't front line taxis that service the general public directly

Floor height at 420mm incorrect

Minimum rail length incorrect or wrongly worded

Turning circle of a wheelchair within the vehicle doesn't seem to have any relevance.

Testing going forward

IVA's booking are not easily available in the local area. I understand that FMU may have capacity issues if they were to undertake all of the ongoing road worthiness testing.

We propose FMU undertake a 1st use inspection instead of an

IVA using the amended Appendix one details to tests to be undertaken on modified vehicles. The current appendix has some errors that would need to be amended before it is to be used

Opposed to testing solely by LCC - ongoing testing to be undertaken by authorised garages using established taxi test regime along with an amended appendix one.

This is only a brief response due to current time constraints and I feel a great deal more of further consultation is required before things can move forward. I am happy to work with SRBC to this end.

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GENERAL LICENSING COMMITTEE

PROCEDURE FOR ENSURING ROADWORTHINESS OF LICENSED VEHICLES

WHICH HAVE BEEN SUBJECT TO MODIFICATION

Procedure Number:

1) Introduction

South Ribble Borough Council has a responsibility to ensure that all vehicles operating as hackney carriage and private hire vehicles are fit for purpose. This is particularly important for vehicles which have been adapted, converted or modified to carry passengers who use wheelchairs or who have specialised needs.

South Ribble is home to one of the largest number of vehicles which have been self-converted from vans to carry wheelchair passengers. Whilst the current roadworthiness checks ensure that a vehicle is mechanically sound, they do not extend to checking that the modifications have been carried out to the required standard.

Typically the types of vehicles adapted or modified are:

- small vans (N1 vehicles); and
- minibus type vehicles (M2 vehicles) – although these could be classified as a standard M1 vehicle.

Further details on the relevant classifications are given below:

- M1** vehicles designed and constructed for the carriage of passengers comprising no more than eight seats in addition to the driver's seat
- M2** vehicles designed and constructed for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes
- N1** Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes

This policy will apply to **all** vehicles that have been converted, modified or adapted from the original manufacturer's specification since first registration and is intended to provide additional safeguards to ensure that the conversion, modification or adaptation has been completed to the required standard and remains in such state for the period that the vehicle is licensed by this Authority.

This policy will not apply to any vehicle including wheelchair accessible vehicles that are produced for licensing that have not been converted, modified or adapted since its initial registration.

2) Standards for modified minibuses/PSV's

Vehicles which are described other than M1 on the V5 registration document must enable passengers seated behind the driver to have access to at least 2 doors (side or rear opening) without having to climb over or fold down any seats. Such vehicles must also satisfy the following:

- all retro-fitted seatbelts must meet MOT installation and condition standards;
- the passenger interior floor area must be of a flat, non-slip, non-trip surface. Where wheelchair tracking is fitted, the Council recommends the fitting of blanking strips;
- partitioned rear passenger compartments must be heated and capable of variable control. Such heaters must be linked accordingly to the main vehicle heating system and be capable of variable control. All exposed piping and wiring must be secure and adequately insulated. Water leaks are unacceptable;
- no interior surface within the passenger compartment shall contain sharp edges likely to cause injury;
- all interior trim must match and be fitted to a professional standard. Evidence of obvious work or modification should not be on view;
- **all seating in the vehicle must be intact, in a safe condition and M1 compliant;**
- all vehicles must be fitted with safety glass containing an approved marking to this effect. Any partition fitted with safety glazing (plastic) must be of a suitable material (e.g. shatter-proof);
- rear compartments entrance/exit areas must be adequately illuminated at floor and at higher levels. Such lighting must operate automatically when each rear passenger door is opened;
- all passenger doors must be capable of being restrained in the open position;
- each rear passenger door aperture must contain at least one grab handle to assist passengers while entering/exiting the vehicle. Each handle must be securely fixed using a substantial mounting such as machine screws that are capable of holding a reasonable force;
- each rear passenger compartment must contain at least two opening windows that can be opened from the interior for ventilation purposes; and
- **the maximum height from the road surface to the passenger floor should be 250mm for the first step and 300mm for any subsequent step.** Vehicles exceeding this figure must have some form of step incorporated into the bodywork (this may be of a retracting or folding type).

Additional requirements for wheelchair accessible vehicles:

- where the vehicle is fitted with a tail lift, a "LOLER" certificate must be obtained prior to the vehicle inspection;
- the rear compartment entrance/exit doors must be of a suitable size to allow access for a wheelchair;
- **where passengers or the seating arrangement for passengers are rear-facing, an adequate turning circle within the vehicle is needed;**
- the vehicle must be capable of adequately securing a wheelchair to the vehicle floor using a suitable type of restraint;
- appropriate wheelchair restraint(s) must accompany the vehicle when it is presented for test;
- wheelchair ramps must be capable of being securely fixed to the vehicle during use. They must be of a type and length allowing safe and easy use by the person loading the wheelchair;
- wheelchair ramps must be safely and securely stored in a suitable area of the vehicle when they are not in use; and

- seatbelts must be fitted to restrain wheelchair occupants. A single seatbelt must not be used to restrain both the wheelchair and occupant.

3) Vehicle Certification

Within Europe two systems of type approval have been in existence for over 20 years. The first is based on European Regulations and Directives providing approval for whole vehicles, vehicle systems and components. The second is based on United Nations Regulations dealing with systems and components but not whole vehicles. "Type approval" is the process of ensuring that production of new vehicles, their systems and components have been designed and constructed to meet agreed standards of safety, security and environmental protection.

There are a number of vehicle certifications:

1. European Community Whole Vehicle Type Approval (ECWVTA)
2. European Small Series Type Approval for cars (ECSSTA)
3. National Small Series Type Approval (NSSTA)
4. Individual Vehicle Approval (IVA)

4) Requirements for initial licence application

With effect from 1 July 2018, the owners of vehicles of categories M1, M2 or N1 which have been converted, adapted or modified from the original manufacturer's specification (whether undertaken by the vehicle licence holder or a third party), and which have not previously been licensed as a hackney carriage or private hire vehicle by South Ribble Borough Council, will be required to present appropriate vehicle certification (as defined in section 3 above, including IVA) at the time of first application for a licence.

To clarify, no extended roadworthiness test will be required on initial application for a modified vehicle which has an IVA (or other vehicle certification in section 3) as the IVA will demonstrate adequate compliance.

5) Requirements for renewal applications

From 1 July 2018, all vehicles (whether in possession of an IVA or other vehicle certification or not) which have been modified, converted or adapted after the date of first registration must pass the extended roadworthiness (detailed in Appendix 1) at the time of their next and subsequent renewal. This requirement applies irrespective of the date when the vehicle was first licensed as a hackney carriage or private hire vehicle with SRBC.

For the avoidance of doubt, should South Ribble Borough Council have any reservations about the safety of vehicles submitted to the approved testing station for initial inspection, the Council reserves the right to require the owner to submit the vehicle for IVA testing prior to any licence being issued by the Council.

This procedure was adopted by General Licensing Committee on XX.XX/XXXX

Signed:

A handwritten signature in black ink that reads "A. Glover". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline that extends under the word "Glover". The signature is contained within a thin black rectangular border.

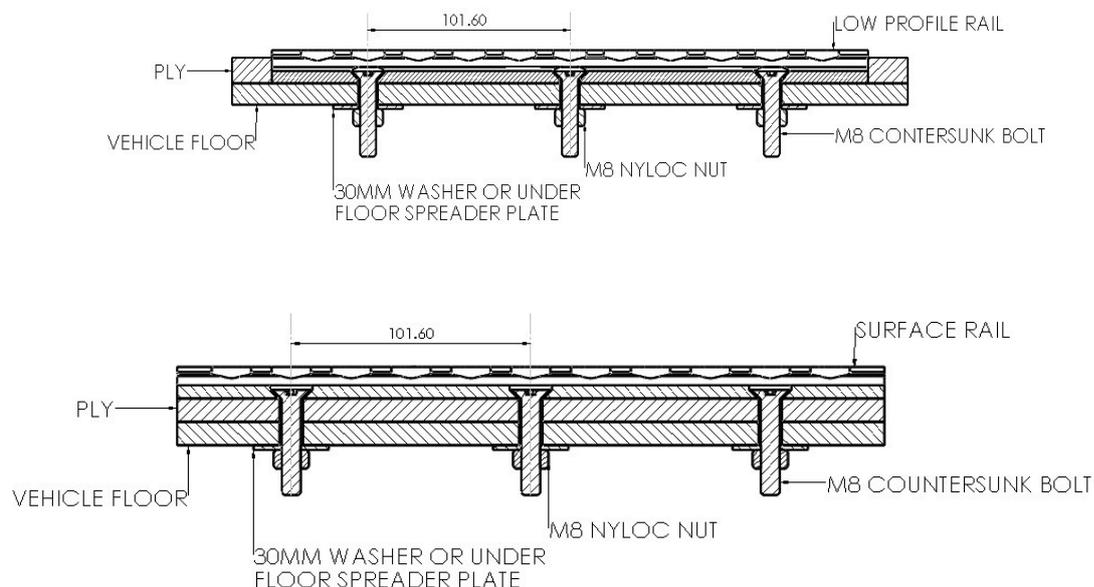
Interim Licensing Manager

XX.XX/XXXX

Lancashire County Council Test for vehicles supplied with wheelchair Accessible fittings

Tracking

1. Floor rails correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
2. “Cant rail” for third point occupant restraint fitment or can be use as location for equipment stowage correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
3. Correct 30mm washer or underfloor spreader plate fitted
 - Where the 30mm washer or underfloor spreader plate cannot be used, in such instances it is acceptable to use steel plate of equivalent strength and cross sectional area.



Note 1

1. The minimum acceptable length of rail that can safely be installed in a vehicle is 1300 mm. This will accommodate one wheelchair positioned centrally.
2. The rail must be fitted ensuring fasteners are fitted to the extreme end hole positions.

Note 2

1. For details of the space required within a vehicle for a wheelchair installation, reference should be made to the guidelines within the British or International standard ISO 10542-1 part 2, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tiedown and Occupant Restraint Systems".

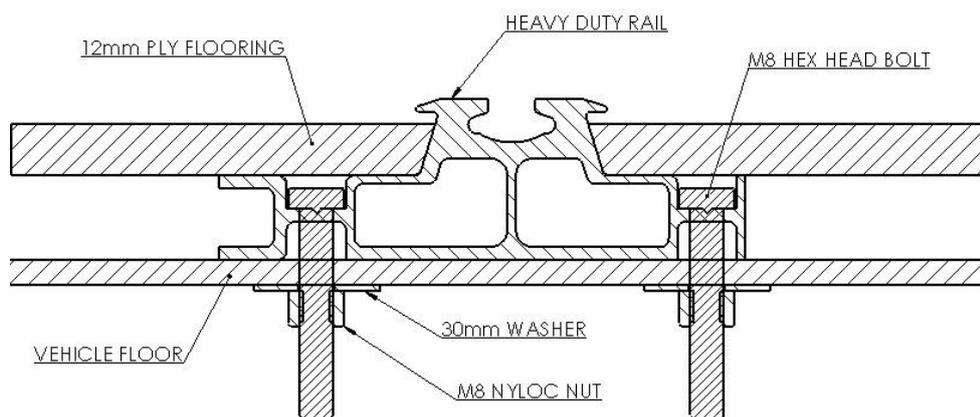
Note 3

1. Some vehicle layouts may have problems using Low Profile rail with pre-drilled countersunk holes due to under floor obstructions, such as box sections or angle brackets. In these situations where a hole is “missed”, it is required to generate two new holes, one on either side of the original, with the maximum distance between them being 101 mm.
2. The original unused hole must finally be filled with a short self-tapping screw with a matching head.

Note 4

1. It is critical that the installed rail is flat along its length and correctly positioned relative to any other rail lengths fitted in the vehicle floor. Elements within a pattern of rails must also be parallel to one another. This is particularly important if fitting Unwin “Fixed Base Equipment” or manufacturing removable seats, to ensure they will fit universally along the rails.

Heavy Duty Rail



Available in 3.95 and 4.50 metre lengths, this rail profile can be installed with a maximum unsupported span of 600 mm under normal conditions. Additional fasteners must be fitted at the ends of the rail, in particular at the rear end.

Fasteners to be used on installation

Bolts:- M8 steel, hexagon headed grade 8.8, plated, guide length 40 - 50 mm.

Nuts:- M8 steel, nyloc, grade 8, plated.

Washers:- M8 steel, plain, plated.

Torque settings:- 20 nm (15 lbs/ft).

Under Floor Reinforcement on Heavy Duty Rail.

Contact manufacturer for specific recommendations.

Seats

Where the intention is seats are easily moved within or removed from the vehicle the following will apply;

1. If seatbelts are attached to the seat and the vehicle is to be sold within the EU, the vehicle builder will invariably require evidence that the assembly meets the appropriate Directives.
2. The removable seat fixture must have been successfully tested and VCA witnessed to M1 loads applied to a single seat up to 33kg with three fixing bolts. Evidence that seats are M1 compliant must be provided by the operator.
3. Removable seat fixtures should **ONLY** be fitted and used in accordance to the manufacturer's instructions.

Check specific to Wheelchair Tie down Restraints & Wheelchair Passenger Restraints

1. International standard ISO 10542-1, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tie-down and Occupant Restraint Systems" must be complied with.
2. Evidence of equipment being International standard ISO 10542-1 compliant must be visible on equipment. This is usually via a label woven into the equipment. If the operator is unable to supply this evidence the equipment will be rejected.
N.B. The use of only a pelvic belt as an occupant restraint is unlikely to provide adequate safety to a wheelchair user in the event of a frontal impact.

Inspection List

Tracking/Wheelchair securing fittings (Floor) (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- i. Check for ISO 10542-1 or equivalent
- ii. Check correct fittings are being used
- iii. Check spacing for securing bolts
- iv. Check correct washers are being used
- v. Minimum wheelchair space of 1200mm long by 700mm wide
- vi. Check maximum distance between securing cups or length of tracing. (minimum 1200mm)
- vii. If tracking being used,
 - check rails are parallel.
 - Check minimum width between rails (minimum acceptable 300mm)
 - Check track for cleanliness and usability

Solo Anchorage Systems or similar (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- i. Complies with ISO10542 standard requirements
- ii. Correct bolts and spreader washers used
- iii. Minimum wheelchair space of 1200mm long by 700mm wide

Wheelchair Tie-down Restraints & Wheelchair Passenger Restraints

- i. Check for ISO 10542-1 or equivalent markings
- ii. Check for maximum capacity markings on Wheelchair Tie-down Restraints
- iii. ISO 10542-1 or equivalent markings only present, assume maximum capacity 85kg
- iv. If ISO 10542-1 or equivalent markings present and additional maximum capacity shown on official labelling make note of capacity, e.g. 120kg.
- v. Check the retractors by pulling out the webbing to ensure they are locking properly
- vi. Ensure the webbing is not cut, frayed, damaged or contaminated by polishes, oils or chemicals
- vii. Check that metal parts are not worn, broken or cracked
- viii. Check connector parts to ensure they are not cracked, broken or missing
- ix. Check that mounting hardware, such as bolts, nuts, etc. are secure
- x. Check floor anchorages for proper securement and operation
- xi. Check lap and shoulder belt webbing is not cut, frayed or damaged
- xii. Check buckles/carabiners for damage

Seating

- i. M1 Compliant seating being used in vehicles of 8 passenger seats or less
- ii. Seat back secure
- iii. Seat cushion secure
- iv. Seat legs attached to the vehicle in such a way that the load path will be transferred back into the vehicle
- v. Seat belt stalks operating correctly
- vi. Compliant bolts and spreaders used

Cant Rail (if used)

- i. Attached to a secure part of the bodywork
- ii. Correct bolts and spreaders used

Secure storage arrangements

Any equipment should be safely stowed when not in use. In particular it should:

- i. be removed from any tracking (if fitted); and
- ii. be secured so as to pose neither danger nor nuisance is likely to be caused to any person or property (in accordance with Construction and Use Regulation 100).

CONCLUSION

The above testing regime is intended to provide reassurance to elected members, drivers, vehicle users and residents of the Borough that all wheelchair accessible vehicles are subject to adequate and appropriate roadworthiness tests.

A handwritten signature in black ink that reads "A. Glover". The signature is written in a cursive style and is contained within a thin black rectangular border.

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	20 FEBRUARY 2018

September 2017



TITLE	REPORT OF
UPDATE ON RECENT LICENSING ACTIVITY	PETER HAYWOOD

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 January meeting of the Committee, including:

- (i) the consultation process which has taken place throughout February 2018 on changes to the Licensing Policy with regard to professional qualifications;
- (ii) the Taxi Trade Forum held on 1 February 2018;
- (iii) arrangements for the Working Group on age differentials for certain types of vehicles; and
- (iv) publication of the “designated list” of wheelchair accessible vehicles.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the information provided in sections 4-7 below on recent Licensing activity; and
- 2.2 note the proposed date of the next Taxi Trade Forum (3 May 2018).

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. CONSULTATION UPDATE

4.1 Members will recall that – at the January meeting of the General Licensing Committee – they agreed to formally consult on a proposal to amend the Licensing Policy so as to allow a “period of grace” within which otherwise suitable applicants for a Hackney Carriage / Private Hire driver’s licence (but who did not hold the necessary professional qualification) may be granted a 12 month fixed-term licence within which the qualification would have to be obtained.

4.2 The following action has subsequently taken place:

- the consultation period was agreed as 1 February 2018 to 5pm on 28 February 2018;

- 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/professional-qualifications>

- the consultation exercise has been promoted via the Council's social media outlet; and
- the licensed trade was advised of the consultation exercise at the Taxi Trade Forum on 1 February 2018 (see below).

4.3 All consultation responses will be formally recorded on a log and it is intended that a report outlining the outcomes of the consultation exercise will be presented to members of the General Licensing Committee at their meeting in April 2018.

5. TAXI TRADE FORUM

5.1 On 1 February 2018, a meeting of the Taxi Trade Forum was held under the chairmanship of Cllr Nelson.

5.2 The meeting followed a similar format to that adopted at previous meetings, namely (i) a presentation by the Interim Licensing Manager on matters relating to the licensed trade; and (ii) a response given by the Council to questions submitted in advance of the meeting by the trade.

5.3 A total of 6 trade representatives were present, including one operator.

5.4 The meeting provided lively discussion on a number of topics, with particular emphasis on the commencement of the consultation exercise on professional qualifications (which began that day). As a result, it is anticipated that a significant number of consultation responses may be generated.

5.5 The next scheduled date for a quarterly meeting of the Taxi Trade Forum has been provisionally fixed for 5pm on 3 May 2018.

6. WORKING GROUP

6.1 Members will recall that, at their January meeting, they agreed to establish a working group to consider the following matter:

Differential Age Limits for Licensed Vehicles

6.2 The date for the working group has now been fixed for 22 February 2018. At the meeting of the Taxi Trade Forum on 1 February 2018, trade representatives volunteered to attend the meeting and an invitation will be sent to 2 members of the trade. In addition, a representative from the organisation Disability Equality North West will also be available to attend.

6.3 The relevant paperwork (previously approved by this committee) will be dispatched to members of the working group around 15 February 2018.

6.4 It is still anticipated that a report on the outcome of the working group will be reported to the April meeting of the General Licensing Committee.

7. “DESIGNATED LIST” OF WHEELCHAIR ACCESSIBLE VEHICLES

7.1 Members will recall that, at their meeting in October 2017, they agreed to recommend the formal adoption of certain sections of the Equalities Act 2010 (along with formal documentation relating to the enforcement of these provisions). These sections sought to offer greater protection to wheelchair users in the Borough, and were subsequently adopted by full Council at its meeting in November 2017.

7.2 As a result, the Licensing Section wrote to the trade and invited drivers to seek (as appropriate) medical exemption from the requirements relating to the transportation of wheelchairs. Once it was confirmed that no applications for medical exemption had been made, publication of the “designated list” of wheelchair assessable vehicles took place on 24 January 2018.

7.3 From the date of publication, it is a criminal offence for drivers to:

- fail to carry passengers in wheelchairs in vehicle on list;
- fail to provide assistance to those passengers; and
- charge extra for their services when transporting a wheelchair.

8. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

8.1 Comments of the Statutory Finance Officer

The report is for information only and therefore there are no financial implications arising from the recommendations in this report.

8.2 Comments of the Monitoring Officer

There are no legal implications to comment upon in respect of this report.

Other implications:	
▶ Risk	None
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

9. BACKGROUND DOCUMENTS

None

SMT Member's Name: Peter Haywood
Job Title: Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	5 February 2018

REPORT TO	ON
GENERAL LICENSING COMMITTEE	20 FEBRUARY 2018

September 2017



TITLE	REPORT OF
IMPLEMENTATION PLAN	PETER HAYWOOD

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

This report is intended to provide members with the latest updated version of the ongoing Implementation Plan, and to provide a year-end assessment of progress since the inception of the Plan in March 2017.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 consider the attached copy of the latest Implementation Plan; 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 28 November 2017.
- 4.3 Given that the February meeting of the committee is the last one to be held during the municipal year 2017/18, it is appropriate to take stock of the progress made since the Plan's inception some 11 months ago.

5. COMMENTARY

5.1 The Implementation Plan is a live working document and has therefore been amended on a regular basis since version 21 was last presented to members in November 2017. (The latest iteration attached as Appendix 1 is version 24). 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 33 actions to be implemented, whereas the original number of actions reported to members in March 2017 was 30. The three items added over the course of 2017 are:

- D11 (relating to the revised format for hearing panels consisting of 3 elected members);
- D12 (introduction of a Mobile Homes Licensing Policy); and
- T9 (forthcoming review of Gambling Policy).

5.3 Of the 33 actions:

- 25 are now shown as green (complete) as opposed to 17 in the November 2017 report to the General Licensing Committee – an increase of 8 (47%);
- 5 are shown as amber (in progress) as opposed to 12 in November – a reduction of 7 (58%); and
- 3 are yet to be commenced (this being the same number reported to members in November).

6. SUMMARY

6.1 It is pleasing to report that steady incremental progress has been made in implementing the Plan over the past 11 months. Collectively, officers and members have worked hard to arrive at the point where the overwhelming majority of actions can now be identified as complete (76%) with a further 15% in progress. This leaves a minimal 9% still to be commenced, all of which are resource-intensive and will require a full-time manager to be in post. Given resource constraints, this is a commendable effort which has led to the introduction of more robust administrative procedures and a safer environment for local residents.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

7.2 Comments of the Monitoring Officer

There are no direct legal implications in this report. The relevant comments are captured within the Risk section of the report.

Other implications:	
▶ Risk	It is imperative that the Implementation Plan is implemented, thereby enabling the Licensing Section to continue to improve its process and procedures and demonstrate that statutory obligations are being met.
▶ Equality & Diversity	None

▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

8. BACKGROUND DOCUMENTS

Appendix 1 – Implementation Plan V24

SMT Member's Name – Peter Haywood

Job Title – Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625575	2 February 2018

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APPENDIX 1 - Licensing Service Improvement Plan

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. Currently in the processing of facilitating a meeting between LCC and the trade to progress the policy. The meeting between SRBC, LCC and the trade took place on 12 th Jan with a report to be taken to the Feb GLC. Back to 20 th Feb GLC agenda for additional consultation exercise to be authorised	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	March 2018	Currently in progress. Peer reviews of all decision are no longer taking place due to the increased knowledge and experience of the licensing officers.	Complete
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. Adopted at full Council 22Nov17	Complete
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	Complete

				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. Adopted at full Council 22Nov17	
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. Consultation to take place during Dec 17 and Jan 18. The outcome of the consultation and report will be taken to the Feb 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); 	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

	<ul style="list-style-type: none"> LCC / LADO; and other District councils as appropriate 				
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 members' initial consideration was on agenda for GLC on 13 June 17 but deferred until July 2017. Reported to GLC on 11 th July	Complete
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	Complete

B6	Safeguarding training to be provided to all drivers	Licensing Manager	December 2017	All drivers have been asked to attend safeguarding training, but 20 drivers have failed to attend. These drivers have been requested to attend online safeguarding training during Feb 18. 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 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 adopted on 22Nov17	In Progress
B7	Implement an operator accreditation scheme	Licensing Manager	December 2018	The adoption and implementation of the scheme is to be undertaken by the new Head of Licensing when that officer is in post	
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	Complete

				go ahead, so Chorley have been approached. Shadowing arranged at Chorley on 15Nov17. Joint training with Chorley being arranged for March 18	
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. Training and development has now been incorporated into 'business as usual' and is identified through PDRs and regular one to ones	Complete
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	Complete
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	Complete

T5	Improvement plan for other licensing matters to be developed: <ul style="list-style-type: none"> Alcohol 	Licensing Manager	Jun 2018	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 July 2018	Licensing Manager	May 2018	Delayed due to the re-structure and shared services agenda	In Progress
T9	Review of the Gambling Policy	Licensing Manager	Jan 2019	Nations policy for all councils to review their gambling policies by Jan 2019. To be included in the GLC forward plan.	

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REPORT TO	ON
GENERAL LICENSING COMMITTEE	20 FEBRUARY 2018

September 2017



TITLE	REPORT OF
FORWARD PLAN	PETER HAYWOOD

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

The report updates members on progress against the Forward Plan 2017/18 and suggests a draft Forward Plan for 2018/19.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the progress made against the Forward Plan 2017/18 (attached as Appendix 1); and
- 2.2 consider the draft Forward Plan 2018/19 (attached as Appendix 2) with a view to its adoption for the coming year.

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 will recall that, at their meeting in March 2017, they adopted an initial version of the Forward Plan for the coming year. The purpose of the Plan was to act as a guide for members of the committee to see what their upcoming workload would be, as well as acting as an aide-memoire for officers.

5. FORWARD PLAN 2017/18

- 5.1 A copy of the Forward Plan 2017/18 is attached as Appendix 1.

- 5.2 The Plan is "RAG rated" (ie progress is illustrated by the use of red / amber / green colouring). Members will note that the majority of the actions are rated as green, indicating that they have been dealt with in the anticipated manner. The three items marked as red are as follows:

- Operator Accreditation Scheme (deferred until December 2018) the Annual Review of the Convictions Policy – these are major pieces of work which will be assisted by the presence of a full-time Licensing Manager; and
- Fees and Charges report (proposed for January 2018 but deferred until April 2018) - this is due to slippage in finalising the staff structure which had a knock-on effect in terms of setting fees and charges.

5.3 Members are requested to reflect on the success of the Forward Plan 2017/18 and consider whether any changes to the format should be adopted during 2018/19.

6. FORWARD PLAN 2018/19

6.1 A copy of the draft Forward Plan for 2018/19 is attached as Appendix 2.

6.2 Members are requested to consider the content of the proposed draft, with a view to adopting it as a work plan for the coming year. In doing so, the following comments may be of relevance:

- The main piece of work for the coming year will be the review of the Gambling Policy (to be completed and published by January 2019). The precise workload (in terms of frequency of meetings and milestones to ensure a smooth delivery) has yet to be mapped out, but this will be presented to committee in a subsequent report, following which the Forward Plan can be further amended;
- The incoming Licensing Manager may have other suggested topics for inclusion which can be discussed on his/her appointment; and
- It is invariably necessary for matters to be added to the Forward Plan as they crop up during the year. Again, these can be included on an ad hoc basis.

6.3 Members are asked to note that the dates of the scheduled meetings are still subject to final endorsement by full Council. Should these subsequently change, the draft can be amended accordingly.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

7.2 Comments of the Monitoring Officer

There are no legal implications in this report.

Other implications:	
▶ Risk	None – the Forward Plan is a useful tool in co-ordinating and mapping the workload of the committee
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None

▶ ICT / Technology	None
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8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – Forward Plan 2017/18
Appendix 2 – draft Forward Plan 2018/19

SMT Member's Name Peter Haywood
Job Title Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	6 February 2018

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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 Dec 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 - 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 Dec 18
	Forward Plan – mid-year review	
	Review of Constitution	
	Performance data	
	Review of recent activities	
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*	Deferred until April 2018
	Quarterly review of Implementation Plan	Deferred until Feb 18
20 February 2018	Taxi Trade Forum	See Update report
	Annual Review of Convictions Policy	Deferred until April 2018
	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	

Appendix 2

General Licensing Committee – Forward Plan 2018/19

Standing agenda items:

- Update on any matters to be considered by Panels under the statutory “fit and proper” test

Schedule of specific matters:

Date:	Items for consideration:	Progress / monitoring (RAG)
10 April 2018	Member training – report on proposed activities for year ahead	
	Professional Qualifications	
	Working Group	
	Fees and Charges	
	Annual Report 2017/18	
22 May 2018	Review of Convictions Policy	
	Taxi Trade Forum	
	Implementation Plan	
	Review of Gambling Policy (revised document to be published by Jan 19)	
	Forward Plan	
10 July 2018	Performance data	
	Fees and Charges	
	Quarterly review of Implementation Plan	
	Member Training Plan	
	Taxi Trade Forum	
	Forward Plan – mid-year review	
	Training Plan	
20 November 2018	Performance data	
	Quarterly review of Implementation Plan	
	Taxi Trade Forum	
	Forward Plan	
	Performance data	
12 March 2019	Member training plan	
	Fees and Charges for 2019/20	
12 March 2019	Taxi Trade Forum	
	Quarterly review of Implementation Plan	

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

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