

LICENSING AND PUBLIC SAFETY COMMITTEE

TUESDAY, 8TH DECEMBER, 2020, 6.00 PM

HYBRID MEETING, ACCESSIBLE VIA MS TEAMS AND SHIELD

AGENDA

This meeting will be live streamed on YouTube and can be accessed [here](#).

IMPORTANT INFORMATION – MEMBERS

Members of the Council not on Committee are now permitted to register and speak at the meeting using Microsoft Teams.

If you would like to speak please email democraticservices@southribble.gov.uk in order to register your intent to speak, ideally before 12pm on Friday 4 December 2020. A meeting link will then be sent to you.

IMPORTANT INFORMATION – MEMBERS OF THE PUBLIC

Unfortunately, due to the current situation surrounding COVID19 we are unable to allow Members of the Public to speak at this meeting, these measures are temporary and will be reviewed as circumstances and the current restrictions improve.

However, written representations are being received and can be read out at the meeting with a written response provided. If you would like to make representations on any of the items below please email Democratic Services, democraticservices@southribble.gov.uk no later than 12pm on Friday 4 December 2020.

1 Apologies for Absence

2 Declarations of Interest

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 Member's 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 judgement 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.

Minutes of the Licensing and Public Safety Committee

3 Minutes of meeting Tuesday, 10 March 2020 of Licensing and Public Safety Committee

(Pages 3 - 6)

Minutes of the meeting held Tuesday, 10 March 2020 of Licensing and Public Safety Committee are attached to be agreed as a correct record for signing by the Chair.

Minutes of the Licensing Panel

4 Minutes of the Licensing Panel, Thursday 19 November 2020 of Licensing Panel

Minutes of the Licensing Panel, held Thursday 19 November 2020 are to follow.

5 National Register of Hackney and Private Hire Vehicles (Pages 7 - 12)

Report of the Shared Services Lead (Legal) and Deputy Monitoring Officer attached.

6 Modified Vehicles - Consultation Feedback (Pages 13 - 18)

Report of the Shared Services Lead (Legal) and Deputy Monitoring Officer attached.

7 Update on consultation Re Tint Policy (Pages 19 - 34)

Report of the Shared Services Lead (Legal) and Deputy Monitoring Officer attached.

8 Use of Standing Order 35 (Pages 35 - 70)

Report of the Shared Services Lead (Legal) and Deputy Monitoring Officer attached.

9 Exclusion of Press and Public

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 2 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 1: Information relating to any individual.

10 Use of Standing Order 35 (Pages 71 - 80)

Report of the Shared Services Lead (Legal) and Deputy Monitoring Officer attached.

Gary Hall
INTERIM CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing and Public Safety Committee
Councillors James Flannery (Chair), Renee Blow (Vice-Chair), Jacky Alty, Jane Bell,
Derek Forrest, Jacqui Mort, Peter Mullineaux, Alan Ogilvie, John Rainsbury,
Keith Martin and Cliff Hughes

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

Forthcoming Meetings

6.00 pm Tuesday, 9 March 2021 - Cross Room, Civic Centre, West Paddock,
Leyland, PR25 1DH

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MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Tuesday, 10 March 2020

MEMBERS PRESENT: Councillors James Flannery (Chair), Renee Blow (Vice-Chair), Jacky Alty, Jane Bell, Derek Forrest, Mick Higgins, Peter Mullineaux, Alan Ogilvie, John Rainsbury and Gareth Watson

OFFICERS: Tasneem Safdar (Senior Solicitor), Chris Ward (Licensing Officer), Stephanie Fairbrother (Licensing Officer), Coral Astbury (Democratic and Member Services Officer) and Reece Beardsworth (Partnerships and Corporate Support Trainee)

OTHER OFFICERS: Justin Abbotts (Licensing Officer)

PUBLIC: 0

43 Minute Silence

The Chair requested that a minute silence be held, out of respect for Councillor Ken Jones, who was chair of the Licensing and Public Safety Committee from May 2019 to January 2020.

44 Apologies for Absence

Apologies were received from Councillor Jacqui Mort.

45 Declarations of Interest

None.

46 Minutes of meeting Tuesday, 14 January 2020 of Licensing and Public Safety Committee

RESOLVED: (Unanimously)

That the minutes of the Licensing and Public Safety Committee held on Tuesday 14 January 2020, be agreed as a correct record for signing by the Chair.

47 Minutes of meeting Tuesday, 11 February 2020 of General Licensing Sub-Committee Panel

RESOLVED: (Unanimously)

That the minutes of the General Licensing Sub-Committee Panel held on Tuesday, 11 February 2020 be agreed as a correct record for signing by the Chair.

48 Reports for consultation with Stakeholders

The committee considered a report which sought approval to adopt the National Register of Hackney Carriage and Private Hire Vehicles Revocations and Refusals Register and for the Licensing section to undertake a period of consultation on the proposed adoption.

The council's Licensing Officer explained that under the current rules, new applicants must advise the Council if they have been refused a licence or had a licence revoked by another local authority. If a driver chose not to disclose this information, there is often no way of finding out. The Local Government Association (LGA) had commissioned the National Anti-Fraud Network (NAFN) to develop and host a register to record all drivers who had either been refused or revoked. Information would be retained on the NR3 for a period of 25 years.

Members received the report positively and agreed that the register had been needed for some time.

In response to a member query, members were advised that the information on the register was limited and only contained the relevant personal information and the decision taken. If the Council wanted to know the reason behind the decision, they would need to contact the relevant authority and request the information in line with data protection policies.

Members sought clarification on who would be liable for data being inputted into the register which was incorrect. The legal advisor to the committee advised that a written answer would be provided outside of the meeting, detailing the relevant information.

The Council's Licensing Officer also provided members with an update on the tinted windows policy and modified vehicle policy. Members were advised that although the two policies had recently finished the consultation period, the consultation was to be re-done. Feedback had been provided by the trade that the questions were too technical, and the internet format was not accessible. The consultations will be undertaken again, with the option of a paper format to increase accessibility. Members were advised that a report detailing the outcome of the consultation would be brought before committee at a future meeting.

RESOLVED: (Unanimously)

1. The proposal to adopt the use of the National Register of Hackney Carriage and Private Hire Vehicles Revocations and Refusals Register to the current South Ribble Borough Council Taxi Licensing Policy be accepted.
2. The Committee agreed that the Licensing section undertake a consultation exercise with stakeholders on the proposed adoption of the register.
3. The Committee agreed to receive a report on the outcome of the consultation exercise at a future meeting.

49 Private Hire Vehicle Livery - Consultation Feedback

The Committee received a report which invited members to recommend the formal adoption of the new proposed private hire signage and corporate signage policy. The

Council's Licencing Officer explained that the new proposed signage would be of an increased size and would only be permitted on the front doors of the vehicle.

Members were advised that a consultation had now been undertaken and 64 responses had been received, all in favour of the proposed changes.

In response to a member query, the Council's Licensing Officer confirmed that once the changes to the policy had been ratified by full Council, the changes would be communicated to the public, highlighting that a private hire vehicle is not insured unless it is pre-booked.

Members requested that the wording within the policy be changed to:

*"A sign indicating the name and/or address and/or telephone number of the proprietor of the vehicle **must** attached, **should the proprietor choose to have signage**, to the front nearside and offside door only."*

The Council's Licencing Officer explained that existing signage would need to be removed in order to comply with the policy change, private hire vehicles would be required to change their stickers on renewal. Operators would also need to change their corporate signage with a deadline being set by the Licensing Section.

Members requested that Licensing undertake a PR awareness exercise for the general public, once the policy had been implemented.

RESOLVED: (Unanimously)

1. The wording within the policy shall be amended to, "A sign indicating the name and/or address and/or telephone number of the proprietor of the vehicle **must** attached, **should the proprietor choose to have signage**, to the front nearside and offside door only."
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

50 Proposal of Annual Licensing of Vehicles

The Committee received a report which advised members on the outcome of the recent consultation which proposed amending the existing Taxi Policy so that vehicles would be re-issued with plates every twelve months, as opposed to six.

The consultation received 61 responses, with 60 agreeing to the proposed changes. Members received the report positively and were pleased that the trade agreed with the proposals.

Members sought clarification on the current testing procedure and were advised that it would not change. Vehicles would continue to be tested every six months, with plates being issued every twelve months.

RESOLVED: (Unanimously)

1. The Committee approve the proposal following the consultation outcome.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

51 Licensing Act 2003 Policy - Consultation Feedback

The Committee considered a report which provided Members with an update on the consultation exercise which was undertaken on the revised Statement of Licensing Policy. The report also sought approval to extend the current Statement of Licensing Policy until the revised statement was ratified by Council.

The consultation received 4 responses, members were advised that a response had been received suggesting that attendance at pub watch should be compulsory, however this was not a condition the Council could make mandatory within a premises licence.

Members received the report positively and thanked Officers for producing comprehensive and accessible reports.

RESOLVED: (Unanimously)

1. The committee agree that the current Statement of Licensing Policy be extended until the draft Statement of Licensing Policy is adopted by full Council.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the revised Statement.

Chair

Date

REPORT TO	ON
Licensing and Public Safety Committee	8 December 2020



TITLE	REPORT OF
National Register of Hackney and Private Hire Vehicles	Shared Services Lead - Legal & Deputy Monitoring Officer

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. Taking into account the outcome of the consultation exercise undertaken throughout September and October 2020 (summarised in section 18 below), this report invites members to recommend the formal adoption of the proposed policy for National Register of Hackney and Private Hire Vehicles (PHV) Revocations and Refusals Register.

RECOMMENDATIONS

2. Note the content of the report
3. Consider the consultation responses.
4. If members are minded to accept the proposal to adopt the use of the National Register of Hackney and Private Hire Vehicles (PHV) Revocations And Refusals Register to the current South Ribble Borough Council Taxi Licensing Policy, then forward this report to the next meeting of the Council with a recommendation for formal adoption of the proposed policy.

CORPORATE PRIORITIES

5. The report relates to the following corporate priorities:

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

BACKGROUND TO THE REPORT

6. On 10th March 2020, members of the Licensing and Public Safety Committee received a report from officers highlighting that applicants applying to the Licensing Authority for a Hackney Carriage Drivers Licence or Private Hire Drivers Licence must advise the council if they have been refused a licence or had a licence revoked by any other local authority.
7. Member of the committee were advised that currently, if drivers do not disclose this information about a previous revocation or refusal of a licence, there is often no way for the licensing authority to find this information out.
8. This means that vital intelligence about an applicant's past behavior is being missed and an individual might be able to get a new licence, despite having their licence taken away elsewhere. Similarly, there is the potential for a person who has been refused/revoked a licence by this Authority, to obtain a licence elsewhere.
9. Members were advised that The Local Government Association (LGA) commissioned the National Anti-Fraud Network (NAFN) to develop and host a register called the NR3 to record all drivers who have either been refused a licence or had their licence revoked.
10. Licensing authorities are responsible for adding basic details of drivers who have had applications for a licence either refused or revoked. All applications received by the authority that are either refused or licences that have been revoked will have details entered onto the NAFN register.
11. Members were advised at the meeting that it is a requirement of NAFN to adopt the use of the NAFN register to the taxi licensing policy of each individual authority which chooses to use the register. Members are referred to Appendix 1 within the original report, which is attached to this report as background document 1 for the LGA Guidance on adopting the NR3 Register.
12. At the meeting on the 10th March 2020 Officers proposed to update the Taxi Licensing policy to include NR3 checks as a mandatory requirement.
13. Members received the report positively and agreed that the register had been needed for some time. Members agreed that the adoption of the new policy, should be subject to a consultation exercise, and results presented at a further meeting.

PROPOSALS

14. The proposal is to update the Taxi Licensing policy to include NR3 checks as a mandatory requirement.
15. The proposed Policy wording is as follows and has been taken from the LGA guidance document attached to this report and can be found as Annex A.

“The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused.

This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence Therefore:

- *Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.*
- *All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.*

The information recorded on NR3 itself will be limited to:

- *name*
- *date of birth*
- *address and contact details*
- *national insurance number*
- *driving licence number*
- *decision taken*
- *date of decision*
- *date decision effective*

Information will be retained on NR3 for a period of 25 years. This is a mandatory part of new and renewal applications for a hackney carriage /PHV driver licence being granted.

The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at www.southribble.gov.uk.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at info@southribble.gov.uk. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

- 16.** Members are asked to consider the feedback given from the consultation exercise shown below in part 18 of this report and agree to the proposed policy for National Register of Hackney and Private Hire Vehicles (PHV) Revocations and Refusals Register
- 17.** In order to implement the recommendations, set out in this report, the proposed policy would need to be forwarded to the next meeting of full council with a recommendation for formal adoption.

CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

18. Feedback from the consultation exercise 21st September 2020 – 2nd November 2020

- Advisory letters were sent to all drivers and operators.
- Paper feedback forms were provided to every licenced driver, vehicle proprietor and licenced operator.

The following responses summarised below have been received following the consultation exercise.

Question	Yes	No	Unsure
<i>Do you agree the licensing authority should use the NAFN register to check details of all new and renewal applications for a hackney/private Hire Drivers Licence, to see if they have ever had a licence refused or revoked by another authority?</i>	38	0	1
Do you agree to all current licenced drivers that have either been refused or revoked by this authority to have details entered onto the NAFN register?	38	0	1
In general, do you agree to the council to formally adopt the use of the NAFN register for the two uses identifies in the previous two questions?	37	0	2

COMMENTS OF THE STATUTORY FINANCE OFFICER

19. No comment

COMMENTS OF THE MONITORING OFFICER

20. Should the NAFN register be adopted it will require Full Council approval. As the register will involve the processing of personal data, GDPR and Data Protection Act 2018 principles will need to be followed.

OTHER IMPLICATIONS:

<p>▶ Risk</p> <p>▶ Equality & Diversity</p>	<p>Without the adoption of the NAFN register, there is limited ways for officers to find out if an applicant has been previously refused or revoked by another authority</p> <p><i>There are no Equality or Diversity issues identified.</i></p>
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BACKGROUND DOCUMENTS

Background Document 1 is accessible using the below link and can be found at agenda item 48

<https://southribble.moderngov.co.uk/ieListDocuments.aspx?CId=483&MIId=1605>

APPENDICES

Appendix 1 - Full Consultation Document - is accessible using the below link

<https://www.southribble.gov.uk/sites/default/files/All%20Consultations.pdf>

David Whelan

Shared Services Lead - Legal & Deputy Monitoring Officer

Report Author:	Telephone:	Date:
Chris Ward (Licensing Officer)	01772 625330	26/11/2020

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REPORT TO	ON
Licensing and Public Safety Committee	8 December 2020



TITLE	REPORT OF
Modified Vehicles - Consultation Feedback	Shared Services Lead - Legal & Deputy Monitoring Officer

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. Taking into account the outcome of the consultation exercise undertaken throughout September and October 2020 (summarised in section 16 below), this report invites members to recommend the formal adoption of the proposed changes to the existing policy on modified vehicles.

RECOMMENDATIONS

2. Note the content of the report
3. Consider the consultation responses.
4. If members are minded to accept the changes to policy, then forward this report to the next meeting of the Council with a recommendation for formal adoption of the proposed changes to the existing policy on modified vehicles.

CORPORATE PRIORITIES

5. The report relates to the following corporate priorities:

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

BACKGROUND TO THE REPORT

6. On 12th November 2019, members of the Licensing and Public Safety Committee received a report from officers highlighting issues found with the current modified vehicle policy.
7. Members were advised that the current policy is burdensome to operators and proprietors of licenced vehicles.
8. At the meeting on the 12th November 2019 Officers proposed changes to the current policy that would only require vehicles that have been altered since first manufacture to be tested when first licenced and not upon each renewal.
9. Members agreed that the changes to policy regarding modified vehicles should be subject to a consultation exercise, and results presented at a further meeting.
10. On the 10th March 2020, members of the Licensing and Public Safety Committee were provided with an update on the modified vehicle policy.
11. Members were advised that a consultation period had taken place throughout January and February 2020.
12. Feedback had been provided by the trade that the questions were too technical, and the internet format was not accessible. Officers asked the committee to go out to consultation again on this matter, with the option of a paper format to increase accessibility. Members were advised that a report detailing the outcome of the consultation would be brought before committee at a future meeting. Members agreed the consultation was to be re-done.

PROPOSALS

13. The proposal is to agree to change the wording within the Modified vehicle policy. The original policy can be found in appendix 1 of the original report attached to this report as background document 1. The full proposed changes can be found within appendix 2 of the original report attached to this report as background document 1.

The new proposed wording is,

4) Requirements for initial licence application

With effect from xxxx2021 , the owners of vehicles of categories M1,M2 or N1 which have been converted, adapted or modified from the original manufactures 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 undergo a test and inspection by Lancashire County Council or South Ribble Borough Councils Depot. The test shall be arranged by the Licence holder who will pay any fees levied by LCC or SRBC. Once a certificate or clearance has been made by LCC or SRBC the Licence Holder will submit a copy of the certificate with the Licence Authority.

If the vehicle is installed with any sort of lifting equipment the Licence Holder will ensure the

equipment is serviced and certificated in accordance with the LOLER Regulations. A copy of this certificate will be lodged with the Licensing Authority at intervals specified by the testing regime relating to the relevant equipment.

If after first examination a vehicle is substantially varied or altered it shall be subject to an additional test by LCC.

Substantially altered or varied will include;

- 1. A change or alteration to the tracking lay out (extended or reduced)*
- 2. Additional seats or seat belt mounts installed outside of existing tracking.*

14. Members are asked to consider the feedback given from the consultation exercise shown below in part 16 of this report and agree to the proposed changes to the policy relating to modified vehicles.

15. In order to implement the recommendations, set out in this report, it is proposed that the changes would need to be forwarded to the next meeting of full council with a recommendation for formal adoption.

CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

16. Feedback from the consultation exercise 21st September 2020 – 2nd November 2020

- Advisory letters were sent to all drivers and operators.
- Paper feedback forms were provided to every licenced driver, vehicle proprietor and licenced operator.

The following responses summarised below have been received following the consultation exercise.

Question	Yes	No	Unsure
<p><i>Currently the taxi licensing policy requires vehicles that have been modified since it was first manufactured, to pass an additional test every 6 months.</i></p> <p><i>It is proposed to change the current policy, to require a one of test only when the vehicle is first licenced and or if modified whilst licenced. The test would be performed by either Lancashire County Council or South Ribble Borough Council.</i></p> <p><i>Do you agree to change the policy from the requirement to be tested 6 monthly to a one-off test</i></p>	37	0	2

<i>when first licenced or modified whilst licenced ?</i>			
<p><i>Currently the Taxi licensing policy requires modified vehicle proprietors to obtain an IVA certificate for the vehicle.</i></p> <p><i>We propose to change this requirement for an IVA in favour of a localised test by qualified engineers who will focus on all aspects of the modification.</i></p> <p><i>The test will be tailored to private hire/hackney carriage vehicles and will test various aspects of the vehicle such as seats, tracking and passenger lifts.</i></p> <p><i>Do you agree to change from the IVA test to a localised test tailored to Private hire/Hackney carriage vehicles ?</i></p>	35	1	3

COMMENTS OF THE STATUTORY FINANCE OFFICER

17. No comment

COMMENTS OF THE MONITORING OFFICER

Should Members approve the changes to the Policy, approval will be required by Full Council

OTHER IMPLICATIONS:

<p>▶ Risk</p> <p>▶ Equality & Diversity</p> <p><i>Add any other implications which you consider particularly relevant</i></p>	<p><i>None identified</i></p> <p><i>No Equality or Diversity issues.</i></p>
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BACKGROUND DOCUMENTS

Background Document 1 is accessible using the below link and can be found at agenda item 26

<https://southribble.moderngov.co.uk/ieListDocuments.aspx?CId=483&MId=1601&Ver=4>

APPENDICES

Appendix 1 - Full Consultation Document - is accessible using the below link

<https://www.southribble.gov.uk/sites/default/files/All%20Consultations.pdf>

David Whelan

Shared Services Lead - Legal & Deputy Monitoring Officer

Report Author:	Telephone:	Date:
Chris Ward (Licensing Officer)	01772 625330	25/11/2020

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REPORT TO	ON
Licensing and Public Safety Committee	8 December 2020



TITLE	REPORT OF
Consultation Feedback regarding Tint Policy	Shared Services Lead - Legal & Deputy Monitoring Officer

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. The purpose of the report is to provide the feedback on the consultation carried out with stakeholders throughout September and October 2020. This report invites Members to agree on the way forward and to recommend the formal adoption of the proposed changes to the existing policy on tinted windows in licensed vehicles.

RECOMMENDATIONS

2. Note the contents of the report.
3. Consider the consultation responses.
4. Based on the responses from the consultation, reach a decision on whether to implement option 2 or option 3. If members are minded in accepting the changes to policy, then forward this report to the next meeting of the Council with a recommendation for formal adoption of the proposed changes to the existing policy on tinted windows.

CORPORATE PRIORITIES

The report relates to the following corporate priorities:

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

BACKGROUND TO THE REPORT

5. The original report was agreed by members for consultation on 12/11/2019 – members are referred to background document 1. This consultation provided inconclusive results as the questions were unclear. An update was presented to members on 10/03/2020.
6. Members were informed that feedback had been provided by the trade that the questions were too technical, and the internet format was not accessible. Officers asked the committee to go out to consultation again on this matter, with the option of a paper format to increase accessibility. Members were advised that a report detailing the outcome of the consultation would be brought before committee at a future meeting. Members agreed the consultation was to be re-done.
7. Due to the constraints and pressures of Covid 19, there has been a delay in proceeding with the consultation. Nevertheless, officers have managed to consult with the trade and stakeholders between September and October – over a 6-week period, 21/09/2020 – 02/11/2020.

PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)

8. The options proposed during the consultation were: -

Option 1 - Continue to allow 70% transparency vehicles as normal; i.e. no changes to the policy.

Option 2 – Reduce the transparency levels of tinted windows to 50% in licensed vehicles without the need for CCTV.

Option 3 - To allow a vehicle with tinted windows to be licensed with proposed light transparency of 30% to 49%, on the understanding that an approved CCTV system is installed to the satisfaction of the Council. Any vehicles with less than 30% transparency would not be allowed to be licensed.

9. The proposal is to amend the policy and proceed with Option 2 to agree to reduce the transparency levels of tinted windows to no less than 50% in licensed vehicles without the need for CCTV.
10. The only change the above option would require is amendment to the policy wording below, to reflect the new percentage requirement, in respect of Hackney Carriage and Private Hire Vehicles.

Current Policy Wording:

Any Hackney Carriage vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 70% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or darken the glass.

Any Private Hire vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 70% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or darken the glass.

The Proprietor of a Private Hire Vehicle of exceptional quality and exclusively used for executive hire work may apply for an exemption from the requirement to be fitted with glass windows which permit a maximum of 70% light transmission

Amend to:

Any Hackney Carriage vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 50% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or darken the glass.

Any Private Hire vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 50% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or darken the glass.

The Proprietor of a Private Hire Vehicle of exceptional quality and exclusively used for executive hire work may apply for an exemption from the requirement to be fitted with glass windows which permit a maximum of 50% light transmission

12. Members are asked to consider the feedback given from the consultation exercise shown below in paragraph 15 of this report and agree to the proposed changes to the policy relating to tinted windows.

13. In order to implement the recommendations, set out in this report, it is proposed that the changes would need to be forwarded to the next meeting of full council with a recommendation for formal adoption.

CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

14. Feedback from the consultation exercise between 21st September 2020 – 2nd November 2020 was undertaken in the following ways: -
 - Advisory letters were sent to all drivers and operators.
 - Paper feedback forms were provided to every licenced driver, vehicle proprietor and licenced operator.

15. The following responses summarised below have been received following the consultation exercise. The consultation questions were: -

Q1 To continue with the existing policy by opting for a factory fitted glass has a light transmission of 70% or more.

Q2 Amend the current policy to permit vehicles with a tint level no lower than 50% without the installation of CCTV.

Q2 Amendment of policy to allow tint level of 30% to 49% which would require installation of CCTV to an approved standard in the vehicle.

- 16.** The licensing authority received 39 responses to the consultation, with 100% of consultees requesting a change to the existing policy.
- 17.** Over 90% of the consultees requested for implementation of option 2 & 3, 2 respondents were unsure as to what changes would be suitable, the remaining 3 people said no to all the options presented.
- 18.** The majority of consultees request the policy is changed to allow tint levels of no less than 50% as well as an option for 30% to 49% with the installation of CCTV. The addition of CCTV would require the production of a policy, governing installation and data management, thus ensuring any systems installed, conform to ICO (Information Commissioner Standards) relating to GDPR and DPA.
- 19.** The approval of option 3 would lead to a wide range of significant legal issues that 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. We would need to be satisfied with the robustness of the Council's approach and in doing so adhere to the following requirements: -
 - a. a list of authorised installers of CCTV systems who meet the data protection standard set out by the Information Commissioner would be required for drivers to choose from.
 - b. a code of conduct would have to be produced which sets out guidelines for installation and management of the systems
 - c. documents to reassure the regulators that any processes meet their respective requirements, e.g. the SCC's Passport to Compliance;
 - d. a detailed specification of equipment which is known to be of sufficient capability to meet the Council's expectations as defined (e.g. privacy-friendly recording buttons to enable the activation of audio recording by the passenger, if required);
 - e. 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;
 - f. a Privacy Impact Assessment to be drawn up to ensure that all privacy issues have been considered and all statutory expectations met.
- 20.** 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, □ is responsible for complying with all relevant data protection legislation.

The Council would 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.

21. If option 2 is accepted as a possible way forward, then a simple policy amendment can be made. This option would give an overall reduction of 20% in the levels of tint allowed, thus providing a greater choice of vehicles for drivers to purchase.

COMMENTS OF THE STATUTORY FINANCE OFFICER

22. No comment

COMMENTS OF THE MONITORING OFFICER

The legal implications have been identified in the body of the report. In order to adopt the changes to the policy, the report will have to be referred to Full Council for approval

OTHER IMPLICATIONS:

<p>▶ Risk</p> <p>▶ Equality & Diversity</p> <p><i>Add any other implications which you consider particularly relevant</i></p> <p>All inapplicable risks should be deleted before submission. Do not include 'N/A'.</p>	<p>GDPR compliant code of conduct must be implemented before the introduction of CCTV systems, in the event of the existing windows policy being amended to allow this.</p>
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BACKGROUND DOCUMENTS

Background Document 1 - Previous committee report 12/11/2019

Background Document 2 - Previous committee report 10/03/2020

APPENDICES

Appendix A: Consultation documents: Please see below link.

<https://www.southribble.gov.uk/sites/default/files/All%20Consultations.pdf>

LT Member's Name David Whelan
Job Title: Shared Services Lead – Legal & Deputy Monitoring Officer

Report Author:	Telephone:	Date:
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Justin Abbotts (Licensing Officer)	01772 625460	27.11.20
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MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Tuesday, 12 November 2019

MEMBERS PRESENT: Councillors Ken Jones (Chair), Renee Blow (Vice-Chair), Jacky Alty, Derek Forrest, Peter Mullineaux and Alan Ogilvie

OFFICERS: Mark Marshall (Head of Licensing), Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Coral Astbury (Democratic and Member Services Officer), Justin Abbotts (Licensing Officer), Stephanie Fairbrother (Licensing Officer) and Chris Ward (Licensing Officer)

PUBLIC: 1

21 Apologies for Absence

Apologies were received from Councillor Jane Bell, Mick Higgins, Jacqui Mort and John Rainsbury.

22 Declarations of Interest

None.

23 Minutes of meeting Tuesday, 10 September 2019 of Licensing and Public Safety Committee

RESOLVED: (Unanimously)

That the minutes of the Licensing and Public Safety Committee held on Tuesday 10 September 2019 to be agreed as a correct record for signing by the Chair.

24 Minutes of meeting Tuesday, 10 September 2019 of General Licensing Sub-Committee Panel

RESOLVED: (Unanimously)

That the minutes of the General Licensing Sub-Committee Panel held on Tuesday 10 September 2019 to be agreed as a correct record for signing by the Chair.

25 Minutes of meeting Monday, 16 September 2019 of General Licensing Sub-Committee Panel

RESOLVED: (Unanimously)

That the minutes of the General Licensing Sub-Committee Panel held on Monday 16 September 2019 to be agreed as a correct record for signing by the Chair.

26 Proposed Policy Amendment - Modified Vehicles

The committee considered a report which proposed amending the Modified Vehicle policy following a period of consultation with the relevant stakeholders.

The Head of Licensing explained to members that the current policy requires the Individual Vehicle Approval (IVA) testing of any modified vehicle on first presentation, thereafter a specialised modified vehicle test should occur. Members were advised that the IVA's are a one off test which are only undertaken by a Driver Vehicle Standards Agency (DVSA) approved centre with the average waiting time around five or six weeks. The Head of Licensing explained that in order to pass the IVA, adaptations to the Wheel Chair Accessible (WAVs) were often removed prior to testing.

Members were advised that the proposal to remove the modified vehicle test requirement would also require the testing process to be streamlined. Under the current policy, only Lancashire County Council (LCC) test the vehicles. Discussion had taken place with the Council's Moss Side Depot, who indicated that they could do a three part test which would include Road Worthiness, Modification and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Certificate.

Members sought clarification on how testing at Moss Side would be completed and if this would require additional staff training. The Head of Licensing explained that the depot had indicated they would be prepared to invest in training and developing staff if the policy was to be amended.

RESOLVED: (Unanimously)

1. The Licensing Service undertake a period of consultation, on the draft amendments to the existing policy, with the relevant stakeholders in respect of the proposed changes.
2. The Committee will receive a report on the outcome of the consultation at a future meeting.

27 Taxi and Private Hire Age Policy Review

The Head of Licensing presented a report to the Committee which proposed amending the current age policy in relation to Taxi and Private Hire Vehicles, taking into consideration the impact of these vehicles on air quality.

Members were advised that the current age policy was considered by the Committee in September 2018, who decided to leave the policy unchanged. A commitment was made in the 2019/2020 Licensing Work Plan to revisit the age policy with emphasis on vehicle emissions.

The Head of Licensing explained that the Hackney Carriage fleet is largely compliant with EU Emission Standards and the current age policy had a positive effect on the emission levels. Within the Private Hire Fleet, distinguishing the Wheel Chair Accessible Vehicles (WAV) from other types of vehicles would raise the compliance

level.

Members were advised that out of 141 Private Hire Vehicles 73 do not meet the EU Standards for emissions, with 66 of these being WAV. The remaining seven vehicles would soon leave the fleet due to their age under the current policy.

Speaking from the public, Mr Andrew Wallbank explained that his business uses WAVS to provide the school contract work for Lancashire County Council (LCC) and the vehicles drive less than 200 miles per week. Mr Wallbank raised concern that a reduction in the age policy would mean his business would lose viability.

The Chair advised Members that there was an action on the Air Quality Plan to reduce the age of the cars on the fleet in order to improve air quality.

Overall, members were of the view that reducing the air pollution from private hire and hackney carriages was important in improving air quality within the Borough. However, the reduction in age policy would need to be managed in a way which would have little impact on the Public.

Members agreed that the consultation would need to consider all wider issues and requested to see the draft consultation questions.

RESOLVED: (Unanimously)

1. The Licensing Service be required to consult on amending the Age Policy (as outlined in the report), with the maximum age of a Wheelchair Accessible Vehicle being eight years old coming into effect 1 January 2022. For disabled transport an additional year of transition will be added, with the age limit coming into effect 1 January 2023.
2. Members of the Committee would be presented with a copy of the draft consultation questions to provide any feedback or comments.
3. The Committee will receive a report on the outcome of the consultation at a future meeting.

28 Wheelchair Accessibility Hackney Carriage Licences

The Committee considered a report which advised the current Wheelchair Accessible Vehicle (WAV) fleet profile and the potential air quality implications relating to the current policy. Members were asked to agree a consultation period on amending the policy so that new Hackney Carriage Licences would only be granted to electric WAVs with a two year fee free period.

Members were advised that the proposal to grant new Hackney Carriage Licences to electric vehicles only, would improve air quality and the availability of Hackney Carriage WAVS. The Head of Licensing explained that in order to incentivise the trade to purchase electric WAVs, there would be a two year period in which fees were waived.

The Head of Licensing explained to Members that under the current policy, only vehicles which meet the age criteria and are wheelchair accessible will be granted a Hackney Carriage Vehicle Licence. Members were advised that

there was further disparity within the Policy due to the types of vehicles allowed to be used until 12 years old. In the Hackney Carriage Fleet, WAVS are specified whereas the Private Hire Fleet has a broader definition. As a result, there are numerous Multi-Purpose Vehicle's (MPV) on the Private Hire Fleet which are more polluting and do not offer the same benefit as a WAV.

Members expressed concern at the difference in definition and sought clarification that the proposed changes to the policy would rectify this issue. In response, the Head of Licensing advised that this area of the policy would be considered in the consultation with a report coming back before the Committee at a future meeting.

RESOLVED: (Unanimously)

1. The Licensing Service will undertake a consultation with relevant stakeholders on the proposed changes to the policy.
2. The Committee will receive a report on the outcome of the consultation at a future meeting.

29 Tinted Window Policy

The Committee considered a report that sought to review the existing tinted window policy. The Head of Licensing explained that the current policy only permits tinted windows which have a minimum 70% light transmission. Since the policy was introduced, the licensing authority has received complaints from the trade that the policy was restrictive and drivers struggle to source vehicles which meet the policy. Members were advised that many local authorities are now choosing to reduce the percentage of transparency in tinted windows, in favour of CCTV.

Members considered the proposals within the report and were of the view that the safety of the travelling public was paramount and this would need to be reflected within the Policy. Members also sought clarification on how a CCTV system would be governed. In response, the Head of Licensing explained that there would be conditions attached to the use of CCTV. The Licensing Authority would require to see the CCTV certificate, ability to turn audio on, appropriate signage and the use of two cameras.

RESOLVED: (Unanimously)

1. The Committee agree for the Licensing Authority to undertake a consultation process.
2. A report detailing the outcome of the consultation will be brought back at a future meeting.

30 Private Hire Livery

The Head of Licensing presented a report which proposed to amend the existing private hire livery, in order to create a more uniform and identifiable fleet of South Ribble Borough Council Private Hire Vehicles.

Members were advised that both Hackney Carriages and Private Hire Vehicles were not limited to where they could place company signage and logos. A change in policy would make it easier for members of the public to identify a private hire vehicle, which needs pre-booking in order to be insured.

RESOLVED: (Unanimously)

1. The wording on the proposed Private Hire Signage would be amended to, "if not pre-booked – not insured."
2. Licensing would undertake a consultation exercise with stakeholders on the proposed changes to private hire signs, including the positioning of such signs.
3. A report on the outcome of the consultation will be brought back to Committee at a future meeting.

31 Proposal of annual Licensing of vehicles

The Committee considered a report that proposed changing the Hackney Carriage and Private Hire Vehicle Licensing Policy, in that vehicle plates would be issued 12 monthly instead of every six.

RESOLVED: (Unanimously)

1. Licensing would carry out a consultation exercise with stakeholders on the proposed changes.
2. A report on the outcome of the consultation would be brought back before Committee at a future date.

Chair

Date

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MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Tuesday, 10 March 2020

MEMBERS PRESENT: Councillors James Flannery (Chair), Renee Blow (Vice-Chair), Jacky Alty, Jane Bell, Derek Forrest, Mick Higgins, Peter Mullineaux, Alan Ogilvie, John Rainsbury and Gareth Watson

OFFICERS: Tasneem Safdar (Senior Solicitor), Chris Ward (Licensing Officer), Stephanie Fairbrother (Licensing Officer), Coral Astbury (Democratic and Member Services Officer) and Reece Beardsworth (Partnerships and Corporate Support Trainee)

OTHER OFFICERS: Justin Abbotts (Licensing Officer)

PUBLIC: 0

43 Minute Silence

The Chair requested that a minute silence be held, out of respect for Councillor Ken Jones, who was chair of the Licensing and Public Safety Committee from May 2019 to January 2020.

44 Apologies for Absence

Apologies were received from Councillor Jacqui Mort.

45 Declarations of Interest

None.

46 Minutes of meeting Tuesday, 14 January 2020 of Licensing and Public Safety Committee

RESOLVED: (Unanimously)

That the minutes of the Licensing and Public Safety Committee held on Tuesday 14 January 2020, be agreed as a correct record for signing by the Chair.

47 Minutes of meeting Tuesday, 11 February 2020 of General Licensing Sub-Committee Panel

RESOLVED: (Unanimously)

That the minutes of the General Licensing Sub-Committee Panel held on Tuesday, 11 February 2020 be agreed as a correct record for signing by the Chair.

48 Reports for consultation with Stakeholders

The committee considered a report which sought approval to adopt the National Register of Hackney Carriage and Private Hire Vehicles Revocations and Refusals Register and for the Licensing section to undertake a period of consultation on the proposed adoption.

The council's Licensing Officer explained that under the current rules, new applicants must advise the Council if they have been refused a licence or had a licence revoked by another local authority. If a driver chose not to disclose this information, there is often no way of finding out. The Local Government Association (LGA) had commissioned the National Anti-Fraud Network (NAFN) to develop and host a register to record all drivers who had either been refused or revoked. Information would be retained on the NR3 for a period of 25 years.

Members received the report positively and agreed that the register had been needed for some time.

In response to a member query, members were advised that the information on the register was limited and only contained the relevant personal information and the decision taken. If the Council wanted to know the reason behind the decision, they would need to contact the relevant authority and request the information in line with data protection policies.

Members sought clarification on who would be liable for data being inputted into the register which was incorrect. The legal advisor to the committee advised that a written answer would be provided outside of the meeting, detailing the relevant information.

The Council's Licensing Officer also provided members with an update on the tinted windows policy and modified vehicle policy. Members were advised that although the two policies had recently finished the consultation period, the consultation was to be re-done. Feedback had been provided by the trade that the questions were too technical, and the internet format was not accessible. The consultations will be undertaken again, with the option of a paper format to increase accessibility. Members were advised that a report detailing the outcome of the consultation would be brought before committee at a future meeting.

RESOLVED: (Unanimously)

1. The proposal to adopt the use of the National Register of Hackney Carriage and Private Hire Vehicles Revocations and Refusals Register to the current South Ribble Borough Council Taxi Licensing Policy be accepted.
2. The Committee agreed that the Licensing section undertake a consultation exercise with stakeholders on the proposed adoption of the register.
3. The Committee agreed to receive a report on the outcome of the consultation exercise at a future meeting.

49 Private Hire Vehicle Livery - Consultation Feedback

The Committee received a report which invited members to recommend the formal adoption of the new proposed private hire signage and corporate signage policy. The

Council's Licencing Officer explained that the new proposed signage would be of an increased size and would only be permitted on the front doors of the vehicle.

Members were advised that a consultation had now been undertaken and 64 responses had been received, all in favour of the proposed changes.

In response to a member query, the Council's Licensing Officer confirmed that once the changes to the policy had been ratified by full Council, the changes would be communicated to the public, highlighting that a private hire vehicle is not insured unless it is pre-booked.

Members requested that the wording within the policy be changed to:

*"A sign indicating the name and/or address and/or telephone number of the proprietor of the vehicle **must** attached, **should the proprietor choose to have signage, to the front nearside and offside door only.**"*

The Council's Licencing Officer explained that existing signage would need to be removed in order to comply with the policy change, private hire vehicles would be required to change their stickers on renewal. Operators would also need to change their corporate signage with a deadline being set by the Licensing Section.

Members requested that Licensing undertake a PR awareness exercise for the general public, once the policy had been implemented.

RESOLVED: (Unanimously)

1. The wording within the policy shall be amended to, "A sign indicating the name and/or address and/or telephone number of the proprietor of the vehicle **must** attached, **should the proprietor choose to have signage, to the front nearside and offside door only.**"
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

50 Proposal of Annual Licensing of Vehicles

The Committee received a report which advised members on the outcome of the recent consultation which proposed amending the existing Taxi Policy so that vehicles would be re-issued with plates every twelve months, as opposed to six.

The consultation received 61 responses, with 60 agreeing to the proposed changes. Members received the report positively and were pleased that the trade agreed with the proposals.

Members sought clarification on the current testing procedure and were advised that it would not change. Vehicles would continue to be tested every six months, with plates being issued every twelve months.

RESOLVED: (Unanimously)

1. The Committee approve the proposal following the consultation outcome.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

51 Licensing Act 2003 Policy - Consultation Feedback

The Committee considered a report which provided Members with an update on the consultation exercise which was undertaken on the revised Statement of Licensing Policy. The report also sought approval to extend the current Statement of Licensing Policy until the revised statement was ratified by Council.

The consultation received 4 responses, members were advised that a response had been received suggesting that attendance at pub watch should be compulsory, however this was not a condition the Council could make mandatory within a premises licence.

Members received the report positively and thanked Officers for producing comprehensive and accessible reports.

RESOLVED: (Unanimously)

1. The committee agree that the current Statement of Licensing Policy be extended until the draft Statement of Licensing Policy is adopted by full Council.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the revised Statement.

Chair

Date

REPORT TO	ON
Licensing and Public Safety Committee	8 December 2020



TITLE	REPORT OF
Use of Standing Order 35 to allow Medical Certificates to be issued by General Practitioners other than the Hackney Carriage & Private Hire Drivers' own GP and the adoption of the Pavement Licensing Policy Business and Planning Act 2020	Shared Services Lead - Legal & Deputy Monitoring Officer

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. To provide an update on the recent use of two Standing Order 35s

RECOMMENDATIONS

2. To note the contents of the report and the action taken

CORPORATE PRIORITIES

3. The report relates to the following corporate priorities: (tick all those applicable):

An exemplary Council	<input checked="" type="checkbox"/>
Thriving communities	<input type="checkbox"/>
A fair local economy that works for everyone	<input type="checkbox"/>
Good homes, green spaces, healthy places	<input type="checkbox"/>

BACKGROUND TO THE REPORT

4. Two changes were required with immediate action to react to the current Covid Pandemic.
 - (i) Our Taxi Licensing Policy required a temporary change to allow Hackney Carriage and Private Hire drivers to attend a medical examination with a General Practitioner (other than their own General Practitioner) for the purposes of issuing them with a Medical Certificate (provided the doctor in question is given access to their full medical history). This allows officers with delegated authority to continue with such a practice until GP's surgeries are open to allow for such medical examinations to take place – please see Background Document 1 for full details

- (ii) The adoption of Café type pavement licenses which were previously only administered and issued by the Highways Authority. These licences are designed to be for a temporary period and will cease to have effect after 30th September 2021, unless the Government seeks to extend the scheme beyond this date – see Background Document 2 for details of this report.

PROPOSALS (

- 5. An immediate decision was deemed necessary for both changes to react to the current Covid Pandemic

AIR QUALITY IMPLICATIONS

- 6. *None identified*

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 7. There have been limited financial implications to date as a result of this decision. A total of three licences have been issued at £100 per licence.

COMMENTS OF THE MONITORING OFFICER

- 8. *As per the Constitution, any decisions taken by using the Standing Order 35 route are required to be reported to the Licensing and Public Safety Committee. Due to their urgency and in order to react to a situation during these uncertain times, it was deemed necessary to take such action.*

OTHER IMPLICATIONS:

<ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity 	<p><i>The risks were identified in the SO35. This report is for noting only.</i></p> <p><i>None</i></p>
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BACKGROUND DOCUMENTS

Background Document 1 – Original Report - Medicals
 Background Document 2 – Original Report – Pavement Licensing Policy

APPENDICES

There are no appendices to this report

David Whelan
Shared Services Lead (Legal) and Deputy Monitoring Officer

Report Author:	Telephone:	Date:
Stephanie Fairbrother (Licensing Officer)	01772 625337	25 th November 2020

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REPORT TO	DATE
Chief Executive in consultation with the Leader	10 th November 2020



TITLE	PORTFOLIO	REPORT OF
Urgent Decision Under Standing Order 35 of the Council's Constitution: To allow Medical Certificates to be issued by General Practitioners other than the Hackney Carriage & Private Hire Drivers' own GP.	Sue Jones	David Whelan Shared Services Lead-Legal Deputy Monitoring Officer

Is this report a key decision? (i.e. more than £100,000 or a significant impact on more than 2 Borough wards)	No
Is this report confidential?	No

PURPOSE OF THE REPORT

1. The Hackney Carriage and Private Hire Drivers' policy makes it a requirement for a licensed driver to have a medical examination by their own General Practitioner to certify their fitness to drive. The purpose of the report is to respond to a situation whereby currently licensed drivers are having difficulty obtaining a Medical Certificate from their own General Practitioner.

RECOMMENDATIONS

2. That the Hackney Carriage and Private Hire Drivers' Policy be temporarily amended to allow Hackney Carriage and Private Hire drivers to attend a medical examination with a General Practitioner (other than their own General Practitioner) for the purposes of issuing them with a Medical Certificate (provided the doctor in question is given access to their full medical history)
3. That Officers are provided with delegated authority to continue with such a practice until GP's surgeries are open to allow for such medical examinations to take place.

REASONS FOR THE DECISION

4. Licensed drivers are finding it difficult to obtain the medical certificates which are a requirement to allow grant/renewal of a licence. Allowing drivers the ability to provide medicals from other doctors or providers with registered locum doctors, on the condition the full medical history is available to the examining practitioner when

the medical assessment is conducted, appears to be the only solution in the current circumstances.

CORPORATE OUTCOMES

5. The report relates to the following corporate outcomes:

Excellence, Investment and Financial Sustainability	
Health, Wellbeing and Leisure	
Place, Homes and Environment	X

Projects relating to People in the Corporate Plan:

Our People and Communities	X
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BACKGROUND TO THE REPORT

6. Due to the Covid 19 pandemic, Licensing Officers became aware that Hackney Carriage drivers & Private Hire drivers have been having trouble accessing their own doctor surgeries for group 2 medicals. Licensing officers contacted multiple surgeries, which advised they were not conducting medicals and had no plans to do so anytime soon.
7. 'The Council's policy' stipulates:

Medical certificates completed by the driver's own GP are required on first application and then every five years until the driver reaches the age of 65 and thereafter every year.

In order to ensure that drivers are being examined to check their medical fitness, it is proposed that individuals are allowed to be examined by other GP's than their own, subject to the GP having access to the drivers' full medical history. As it is unknown when GP's surgeries will be fully opened to patients, it is proposed that this decision continues to take effect until the situation changes and officers' are given authority to revert back to the existing policy requirements.

PROPOSALS (e.g. rationale, detail, finance, procurement)

8. The Standing Order seeks to allow Hackney carriage and private hire drivers to attend a medical examination with other GP's who would have access to their full medical history.

ALTERNATIVE OPTIONS CONSIDERED

9. No alternative options at this juncture.

AIR QUALITY IMPLICATIONS

10. None

RISK MANAGEMENT IMPLICATIONS

11. None

EQUALITY & DIVERSITY IMPACT

12. None

COMMENTS OF THE STATUTORY FINANCE OFFICER

13. No financial implications.

COMMENTS OF THE MONITORING OFFICER

14. The policy is restricted and limits a medical examination to be only undertaken by the individual's own GP. These are unprecedented times which have given rise to a large number of GP surgeries not being fully open to patients. One solution to this problem is that drivers are allowed to be examined by other GP's subject to that GP having access to their full medical history. Ordinarily, we would proceed through a full consultation process before making any changes to policy. In an effort to ensure that drivers are still medically fit, and ultimately safeguarding the safety of the travelling public, the proposed temporary solution is a sensible one. This is only a temporary change in procedure whilst COVID restrictions continue.

APPENDICES TO THIS REPORT

Appendix 1 – Hackney Carriage & Private Hire Policy

Report Author:	Telephone:	Date:
Justin Abbotts – Licensing Officer	01772 625460	9.11.20

Approval of Urgent Decision

I confirm that I consider this decision is one of genuine urgency in accordance with Standing Order 35 of the Council's constitution:



Councillor David Howarth
Chair of the Scrutiny Committee

Dated: 12/11/20

Following careful consideration and assessment of the contents of the report, I approve the recommendations contained in the report in accordance with the Council's constitution in consultation with the Leader of the Council:



Gary Hall
Chief Executive

Dated: 13/11/20



Councillor Paul Foster
Leader of the Council

Dated: 13/11/20

REPORT TO	DATE
Chief Executive, in Consultation with the Leader of the Council	27/07/2020



TITLE	PORTFOLIO	REPORT OF
Urgent Decision Under Standing Order 35 of the Council's Constitution: Adoption of the proposed Pavement Licensing Policy Business and Planning Act 2020	Cllr Sue Jones	David Whelan Shared Services Lead – Legal Deputy Monitoring Officer

Is this report a key decision? (i.e. more than £100,000 or a significant impact on more than 2 Borough wards)	Yes
Is this report confidential?	No

PURPOSE OF THE REPORT

1. Due to the current Covid-19 pandemic, to seek approval to adopt the proposed Pavement Licensing Policy - Business and Planning Act 2020.

RECOMMENDATIONS

2. To take an urgent decision under Standing Order 35 of the council's constitution to adopt the proposed Pavement Licensing Policy - Business and Planning Act 2020.
3. To delegate authority as described at Paragraph 19 of this report.

REASONS FOR THE DECISION

4. Previously Café pavement licenses were administered and issued by the Highways Authority. As part of the Business and Planning Act 2020 local authorities are required to put in place a policy regarding the licensing of pavements.
5. These licences are designed to be for a temporary period and will cease to have effect after 30th September 2021, unless the Government seeks to extend the scheme beyond this date.

CORPORATE OUTCOMES

6. The report relates to the following corporate outcomes:

Excellence, Investment and Financial Sustainability	x
Health, Wellbeing and Leisure	x
Place, Homes and Environment	x

Projects relating to People in the Corporate Plan:

Our People and Communities	x
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BACKGROUND TO THE REPORT

7. Since the ease of the Covid 19 lockdown restrictions on 4th July 2020 by the government, businesses within the food and drink industry have been able to open for customers to enter their premises. Before this they have only been able to operate a take away service, if they had the 'off sales' element on their licence.
8. Businesses have been made to risk assess their premises and restrict the amount of people able to enter their premises, requiring them to reduce the amount of seating areas and potential footfall of customers within their premises making sure that each table is at least 1-metre apart and social distancing measures are in place.
9. The licence will give the premises additional space onto the highway to place furniture such as tables and chairs on the pavement outside their premises increasing the amount of footfall the premises can accommodate, but still enforcing good social distancing practises.

PROPOSALS (e.g. rationale, detail, finance, procurement)

10. Pavement Licences are designed to support businesses selling food and drink such as cafes, pubs and restaurants.
11. The licence is designed to make it easier for premises serving food and drink such as bars, restaurants, cafes and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

12. The policy proposes not just to licence premises that offer licensable activities such as pubs, bars, restaurants, but to also offer the licence to cafes, snack bars, coffee shops, and ice cream parlors solely for the consumption of food and drink.

13. The licence is designed to be a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”. If a pavement licence was granted it would allow premises to place furniture such as tables and chairs on the pavement outside their premises.

14. The cost of a Temporary Pavement Licence is £100. Once an application is received, the local authority will consult the relevant responsible bodies such as the Highways Authority, Environmental Health, Police etc.

15. There is a 14-day determination period, ensuring that businesses can obtain licences in a timely and cost- effective manner aiding to their financial recovery. If an Authority does not make a decision within this time period, then the licence will be deemed to have been granted.

16. When an application is received the Licensing Authority has 3 options available when determining an application:
 - a) grant the licence in respect of any or all of the purposes specified in the application,
 - b) grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
 - c) refuse the application.

There is no right of appeal against an application that is refused.

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

18. Various conditions can be imposed on a licence either by the Council or via a National Condition. These can be found at Appendix 2 of Background Document 1. If conditions are breached the Council will be able to issue a notice requiring the breach to be remedied and the authority can act to cover any costs. A list of circumstances when a licence may be revoked can be found in section 5 of proposed policy found in Background document 1 of this report.

19. The policy seeks to delegate decisions in the following way;

Function		Decision Delegated to
Grant of Pavement Licence	Where, during the public consultation period, no	Licensing Officers.

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

CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

20. All relevant responsible authorities have been consulted for comments regarding the proposed policy attached as background 1 to this report. 2 responses were received and can be found in the table below.

Planning	Planning response - From a Planning perspective – in the disclaimer that they are signing I would like to see them acknowledging that they have the proper planning permission in place for the use of the premise
Police	Nothing to add

21. The planning response received cannot be considered as the Business and Planning Act 2020 states planning permission is not required to place the additional seating onto the pavement.
22. The response from the Police is in support and that they have nothing further to add to the policy.

ALTERNATIVE OPTIONS CONSIDERED

23. There are no alternative options as this is national legislation that we must as a local authority adopt a policy.

AIR QUALITY IMPLICATIONS

24. None

RISK MANAGEMENT IMPLICATIONS

25. None

EQUALITY & DIVERSITY IMPACT

26. None

COMMENTS OF THE STATUTORY FINANCE OFFICER

27. The pavement licenses will generate new income but the volume and value is expected to be relatively low – around 20 cases or £2,000. There will be no additional costs to the council; there is no right of appeal, so there are no potential legal costs.

COMMENTS OF THE MONITORING OFFICER

28. The Business and Planning Act 2020 has been enacted and there is a requirement that a policy is adopted to allow applications to be determined. The relevant delegations will be approved once this decision is confirmed by the Leader, Chair of the Scrutiny Committee and the Chief Executive.

BACKGROUND DOCUMENTS

Background document 1 - South Ribble Draft Pavement Licence Policy

Background document 2 - Application Form SRBC- Business and Planning Bill

Background document 3 - Briefing all Members

Background document 4 - Temporary Pavement Licence FAQ's.

Report Author:	Telephone:	Date:
Chris Ward – Licensing Officer	01772 625330	20/07/2020

Approval of Urgent Decision

I confirm that I consider this decision is one of genuine urgency in accordance with Standing Order 35 of the Council's constitution:



Councillor David Howarth
Chair of the Scrutiny Committee

Dated: 31/07/20

Following careful consideration and assessment of the contents of the report, I approve the recommendations contained in the report in accordance with the Council's constitution in consultation with the Leader of the Council:



Gary Hall
Chief Executive

Dated: 31/07/20



Councillor Paul Foster
Leader of the Council

Dated: 31/07/20

Pavement Licensing Policy

Business and Planning Act 2020



Effective: (date)
Version 1 – First Policy Draft
June 2020

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1. Introduction

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

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

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

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

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

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

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

2. Scope

2.1 Definition of pavement licence

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

2.2 Eligible Businesses

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

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

2.3 Eligible Locations

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

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

2.3 Type of furniture permitted

The furniture which may be used is:

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

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

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

2.4 Planning Permission

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

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

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

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

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

3.2 Fees

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

3.3 Consultation

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

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

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

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

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

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

3.4 Site Notice

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

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

The Site Notice must:

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

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

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

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

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

3.6 Determination

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

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

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

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

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

3.7 Approval of Applications

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

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

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

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

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

3.8 Licence Duration

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

The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2021.

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

A licence granted or deemed to be granted will not be valid beyond 30 September 2021.

3.9 Refusal of Applications

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

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

4. Conditions

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

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

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

5. Enforcement

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

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

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

The authority may revoke a licence in the following circumstances:

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

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

6. Review Procedures

This Policy covers the Temporary Permission for Pavement Licences under the Business and Planning Act which are scheduled to expire on 30 September 2021.

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

BUSINESS AND PLANNING ACT 2020

Application for a Pavement Licence

[NAME OF PREMISES]

[FULL ADDRESS OF PREMISES]

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

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

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

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

Standard Pavement Licence Conditions

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

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

21. Without prejudice to the obligation contained in Condition 3 The licence holder must cease to place remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.
22. There must be adequate provision made for the collection and containment of litter and, where directed, the Licensee must provide suitable litter bins.
23. The Licensee will ensure that the designated area is maintained in a clean and tidy condition. The Licensee shall also take appropriate precautions to prevent the immediate highway from becoming littered as a result of trading activities.
24. The Licensee shall at all times when the pavement cafe is in operation make available for customers toilets and hand washing facilities, to wheelchair accessible standards where it is practicable and reasonable to do so.
25. The Licensee will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or tenants of adjoining premises.
26. No speakers or playing of music shall be permitted.
27. No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage.
28. South Ribble Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.

National Conditions

The Secretary of State publishes this condition in exercise of his powers under [clause 5(6)] of the Business and Planning Act 2020:

Condition relating to clear routes of access:

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

Guidance on the effect of this condition

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

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

FOR OFFICE USE

Application No...

Date...

Fee Paid...

Receipt No...

**Application for a Licence to use the
Highway for a Street Café.
Business and Planning Act 2020**

Please read the notes and answer all the following questions

Question 1

Your Name and Address

Postcode
Tel. No.

Question 2

Name and address of any person acting for you

Question 3

Describe the proposed location for the street café and address if different from the address in Q1 above.

Question 4

Please state the main proposed materials (for example: furniture, umbrellas, boundary markers, colour, type, styles) and show them on your detailed layout plan.

Question 5

Do you intend to alter any of the building and/or building frontage to accommodate the proposal? If YES, please show details of the alterations on your plan.

YES/NO

Question 6

Are there any lighting columns, litter bins, road signs, public seating, trees, etc. on the site within the boundary of the area proposed for the street café?
If YES, please show them on your plan.

YES/NO

Question 7

Is proper sanitary accommodation available within the building to be used to service the Street café?

YES/NO

Question 8

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

If YES, please answer Q9 below.

YES/NO

Question 9

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

Give details below.

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

Question 10

Please read and sign the following statement.

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

Signed.....

Date.....

Notes

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

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

You will need two types of plans:

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

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

Additional Notes:

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

BRIEFING TO MEMBERS

The Business and Planning Act 2020 was enacted on the 22nd July 2020 in the hope that changes to legislation will assist licensed premises which have been closed during the pandemic.

The proposals are two-fold :-

- 1) A new “Pavement Licence”, which is to be administered by local authorities. It is designed to make it easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
- 2) Alcohol licensing changes that will allow operators with existing alcohol on-sales licences to also serve alcohol for consumption off the premises and to make deliveries.

Pavement Licences

Pavement Licences are designed to support businesses selling food and drink such as cafes, pubs and restaurants. The way in which it is envisaged that this will happen is by introducing a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”. If a pavement licence was granted it would allow premises to place furniture such as tables and chairs on the pavement outside their premises.

This will enable them to maximise their capacity whilst adhering to social distancing guidelines.

Once an application is made to the local authority, the local authority would have to consult the relevant responsible bodies such as the Highways Authority, Environmental Health etc. The Act includes temporary measures to place a cap on the application fee for businesses, enforcement and revocation powers so councils can protect public safety and amenity, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost- effective manner aiding to their financial recovery.

The Council has 3 options available to it when determining applications:

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

There is no right of appeal against an application that is refused.

Members are referred to the FAQ's in respect of pavement licences which can be found attached. A copy of the Council's Pavement Policy together with a copy of the Application form is also attached to this briefing paper.

Off Sales Extensions

The measures in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It is designed to be a temporary measure to "boost the economy", with provisions lasting until the end of September 2021.

The measures will make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption off the premises. This will allow businesses to trade whilst keeping social distancing measures in place inside.

The provisions remove the need for any application to be made, therefore no fee will need to be paid. This is designed to deliver savings to businesses, as well as providing them with certainty about how they are able to trade. It will also reduce the burden on local authorities and the police, who will not need to scrutinize any applications for licence variations from the premises affected by these measures.

Licensees who have had an application for an off-sales permission refused or had their off-sales permission excluded by variation or at review within the last three years, will be excluded from this licence extension. This is a safeguard to ensure that where it has recently been decided that the licensee should not have the permission, they do not receive it through this legislation.

The provisions will also apply temporary conditions to licences where there is a pre-existing permission for off-sales.

The conditions will set the hours of off-sales, allow off-sales of alcohol in open containers and allow deliveries of alcohol to residential or work buildings. Those conditions will suspend existing conditions that are more restrictive. So, for example, an existing condition that allowed off-sales only in closed containers would be suspended to allow sales in open containers.

If there were problems of crime and disorder, public nuisance, public safety or the protection of children arising from how the premises operated using the new permission, any responsible authority, including the police or environmental health, could apply for a new off-sales review. The off-sales review process is modelled on the existing summary review process. In the event that an off-sales review is triggered, it will only relate to off-sales authorised by virtue of these provisions, or conditions which have effect by virtue of these provisions: it cannot be used to revoke the existing licence or modify pre-existing licence conditions.

Should you have any further queries in respect of this briefing note, please do not hesitate to contact the licensing Team on licensing@southribble.gov.uk.

Temporary Pavement Licence

What is a Temporary Pavement Licence?

The Business and Planning Act 2020 delegates the issue of Temporary Pavement Licences to the local Council.

The objective of this legislation is to promote the use of outdoor spaces for the placing of "**Street Furniture**" (i.e. tables & chairs) on the highway as defined by S115A(1) of the Highways Act 1980, front of premises such as pubs, bars, restaurants, cafes, snack bars, coffee shops, and ice cream parlours solely for the consumption of food and drink, in order to minimise the potential spread and transmission of Covid-19, and to help boost the economy.

Generally, these highways are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited.

Why are they called Temporary Pavement Licence?

The reason why they are called **Temporary Pavement Licences** is because they will cease to have effect from after 30th September 2021, unless the Government seeks to extend the scheme beyond this date.

How Much Will a Temporary Pavement Licence Cost Me?

The cost of a Temporary Pavement Licence is £100.

What is "Street Furniture" and what are the basic rules?

Street Furniture is defined as:

- **Counters / Stalls for selling/serving food and drink, tables, shelves, chairs, benches, other forms of seating, umbrellas, barriers, heaters, and other articles used in connection with the outdoor consumption of food and drink.**
- **The Street Furniture must not cause an obstruction.**
- **The Street Furniture must be removed at close of business each day.**

How Do I Apply For A Temporary Pavement Licence?

You can download an application form [here](#) .(need to insert link) It's very simple to complete, but you will need to also submit a few other items with it, when giving it to us to process:

1. A location plans to Ordnance Survey quality to show the proposed area for the street café
2. at 1:1250 scale.
3. A detailed plan (to show the proposed street café) at a scale of 1:50 or 1:100
4. Full manufacturers literature/details of the furniture/equipment to be used.
5. Details of the management arrangements for the street café – Proof of Premises Owners or Leaseholders consent.
6. The standard fee.
7. Proof of indemnification against all claims, injuries or accidents, with cover up to £5 million
8. A copy of the Public Notice ([download here – need to add link to the example notice from our policy](#)) you must place on the front of the premises facing the highway.

What Happens After I Submit My Application?

A 7 day consultation period that commences on the first working day after you submit your completed application and additional documents to us. The Council will consult with the Highways Department at Lancashire County Council, the Police etc.

PLEASE NOTE: - You must place a Public Notice on the front of the premises facing the highway for this same 7 day period.

If there are no objections, or no objections that cannot be overcome during the consultation period, then we will grant you a Temporary Pavement Licence within 7 days of the consultation period ending.

If there are outstanding objections, then a decision will be made by the relevant Director/Shared Services Lead in consultation with the Chair of Licensing.

As this is a fast-track approach - all applications must have been determined within 14 days (commencing from the first working day after the application was received by the Council).

The Council has 3 options available to it when determining applications:

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

There is no right of appeal against an application that is refused.

Are There Any Other Rules I Need To Know About?

Any Temporary Pavement Licences that are granted have specific conditions attached automatically (set by the Government and the Council), in order to promote Covid-19

safe venues, and to prevent obstruction of the highway, and to prevent noise nuisance, littering, and anti-social behaviour.

In some cases, the Council could impose additional conditions designed to promote the above objectives.

So when thinking about your application, consider what impact your proposal may have on pedestrians and vehicles that may need to use the highway where you propose to site your outdoor Street Furniture.

What Happens If I Do Not Comply With My Licence Conditions?

If a condition imposed on a licence is breached the Council may issue a notice requiring the breach to be remedied and can charge the licence holder for any work the Council has to take put matters right (i.e. clearing up litter, etc).

The Council has the power to revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety — for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance — for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application — for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. It is good practice for local authorities to give reasons where these powers are used.

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

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