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Ribble Valley
Borough Council

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Dear Councillor

The next meeting of the **LICENSING** will be held at **6.30 pm** on **TUESDAY, 26 JANUARY 2021** by **ZOOM**.

I do hope you can be there.

Yours sincerely

M. H. Scott

CHIEF EXECUTIVE

AGENDA

1. **APOLOGIES FOR ABSENCE**

If any.

2. **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING** (Pages 3 - 6)

Enclosed.

3. **DECLARATIONS OF PECUNIARY AND NON PECUNIARY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary or non-pecuniary interest in respect of matters contained in the agenda.

4. **PUBLIC PARTICIPATION**

If any.

ITEMS FOR DECISION

5. **REPORT ON ANNUAL FEES AND CHARGES** (Pages 7 - 16)

Report of Chief Executive - enclosed for Decision.

ITEMS FOR INFORMATION

6. **REPORT ON TAXI OPERATION** (Pages 17 - 18)

Report of Chief Executive - enclosed for Information.

7. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

If any.

8. EXCLUSION OF PRESS AND PUBLIC

None.

Electronic agendas sent to members of Licensing – Councillor Ged Mirfin (Chair), Councillor Jan Alcock JP, Councillor Richard Bennett, Councillor David Berryman (Vice-Chair), Councillor Rosemary (Rosie) Elms, Councillor Bridget Hilton, Councillor Stuart Hirst, Councillor Simon Hore, Councillor Allan Knox, Councillor Richard Newmark, Councillor Donna O'Rourke, Councillor Simon O'Rourke, Councillor Sarah Rainford, Councillor Mary Robinson and Councillor Gary Scott.

Contact: Democratic Services on 01200 414408 or committee.services@ribblevalley.gov.uk

Minutes of Licensing Committee

Meeting Date: Tuesday, 20 October 2020 starting at 6.30pm
Present: Councillor G Mirfin (Chair)

Councillors:

Councillors J Alcock	D O'Rourke
R Bennett	S O'Rourke
D Berryman	S Rainford
R Elms	M Robinson
S Hore	G Scott
R Newmark	

In attendance: Head of Legal and Democratic Services and Solicitor

766 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors B Hilton, S Hirst and A Knox

767 MINUTES

The minutes of the meeting held on 28 January 2020 were approved as a correct record and signed by the Chairman.

768 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

769 PUBLIC PARTICIPATION

There was no public participation.

770 REVISION OF TAXI LICENSING POLICY AND PROCEDURES FOLLOWING PUBLICATION OF THE STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

The Chief Executive submitted a report informing Committee of the Statutory Taxi and Private Hire Vehicle Standards and seeking approval to amend the Council's policies and procedures.

The Head of Legal and Democratic Services reported that in July 2020 the Department for Transport had published its Statutory Taxi and Private Hire Vehicle Standards which were intended to reflect the significant changes in the industry and the lessons learned from experiences in local areas since the 2010 version of their Best Practice Guidance. The Standards set out a framework of policies which local authorities must have regard to when exercising their functions. The Department expects that the recommendations be implemented unless there is a compelling reason not to do so.

In light of the guidance, the Council had reviewed its current Taxi and Private Hire Licensing Policies and Procedures against the Standards, a review of which

was appended to the report. The Appendix outlined where action would be required and consulted upon.

Members were pleased to see a Complaints Procedure would be added and that Members would receive more training when necessary.

RESOLVED: That Committee approve in principle the action proposed in Appendix 2 to the report, and authorise the Head of Legal and Democratic Services to consult upon any material amendments to the Council's Taxi and Private Hire Licensing Policy.

771 REVISION OF STATEMENT OF LICENSING POLICY

The Chief Executive submitted a report seeking approval for the revision of the Council's Statement of Licensing Policy to form the basis for a consultation. The Licensing Act 2003 requires that the Council's Statement of Licensing Policy be reviewed every 5 years. The current Policy is in effect until 6 January 2021 and therefore must be reviewed so that the revised policy can come into force.

The factual amendments made to the Policy were shown as tracked changes for Committee's information. However, before determining the Policy, the Council was required to consult with parties specified in Section 5 of the Act. It was proposed to run the consultation from 21 October 2020 to 2 December 2020 and the results of the consultation would be brought to Full Council on 15 December 2020 for their approval.

Reference was made to the approval made in April 2019 for the Cumulative Impact Assessment in respect of Whalley and Painter Wood ward which would not need reviewing at this relatively early stage. Where appropriate, full consideration was being given to the CIA in determining relevant applications.

Members considered the draft changes suggested and were in favour of the CIA staying in place for the Whalley and Painter Wood ward. They also requested that the consultation list be updated as necessary and that the issues around the order in which planning and licensing applications can be submitted be placed on record.

RESOLVED: That Committee

1. approve the draft Statement of Licensing Policy as attached at Appendix 1 to the report; and
2. authorise the Head of Legal and Democratic Services to consult upon the draft Statement of Policy, and to report on the outcome of consultation and seek approval of the Licensing Policy by Full Council at its meeting on 15 December 2020.

772 AMENDMENT OF CONDITIONS FOR PRIVATE HIRE OPERATORS

The Chief Executive submitted a report seeking Committee's formal approval of amendment of the conditions applicable to Private Hire Operators.

Committee were reminded that at their meeting in January 2020 they had approved in principle that a further condition to be added to the conditions

applicable to Private Hire Operators relating to issues reported when Ribble Valley Private Hire Operators utilised the services of Hackney Carriages licensed by another authority as a Private Hire vehicle in the Ribble Valley and that it be duly consulted upon

Notice had also been given that breach of the proposed condition would result in the imposition of 3 penalty points under the Council's Infringement Points Scheme (Private Hire).

Following the consultation three responses had been received that were all in support of the proposed additional condition.

RESOLVED: That Committee

1. approve the amendment of the Council's Standard Conditions for Private Hire Operators licences by introduction of condition 25 as follows:
 25. Out of Borough Hackney Carriages Acting as Private Hire Vehicles in the Ribble Valley Borough Council Licensing District:
 - a) The Private Hire Operator shall notify Ribble Valley Borough Council's Administration Assistant (Licensing) in writing within 48 hours of each and every Hackney Carriage vehicle employed or used by the operator that is licenced by another licensing authority.
 - b) Where a private hire operator ceases to employ or use such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 48 hours, notify Ribble Valley Borough Council's Administration Assistant (Licensing) in writing.
 - c) The Private Hire Operator shall retain a copy of the Hackney Carriage Vehicle Licence granted by the other authority, along with a copy of the MOT Certificate, Certificate and Policy of Insurance and vehicle registration document and any applicable driver's licence document and badge and forward a copy of those documents to the Ribble Valley Borough Council's Administration Assistant (Licensing) within 48 hours.
 - d) Where a Hackney Carriage vehicle is licensed by another authority, such a Hackney Carriage driver or Hackney Carriage vehicle is prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Ribble Valley Borough Council which suggests or might lead to a misunderstanding that the vehicle is licensed by Ribble Valley Borough Council.
 - e) The receipt of advanced bookings by the licensed Operator for Hackney Carriages which have been licenced by another authority or for any booking which is subsequently allocated to a Hackney Carriage vehicle which has been licenced by another authority, must be maintained in a completely separate register of bookings and in the same format as condition 10. If a computerised

booking system is in place, those booking records must be kept on a completely separate and distinct area of the system's hard drive to enable easy inspection by Ribble Valley Borough Council.

- f) In the event that a Ribble Valley licensed Private Hire Operator proposes to use a Hackney Carriage vehicle licenced by another authority on a pre-booked journey, the Operator shall notify the prospective customer at the time of booking of the following:

"The driver and vehicle which you are about to book are not licenced by Ribble Valley Borough Council and therefore Ribble Valley Borough Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint, customers will have to deal with the other authority where they may be licenced."

- g) In any advertising literature or web information, a form of words must be used which clearly states to prospective customers the following, in the event that it is intended that Hackney Carriage vehicles licensed by another authority will be used for private hire purposes in the Ribble Valley:

"In certain circumstances, a vehicle which is booked may not be licensed by Ribble Valley Borough Council and therefore Ribble Valley Borough Council is not empowered to take enforcement action against the driver and vehicle in the event of a complaint. In the event of a complaint in such circumstances, you will have to deal with the other authority with which the driver and vehicle are licensed".

2. approve consequential amendment of the Council's Infringement Points Scheme (Private Hire).

773 TEMPORARY PAVEMENT LICENCES

The Chief Executive submitted a report for Committee's information on the provisions put in place for the issue of temporary pavement licences pursuant to the Business and Planning Act 2020. The Act had come into force on 22 July 2020 and would remain in place until 3 September 2021.

RESOLVED: That the report be noted.

774 MINUTES OF LICENSING SUB-COMMITTEES

The minutes of the Licensing Sub-Committees dated 9 July 2020, 10 July 2020, 26 August 2020 and 6 October 2020 were submitted for Committee's information.

RESOLVED: That the minutes be noted.

The meeting closed at 7.16pm.

If you have any queries on these minutes please contact Mair Hill (414418).

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 26 JANUARY 2021
 title: ANNUAL FEES AND CHARGES
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

1.1 To determine the annual fees for hackney carriage, private hire, scrap metal and sex establishment licences.

1.2 Relevance to the Council's ambitions and priorities:

- | | | |
|--------------------------|---|---|
| • Community Objectives - | } | The Council aims to be a well-managed Council providing efficient services based on identified customer needs. The fees charged for licences fund part of that service, and should reflect the costs incurred whilst being set at a reasonable level for licence holders. |
| • Corporate Priorities - | } | |
| • Other Considerations - | } | |

2 BACKGROUND

Hackney Carriage and Private Hire Licences

2.1 The Council has power to charge for licences, subject to statutory provisions which both give rise to the power to charge and specify the way the charge for certain licences has to be calculated.

2.2 The relevant provisions are contained in the Local Government (Miscellaneous Provisions) Act 1976.

2.3 Section 53(2) is the relevant provision for:

- driver's licences for hackney carriages;
- driver's licences for private hire vehicles.

2.4 Section 70 is the relevant provision for:

- hackney carriage vehicle licences;
- private hire vehicle licences;
- private hire operator's licences.

2.5 Changes to the licence fees in respect of hackney carriage vehicles, private hire vehicles and private hire operator licences must be advertised in one newspaper, circulated in the local area 28 days before the change in charges takes effect.

2.6 The legislation provides that the fees should be set at a level which provides "such a fee as they consider reasonable with a view to recovering the costs of issue and administration".

2.8 The current fees for each type of licence are set out in the first column of **Appendix 1**.

Scrap Metal Dealers Licences

- 2.9 Schedule 1 paragraph 6 of the Scrap Metal Dealers Act 2013 provides that “(1) An application must be accompanied by a fee set by the authority. (2) In setting a fee under the paragraph, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury”.
- 2.10 On 17 September 2013, Committee considered the report of the Chief Executive, and approved the fees, which were to apply once the Scrap Metal Dealers Act 2013 came into force on 1 October 2013, in doing so Committee considered the calculation of the fees and the Home Office Guidance. Committee has considered the fees annually since that date. The current fees are set out in **Appendix 2** to this report.

Sex Establishment Licence

- 2.11 Schedule 3, paragraph 19 of the Local Government (miscellaneous provisions) Act 1982 provides that “An applicant for the grant, [variation,] renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.”
- 2.12 On 6 September 2011, Committee considered a report of the Council’s solicitor and approved the fees set out as Appendix 2 of that report. Those fees were reconsidered annually since that date. The current fees are set out in **Appendix 3** to this report.

3 ISSUES

Hackney Carriage and Private Hire Licence

- 3.1 In recent years licence fees have generally been uplifted annually in line with inflation. The Council is recommending uplifting the fees by reference to inflation (based on 2%) as this is the amount by which we are advised that the Council’s costs have increased. The proposed annual fees (rounded up or down as most appropriate) for 2021/2022 are set out in the third column of **Appendix 1**.

Scrap Metal Dealers Licences

- 3.4 The Scrap Metal Licence fees have now been in place for 6 years and a limited number of licences have been issued. The Council does not have sufficient evidence therefore to test whether the underlying basis on which the fees were originally calculated requires amendment, but proposes that the fees rise by 2% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2021/2022 are set out in **Appendix 2**.

Sex Establishment Licences

- 3.3 Since the fees were set on 6 September 2011, the Council has not received any applications to licence a Sex Establishment within its area. There is therefore no information to suggest that the underlying basis for the calculation of the fees should be changed, but the Council proposes to increase the fees by 2% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2021/2022 are set out in **Appendix 3**.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Committee must set fees at a level, which must not exceed the costs of administering the licensing process.
 - Technical, Environmental and Legal – N/A
 - Political – N/A
 - Reputation – N/A
 - Equality and Diversity – N/A

5 RECOMMENDED THAT COMMITTEE

- 5.1 Agree to set the fees for Hackney Carriage and Private Hire Licences for the year 2021/2022 as those set out in **Appendix 1**.
- 75.3 Agree to set the fees for Scrap Metal Dealers Licences for the year 2021/2022 as those set out in **Appendix 2**.
- 5.4 Agree to set the fees for Sex Establishment Licences for the year 2021/2022 as those set out in **Appendix 3**.

MAIR HILL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Mair Hill, extension 4418.

REF: MJH/Licensing Committee/26 January 2021

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APPENDIX 1

PRIVATE HIRE & HACKNEY CARRIAGE	2020 from 1 April	2021 from 1 April
Driver's application/renewal annual Licence	63.60	64.90
Driver's application/renewal 3 year licence	168.30	171.67
Replacement Driver's Badge	13.20	13.46
Vehicle Licences:		
ANNUAL – Up to 3 years old	177.70	181.25
6 MONTHS – Over 3 years but not exceeding 7 years	94.20	96.10
4 MONTHS – Over 7 years	67.10	68.44
Discount on previous Licence (1/12 th annual)	14.80	15.10
Transfer of Licence on change of ownership	26.30	26.83
New or replacement:		
Plates	15.00	15.00
Brackets	15.00	15.00
Private Hire Operators annual licence	164.60 per annum 5 vehicles or fewer	167.90 -per annum 5 vehicles or fewer
Additional Vehicles	13.10	13.60
Private Hire Operators 3 year licence	436.10 per annum 5 vehicles or fewer.	444.82 per annum 5 vehicles or fewer.
Additional Vehicles	34.20	34.88
Private Hire Operators 5 year licence	726.80 per annum 5 vehicles or fewer	741.34 per annum 5 vehicles or fewer
Additional Vehicles	56.40	57.53
Change to Operators Licence	12.60	12.85
Copy of Operators Licence	16.50	16.83
Log books (100 sheets) each	2.00	2.00
Knowledge test – first one free - paper	8.50	8.67
- in person	16.80	17.14

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APPENDIX 2

Scrap Metal Dealers	From 1 April 2020	From 1 April 2021
	£	
Application/Renewal of Site Licence	309.20	315.38
Variation of Site Licence	200.90	204.92
Application/Renewal of Collector's Licence	223.30	227.77
Variation of Mobile Collector's Licence	178.70	182.27

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APPENDIX 3

	From 1 April 2020	From 1 April 2021
	£	
Grant of Sex Shop	3,345.60	3,412.51
Grant of Sex Cinema	3,345.60	3,412.51
Grant of Sexual Entertainment Venue	5,575.60	5,687.11
Renewal of Sexual Entertainment Venue	2,788.00	2,843.76
Transfer of Sexual Entertainment Venue	557.90	570.00
Variation of Sexual Entertainment Venue	557.90	570.00

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: 26 JANUARY 2021
title: TAXI ENFORCEMENT OPERATION
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL

1 PURPOSE

1.1 To inform Committee of the results of taxi enforcement operations.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 A taxi licencing operation took place on 4 December 2020, with the police, the Vehicle and Operator Services Agency (VOSA) and the Council's Taxi Enforcement Officer. The result of the operation was that 8 vehicles were stopped and checked. Four Private Hire Vehicles and four Hackney Carriage vehicles, all licensed by Ribble Valley Borough Council.

3 ISSUES

3.1 The Council's Enforcement Officer inspected 8 vehicles. Of those 8 vehicles, 5 were found to be of the required standard. Three of the vehicles were not of the required standard.

3.2 Delayed prohibition notices requiring the work to be carried out on the vehicles within 7 days were served in respect of 2 of the vehicles. The notices related to rear brakes being below legal limit, engine management light permanently on and a defective N/side CV boot. The required works have been carried out on both vehicles and they have been issued with new MOT certificates.

3.3 The third vehicle was found to have a rear door which could not be opened from the inside or the outside. The vehicle was issued with a prohibition notice and was taken off the road with immediate effect.

3.4 The Council has issued a press release notifying the public of the results of the operation.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Resources will be required to: liaise with outside bodies; carry out the operations; take any action necessary as a result; and report further to Committee, the public and licence holders.
- Technical, Environmental and Legal – Improved control of licence holders should improve public safety.
- Political – No implications identified.
- Reputation – Improved public safety will enhance the Council’s reputation.
- Equality & Diversity – no implication identified

5. **CONCLUSION**

5.1 Note the contents of this report.

MAIR HILL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 4418

Ref: MJH/Licensing/January 2021