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Ribble Valley
Borough Council

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Dear Councillor

The next meeting of the **LICENSING** Committee will be held at **6.30 pm** on **TUESDAY, 31 JANUARY 2023** in the **Council Chamber**.

I do hope you can be there.

Yours sincerely

M. H. Scott

CHIEF EXECUTIVE

AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING** (Pages 3 - 6)
3. **DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS**

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

4. **PUBLIC PARTICIPATION**

ITEMS FOR DECISION

5. **FEES AND CHARGES** (Pages 7 - 16)
Report of the Chief Executive enclosed.
6. **AMENDMENT TO COMMITTEE MEETING SCHEDULE**
7. **TAXIS AND PRIVATE HIRE VEHICLES DISABLED PERSONS ACT 2022** (Pages 17 - 18)
Report of the Chief Executive - enclosed
8. **HACKNEY CARRIAGE SIGNAGE** (Pages 19 - 30)
Report of the Chief Executive - enclosed

ITEMS FOR INFORMATION

9. **SECTION 182 GUIDANCE LICENSING ACT 2003** (Pages 31 - 34)

Report of the Chief Executive - enclosed

10. **REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

11. **EXCLUSION OF PRESS AND PUBLIC**

ITEMS FOR DECISION

ITEMS FOR INFORMATION

Electronic agendas sent to members of Licensing – Councillor Stella Brunskill JP (Chair), Councillor Jan Alcock JP, Councillor Richard Bennett (Vice-Chair), Councillor Ian Brown, Councillor Steve Farmer, Councillor Gaynor Hibbert, Councillor Simon Hore, Councillor Angeline Humphreys, Councillor Richard Newmark, Councillor Donna O'Rourke, Councillor Simon O'Rourke, Councillor Sarah Rainford, Councillor James (Jim) Rogerson, Councillor Gary Scott and Councillor Robin Walsh.

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

Minutes of Licensing

Meeting Date: Tuesday, 1 November 2022, starting at 6.30 pm
Present: Councillor S Brunskill (Chair)

Councillors:

J Alcock	R Newmark
R Bennett	D O'Rourke
I Brown	S O'Rourke
S Farmer (arr 6.40pm)	J Rogerson (arr 6.40pm)
G Hibbert	G Scott
A Humphreys	R Walsh

In attendance: Head of Legal and Democratic Services and Solicitor

437 APOLOGIES FOR ABSENCE

Apologies for the meeting were received from Councillors S Hore and S Rainford.

438 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 6 September 2022 were approved as a correct record and signed by the Chairman.

439 DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS

There were no declarations of disclosable pecuniary, other registrable or non-registrable interests.

440 PUBLIC PARTICIPATION

There was no public participation.

441 NATIONAL REGISTER OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER REVOCATIONS (NR3) POLICY

The Chief Executive submitted a report seeking Committee's approval of the adoption and use of a policy in respect of requests for information, disclosure of information and use of information as a result of an entry onto the National Register of Hackney Carriage and Private Hire Driver Revocations (NR3).

Committee had been informed on 10 April 2018 of the introduction of a voluntary national database, which allowed Councils to record details of why a taxi or private hire driver's licence had been refused, revoked, or suspended, which enabled authorities to check new applicants against the register. Committee had authorised for the Council to sign up to the database, and the National Anti-Fraud Network (NAFN) which administered the register. The register and database had now been made mandatory by statute.

The NAFN had issued guidance on adoption of the register (NR3), and a template policy. The policy had been reviewed and customised to reflect application by the Council and was contained within the report.

RESOLVED THAT COMMITTEE:

- Formally approve the adoption of the Ribble Valley Borough Council policy in respect of requests for information, disclosure of information and use of information as a result of an entry on NR3.

442

TAXIS AND PRIVATE HIRE VEHICLES DISABLED PERSONS ACT 2022

The Chief Executive submitted a report seeking Committee approve the amendments to taxi policies and procedures as a consequence of the provisions of the Taxi and Private Hire vehicles (Disabled Persons) Act 2022 (“Act”).

The Act had come into force on 28 June 2022, and had made amendments to the Equality Act 2010, to ensure disabled people received help and could travel with dignity and confidence, and were protected against extra charges and fares. The government had issued statutory and non-statutory guidance on the implementation of these duties, the main provisions of which were set out in the report.

The matter had been raised with licenced drivers and vehicles at the Annual Taxi meeting in September, and a letter would be sent to all driver and operator licence holders to inform them of their additional duties, and remind them of their existing duties. A press release would also be sent to inform the public of their rights and where to access the list of disabled accessible vehicles.

It was also proposed that training be a requirement for all licence holders, upon renewal of a licence and for all new licence holders. The online training would be provided by the Blue Lamp Trust at a cost of £40. It was confirmed at the meeting that the Blue Lamp Trust also provided other online training for the Council, and attendees would undergo ID checks and have to remain on screen for the duration of the training.

The required changes to the Council’s conditions of licence for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators, Infringement Points Scheme and Private Hire and Hackney Carriage Licence Policy were included with the report.

RESOLVED THAT COMMITTEE:

1. Approve and authorise and Head of Legal and Democratic Services to consult upon the proposed amendments as listed in report:
 - Conditions of licence for Private Hire Operators
 - Conditions of licence for Private Hire Driver’s
 - Conditions of licence for Hackney Carriage Driver’s
 - Private Hire Infringement Scheme
 - Hackney Carriage Infringement Scheme
 - Private Hire and Hackney Carriage Licence Policy

2. Approve and authorise the Head of Legal and Democratic Services to consult upon the introduction of training on the Equality Duties to the requirement for a private hire and hackney carriage driver licence. Such training to be provided by the Blue Lamp Trust.

443

HACKNEY CARRIAGE SIGNAGE

The Chief Executive submitted a report informing Committee of issues in relation to signage for Hackney Carriages, and to seek approval on proposals that might be put out for consultation.

The report listed the Council's current conditions for Hackney Carriage vehicles, which did not allow for the provision of door signage. There was also no requirement in relation to signage imposed by either the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. There was a requirement for a plate to be displayed in each case, but otherwise appropriate signage could be determined by the licensing authority.

Corresponding conditions for signage for private hire vehicles licenced in the Ribble Valley were set out in the report. At the Annual Taxi meeting held on 21 September 2022, a private hire vehicle driver and operator commented upon the differences in signage. There was concern around difficulties for the travelling public, and the activities of Hackney Carriages licenced by other authorities operating in the Ribble Valley.

It was therefore proposed the conditions be amended to provide for the introduction of door signage for Ribble Valley licensed Hackney Carriages, which would enable the public to identify they were using a vehicle which conformed to local licensing requirements and conditions and were licensed to ply for hire in the Ribble Valley.

RESOLVED THAT COMMITTEE:

1. Approve the introduction of a requirement for door signage for Hackney Carriages reading "Ribble Valley Licensed Hackney Carriage".
2. Authorise the Head of Legal and Democratic Services to consult with licensees on amendment of condition 25 of the Hackney Carriage Vehicle conditions.

444

HACKNEY CARRIAGE FARES UPDATE

The Chief Executive submitted a report informing Committee of the outcome of advertisement of proposed Hackney Carriage fares, the response to the advertisement and actions taken.

Committee had approved the revised fares on 6 September 2022, and the changes had been publicised on 15 September 2022. The increase in fares had been welcomed by Hackney Carriage Drivers at the Annual Taxi Meeting on 21 September 2022. In the absence of objections, the new fares had been operating from 1 October 2022.

445

TAXI/PRIVATE HIRE VEHICLE LICENSING OPERATION

The Chief Executive submitted a report informing Committee of the results of an inspection of licensed private hire and hackney carriage vehicles.

On 14 October 2022, the Council's Taxi Enforcement Officer had carried out the inspections, in a joint operation with the Police and the Vehicle and Operator Standards Agency. Of the 10 vehicles inspected, 8 were licensed by Ribble Valley Borough Council, and all 8 were found to be of the required standard.

The 2 vehicles licensed by other authorities were found to have defects, which resulted in the issue of prohibition notices. The authorities concerned had been notified.

446 MINUTES OF LICENSING SUB-COMMITTEE

Committee received the minutes of the Licensing Sub-Committee meeting of 10 August 2022 and 22 September 2022.

447 MINUTES OF THE RIBBLE VALLEY EVENT SAFETY ADVISORY GROUP (ESAG)

Committee received the minutes of the Ribble Valley Event Safety Advisory Group (ESAG) meeting of 13 October 2022.

448 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

449 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 7.08 pm

If you have any queries on these minutes please contact the committee clerk, Rebecca Tait rebecca.tait@ribblevalley.gov.uk.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 24 JANUARY 2023
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 10.1%) as this is the amount by which we are advised that the Council’s costs have increased. The exception to this is the cost of a replacement plate and bracket which will remain the same as these are charged at cost and the costs have not increased. The proposed annual fees (rounded up or down as most appropriate) for 2023/2024 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 10.1% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2023/2024 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 10.1% as this is the amount by which we are advised that the Council's costs have increased. The proposed fees for 2023/2024 are set out in **Appendix 3**.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – The Council must advertise the revised taxi and private hire fees in a local newspaper.
- Technical, Environmental and Legal – Committee must set fees at a level, which must not exceed the costs of administering the licensing process.
- 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 2023/2024 as those set out in **Appendix 1**.

5.2 Agree to set the fees for Scrap Metal Dealers Licences for the year 2023/2024 as those set out in **Appendix 2**.

5.3 Agree to set the fees for Sex Establishment Licences for the year 2023/2024 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.

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APPENDIX 1

PRIVATE HIRE & HACKNEY CARRIAGE	From 1 April 2022	From 1 April 2023
Driver's application/renewal annual Licence	66.90	73.70
Driver's application/renewal 3-year licence	176.90	194.80
Replacement Driver's Badge	13.90	15.30
Vehicle Licences:		
ANNUAL – Up to 3 years old	188.70	207.80
6 MONTHS – Over 3 years but not exceeding 7 years	99.00	109.00
4 MONTHS – Over 7 years	70.50	77.60
Discount on previous Licence (1/12 th annual)	15.60	17.20
Transfer of Licence on change of ownership	27.70	30.50
New or replacement:		
Plates	15.50	15.50
Brackets	15.50	15.50
Private Hire Operators annual licence	173.00 -per annum 5 vehicles or fewer	190.50-per annum 5 vehicles or fewer
Additional Vehicles	14.10 - in respect of a one operators' year licence	15.50 - in respect of a one-year operators' licence
Private Hire Operators 3-year licence	458.20- per annum 5 vehicles or fewer	504.50-per annum 5 vehicles or fewer
Additional Vehicles	36.00-in respect of a three-year operators' year licence	39.60- in respect of a three-year operators' year licence
Private Hire Operators 5 year licence	763.80 per annum 5 vehicles or fewer	840.90 per annum 5 vehicles or fewer
Additional Vehicles	59.30-in respect of a five-year operators' year licence	65.30-in respect of a five-year operators' year licence
Change to Operators Licence	13.30	14.60
Copy of Operators Licence	17.40	19.20
Logbooks (100 sheets) each	2.10	2.30
Knowledge test – first one free - paper - in person	9.00 17.70	9.90 19.50

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APPENDIX 2

Scrap Metal Dealers	From 1 April 2022	From 1 April 2023
Application/Renewal of Site Licence	326.00	358.90
Variation of Site Licence	212.00	233.40
Application/Renewal of Collector's Licence	235.00	258.70
Variation of Mobile Collector's Licence	188.00	207.00

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APPENDIX 3

	From 1 April 2022	From 1 April 2023
Grant of Sex Shop	3,515.00	3,870.00
Grant of Sex Cinema	3,515.00	3,870.00
Grant of Sexual Entertainment Venue	5,858.00	6,449.70
Renewal of Sexual Entertainment Venue	2,930.00	3,225.90
Transfer of Sexual Entertainment Venue	588.00	647.40
Variation of Sexual Entertainment Venue	588.00	647.40

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 31 JANUARY 2023
title: TAXIS AND PRIVATE HIRE VEHICLES (DISABLED PERSONS) ACT 2022
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: STEPHEN BARKER – SOLICITOR

1 PURPOSE

1.1 To inform Committee of the outcome of consultation on proposed amendments to conditions of licences for drivers and operators, to infringement schemes and the Private Hire and Hackney Carriage Licensing Policy, to reflect the requirements of the Equality Act 2010, as amended by the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 (“the Act”), and to seek Committee’s formal approval of such amendments.

1.2 Relevance to the Council’s ambitions and priorities:

- Community Objectives - }
- Corporate Priorities - } The Council aims to be a well-managed authority; these proposals support that objective.
- Other Considerations - }

2 BACKGROUND

2.1 The Act had come into force on 28 June 2022, amending the Equality Act 2010 to ensure that disabled people received help, could travel with confidence and dignity, and were protected against extra charges and fares. A report had been taken to the meeting of this Committee on 1 November 2022, putting forward proposed amendments to conditions, schemes and the policy which reflected the requirements of the Act. Committee approved the proposed amendments and authorised the Head of Legal and Democratic Service to consult on proposed amendment of:

- Private Hire Operators Licence Conditions;
- Private Hire Drivers Licence Conditions;
- Hackney Carriage Drivers Licence Conditions;
- Infringement Points Scheme – Private Hire;
- Infringement Points Scheme – Hackney Carriages;
- Policy for Licencing Hackney Carriage and Private Hire drivers, vehicles and operators.

2.2 Committee also approved consultation on the introduction of training on equality duties as a requirement for Hackney Carriage and Private Hire vehicle drivers, with such training to be provided by the Blue Lamp Trust.

2.3 Pursuant to this authorisation, the Council’s Head of Legal and Democratic Services wrote to all Private Hire drivers, Private Hire operators and Hackney Carriage drivers. A copy of the consultation documents is appended to this report as Appendix 1.

3 ISSUES

3.1 The Council received no responses to this aspect of the consultation.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – None.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – The Council’s reputation will be enhanced by ensuring that disabled people are treated equally.
- Equality and Diversity – Implementation of these amendments will ensure compliance with the Equality Act 2010 and enhance the service provided by licenced drivers to the public.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Approve amendment of the conditions, schemes and policy as identified in paragraph 2.1 of this report.

5.2 Approve the introduction of the requirement for Hackney Carriage and Private Hire drivers to undergo training on the equality duties provided by the Blue Lamp Trust.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

REF: SB/CMS/LICENSING/31 JAN 2023

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 31 JANUARY 2023
title: HACKNEY CARRIAGE SIGNAGE
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: STEPHEN BARKER – SOLICITOR

1 PURPOSE

1.1 To inform Committee of the outcome of consultation on signage on Hackney Carriages and to ask Committee to decide whether there should be an amendment to the Council's Hackney Carriage Vehicle conditions.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - }
- Corporate Priorities - } The Council aims to be a well-managed authority; these proposals support that objective.
- Other Considerations - }

2 BACKGROUND

2.1 A report was taken to the meeting of this Committee on 1 November 2022, seeking the views of Committee on an issue which had been raised at the annual taxi meeting relating to signage on Hackney Carriages and, subject to Committee approval, authorising consultation on proposed amendment of the Council's Hackney Carriage Vehicle conditions. A copy of the report can be accessed on the following link:

<https://democracy.ribblevalley.gov.uk/documents/s4028/HACKNEY%20CARRIAGE%20SIGNAGE.pdf>

2.2 The Head of Legal and Democratic Services wrote to all Hackney Carriage drivers, Private Hire drivers and Private Hire operators by way of consultation on the proposed amendment. A copy of the consultation documents is appended to this report as **Appendix 1**.

3 ISSUES

3.1 The Council received 11 responses to the consultation. These responses are detailed in tabular form at **Appendix 2**. Some respondents raised more than one issue in making representations about the proposal.

3.2 Nine respondents, all being Hackney Carriage drivers, do not support the proposal. The majority (eight) consider that the sign on the roof and plates are sufficient. Three respondents are concerned about additional expenses for drivers, and two express concern about additional expense for the Council. One driver perceives that passengers are less likely to travel in a vehicle with more signage, and another states simply that door signage is not required.

3.3 Two respondents stated that they supported the proposal.

- A driver who holds both a Hackney Carriage and Private Hire driver's licence, referred to preventing drivers from other boroughs working in the Ribble Valley, and that Ribble Valley officers should be able to check those vehicles and drivers – however, this would conflict with what is permitted by law.
- A Private Hire licence holder referred to introduction of a possible colour scheme for Hackney Carriages, and whether the current restriction on the number of Hackney Carriages should remain.

3.4 None of the replies addressed the proposition in the report that door signage would identify vehicles as having been licensed by the Council, and thus giving an increased likelihood that the driver is local and that the vehicle and driver meet local standards.

3.5 The Council has a total of 70 licensed Hackney Carriage drivers. Of those there were ten who submitted representations, and of those the vast majority did not support the proposal. As Members will note from the agenda item for the meeting on 1 November 2022, the issue was first raised by a Private Hire driver at the annual meeting.

3.6 The issues have not been raised by any member of the public. Committee will wish to consider the representations, as well as the factors considered at 3.1 and 3.2 of the report to Committee on 1 November 2022 and may wish to balance the views of the licensed trade with the possible public benefit that might arise from adoption of the proposed signage.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – If adopted, officer time will be expended in preparation and distribution of the signage.
- Technical, Environmental and Legal – There would be a small amount of plastic material required for any signage.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality and Diversity – No implications identified.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Determine whether condition 25 of the Council's Hackney Carriage Vehicle conditions be amended to require Hackney Carriages to display door signage reading 'Ribble Valley Licensed Hackney Carriage'.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

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please ask for: MAIR HILL
direct line: 01200 414418
e-mail: Mair.hill@ribblevalley.gov.uk
my ref: MJH
your ref:
date: 3 November 2022

Dear Sirs

RE: Consultation on amendments to conditions of licence, infringement scheme and policy

I write to inform you that the Council's Licensing Committee has recently resolved to amend the conditions of licence, policy and infringement scheme to reflect the changes to the duties placed on drivers and operators under the Equality Act 2010 and to provide for door signage on Hackney Carriage vehicles. The Council seeks your views upon these amendments.

If you wish to respond with your views on this, please do so in writing using the enclosed form and submitting it to Joanne Steer at the above address or at **joanne.steer@ribblevalley.gov.uk** on or before **Friday 16 December 2022**

Please contact me or Joanne if you have any queries.

Yours sincerely

MAIR HILL
SOLICITOR
RIBBLE VALLEY BOROUGH COUNCIL

To all private hire drivers, operator's licence holders & all hackney carriage driver licence holders.



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

On 1 November 2022, the Council's Licensing Committee was informed of changes to the duties for taxi and private hire drivers and operators under the Equality Act 2010. As a result of those changes, amendments were required to conditions of licence, the licensing policy and the infringement scheme.

A copy of that report and the proposed amendments can be found at the link below at minute 441:

<https://democracy.ribblevalley.gov.uk/ieListDocuments.aspx?CId=141&MId=378&Ver=4>

Committee also considered the introduction of a requirement for door signage for Hackney Carriage vehicles within Ribble Valley. A copy of that report and the proposals can be found at the link below:

<https://democracy.ribblevalley.gov.uk/documents/s4028/HACKNEY%20CARRIAGE%20SIGNAGE.pdf>

If you have any difficulty accessing these documents or require any further information, please contact us. Paper copies can be obtained in the Council offices or posted to you if required.

Timetable

The Consultation will run from 4 November 2022 to 16 December 2022 and the results will then be reported to Committee.

If you wish to respond with your views, please do this by completing the enclosed form and submitting it to **Joanne Steer** at the Council Offices on or before **16 December 2022**.



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

CONSULTATION RESPONSE FORM

Name:

Address:

.....

.....

Licence No:

Contact details:

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Equality Act Duties

I support/do not support the amendments made to the Council's conditions of licence, policy and infringement scheme.

Comments:

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APPENDIX 2

Response to Consultation on the Hackney Carriage Door Signage

I support/do not support the introduction of door signage for Hackney Carriages	Comments
I do not support	<ol style="list-style-type: none">1) Do not need door signs as already have sign on the top of the vehicle (8 respondents – all Hackney Carriage Drivers)2) Additional cost when already struggling and additional cost for signage at outset and on any change of vehicle (3 respondents – all Hackney Carriage Drivers)3) Adding door signage will have an effect on the amount of customers we receive as customers do not prefer to travel in a vehicle which has been branded all over (1 respondent – Hackney Carriage Driver)4) This would be an extra expense for the Council – if the Council has extra money, it could be spent on additional hours for the enforcement officer(2 respondents – both Hackney Carriage Drivers))5) Door signs are not required (1 respondent – Hackney Carriage Driver))
I support	<ol style="list-style-type: none">1) You should stop people from other boroughs from working here, if so then they should get the Ribble Valley badge so that Ribble Valley get the revenue; Council should have the authority to check the vehicle and driver and we should have sign stickers on vehicles (1 respondent who hold both Hackney Carriage and Private Hire licences)2) Suggest firstly a colour change to Hackneys so that any problem can be rectified and Hackney separated. Secondly an increase in the number of Hackney plates to deal with the rising demand in line with population growth; also the present Hackney drivers like to go on long distance jobs thus leaving a void in town where we currently have touting. People have suggested that the colour scheme should be red or yellow (1 respondent who holds a Private Hire Driver's licence)

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: 31 JANUARY 2023
title: SECTION 182 GUIDANCE LICENSING ACT 2003
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER - SOLICITOR

1 PURPOSE

1.1 To inform Committee of the revision of the guidance issued under Section 182 of the Licensing Act 2003.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } The Council aims to be a well-managed authority
these proposals support that objective.
- Other Considerations – }

2 BACKGROUND

2.1 Section 182 of the Licensing Act 2003 provides that the Secretary of State must provide guidance to licensing authorities on the discharge of their functions under this Act. A copy of the revised guidance can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022.pdf

3 ISSUES

3.1 The Home Office revised this guidance in December 2022 in the following respects:

- Entitlement to Work in the UK

This section of the guidance has changed and must be considered. Paragraphs 4.8 – 4.48 replace paragraphs 4.8 – 4.18 under the previous guidance. There are significant changes to the 'Entitlement to Work' section in the document, and much of this reflects the change in relationship between the United Kingdom and the European Union/ European Economic Area. There are extensive changes which are pointed out in this expanded section, which need to be carefully considered when dealing with non-UK applicants.

- Relevant Offences

Paragraph 4.51, which dealt with relevant offences under the 2018 edition, has been expanded to paragraphs 4.81 – 4.84 in the new edition. This introduces section 19 of the Criminal Justice and Police Act 2001, dealing with closure notices.

- Temporary Event Notices – Section 7

There are some changes to the ‘Temporary Event Notice’ section within the document.

Paragraph 7.15, in the bullet points, refers to the increase in the allowance of temporary event notices from the year 2022 to 2023, which will increase from 15 to 20 per calendar year. This also increases also for 2022 to 2023, the total duration from 21 to 26 days per calendar year.

In addition, in paragraph 7.34, it is clarified that there is no ability for an appeal in relation to a late temporary event notice, following objection by the Police or Environmental Health Officer. The event is invalid and cannot go ahead.

- Full Variation Process

Paragraph 8.76 has been amended to include the phrase “vary substantially the premises to which the licence relates.” This is an interesting addition to the full variation process, suggesting that if there are to be a substantial change to the premises, there should be a new licence application rather than a full variation. Applicants often go down the route of a new licence in any event, rather than adopt the variation route, as this removes the ability for additional conditions to be attached to a premises licence, without achieving the benefit of the variation sought.

- Conditions Attached to a Premises Licence

The wording of paragraph 10.5 has been changed to read “it is not acceptable for licensing authorities to simply replicate the wording from an applicant’s operating schedule. A condition should be interpreted in accordance with the applicant’s intention and be appropriate and proportionate for the promotion of the licensing objectives.” This expands on the previous guidance, stressing the requirement for conditions to be appropriate and proportionate.

- Planning and Building Control

A new paragraph has been added at 14.66, which states “Where there is an application for planning permission, the National Planning Policy Framework expects new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on a new development (including changes of use) in its vicinity, the applicant (or “agent of change”) should be required by the local planning authority to provide suitable mitigation before the development has been completed.”

3.2 Section 4 of the Licensing Act 2003 stresses that in carrying out its functions, a Licensing Authority must “have regard to” guidance issued by the Secretary of State under Section 182. To this effect, the guidance is binding on all Licensing Authorities. To depart from the guidance could give rise to an appeal or judicial review, and therefore any reasons for departure need to be given clearly. This is a key document to which applicants and licensing lawyers will refer, along with the Council’s Statement of Licensing Policy, before drafting and submitting an application. It will normally be referred to in licensing hearings before Licensing Sub-Committees, and on appeals before the Magistrates’ Court.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal - No implications identified.
- Political - No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

5 CONCLUSION

5.1 Committee is asked to note the contents of the report.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

None

For further information please ask for Stephen Barker, extension 3216.

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