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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, 13 JUNE 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 - 4)
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**
5. **BRIEFING ON THE WORK OF THE LICENSING COMMITTEE**

Verbal Presentation

6. **APPOINTMENT TO WORKING GROUPS** (Pages 5 - 6)

Report of the Chief Executive enclosed

ITEMS FOR DECISION

7. **ADOPTION OF NR3S POLICY** (Pages 7 - 18)

Report of Chief Executive enclosed

8. **MEDICAL REPORTS FOR DRIVERS OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES** (Pages 19 - 22)

Report of Chief Executive enclosed

ITEMS FOR INFORMATION

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

10. **MINUTES OF EVENT SAFETY ADVISORY GROUP MEETING - 11 MAY 2023** (Pages 23 - 24)

11. **MINUTES OF SUB-COMMITTEES** (Pages 25 - 30)

- Minutes from the sub-committee on 17 March 2023
- Minutes from the sub-committee on 14 April 2023
- Minutes from the sub-committee on 28 April 2023

12. **EXCLUSION OF PRESS AND PUBLIC**

None.

Electronic agendas sent to members of Licensing – Councillor Stella Brunskill JP (Chair), Councillor Ian Brown, Councillor Steve Farmer, Councillor Gaynor Hibbert, Councillor Richard Newmark, Councillor Donna O'Rourke, Councillor Simon O'Rourke, Councillor James (Jim) Rogerson, Councillor Gary Scott, Councillor Robin Walsh, Councillor Derek Brocklehurst, Councillor Michael Graveston, Councillor Kieren Spencer, Councillor Lee Street and Councillor Malcolm Peplow.

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

Minutes of Licensing

Meeting Date: Tuesday, 21 March 2023, starting at Time Not Specified
Present: Councillor S Brunskill (Chair)

Councillors:

| | |
|------------|------------|
| J Alcock | D O'Rourke |
| I Brown | S O'Rourke |
| S Farmer | S Rainford |
| S Hore | J Rogerson |
| A Humpheys | G Scott |
| R Newmark | |

In attendance: Solicitor

Also in attendance: Councillors

807 APOLOGIES FOR ABSENCE

Apologies for the meeting were received from Councillor R Walsh

808 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 31 January 2023 were approved as a correct record and signed by the Chairman.

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

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

810 PUBLIC PARTICIPATION

There was no public participation.

811 SCRAP METAL DEALERS ACT 2013 - UPDATED GUIDANCE AND POLICY CHANGES

The Chief Executive submitted a report seeking Committee's approval of the draft revisions to the Scrap Metal Dealers' Act Policy, and to authorise the Head of Legal and Democratic Services to consult upon it. The report further informed the Committee of the issue of updated guidance by the Home Office on the Scrap Metal Dealers' Act 2013.

RESOLVED THAT COMMITTEE:

1. Approve the revisions to the Scrap Metal Dealers' Policy.
2. Authorise the Head of Legal and Democratic Services to consult upon the revised Policy.
3. Note the updated Home Office guidance.

812 TAXIS AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) ACT 2022

The Chief Executive submitted a report to inform Committee of the imminent introduction of a duty for Local Authorities to utilise the database operated by the National Anti-Fraud Network (NAFN) providing the National Register for Revocations, Refusals and Suspensions (NR3S).

The Committee noted the contents of the report.

813 RELAXATION OF THE LICENSING HOURS FOR THE CORONATION

The Chief Executive submitted a report informing the Committee of the relaxation of licensing hours 5, 6 and 7 May 2023.

Provision has been made for any licensed or clubs which would normally be open for licensed activities until or after 11.00pm (but closed before 1.00am) to remain open until 1.00am, if so desired, on each of 5 May, 6 May and 7 May 2023 (ie Friday, Saturday and Sunday night extensions, concluding the following morning). The extensions would only apply to sales and supply for on-site consumption, and late-night food premises may only remain open if they are also licensed to sell or supply alcohol for consumption on the premises at the specified times.

The Committee noted the contents of the report.

814 MINUTES OF THE LICENSING SUB-COMMITTEE - 15/12/22

The Committee noted the minutes of the Licensing Sub-Committee dated 15 December 2022

815 MINUTES OF THE LICENSING SUB-COMMITTEE - 03/02/23

The Committee noted the minutes of the Licensing Sub-Committee dated 3 February 2023

816 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

817 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading

The meeting closed at Time Not Specified

If you have any queries on these minutes please contact the committee clerk, Jenny Martin jenny.martin@ribblevalley.gov.uk.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 13 JUNE 2023
title: APPOINTMENT TO WORKING GROUPS 2023/24
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: JENNY MARTIN

1 PURPOSE

1.1 To seek Committee's views on the need for working groups under the remit of the Licensing committee.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – to be a well managed Council providing effective services.
- Corporate Priorities – to protect and enhance the existing environmental quality of our area: to help make people's lives healthier and safer.
- Other Considerations – to work in partnership with other bodies in pursuit of the Council's aims and objectives.

2 BACKGROUND

2.1 Working groups are set up by a parent committee to aid them in reaching a decision on specific aspects of their remit. Working groups have no powers and decisions are always made ultimately by the parent committee.

2.2 Working groups are made up of members from the parent committee.

3 ISSUES

3.1 At present there are no active working groups under the remit of the Licensing committee. Committee is asked to confirm if it is content to continue without any working groups at this time.

3.2 Working groups meet when there is a need to move an issue forward. For some this is on an annual basis and for others it can be as often as monthly.

3.3 Agendas, reports and minutes are done by the officers that serve on the working group. The minutes of each meeting are reported back to the parent committee once approved by the working group so that they are kept informed of progress.

4 RISK ASSESSMENT

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

- Resources – the costs associated with working groups is included in the budget for 2023/24.
- Technical, Environmental and Legal – no implications identified.

- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE:

- 5.1 Approve that there is currently no need for a working group under the remit of the Licensing committee.

Marshal Scott
CHIEF EXECUTIVE

Jenny Martin
Democratic Services Officer

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 13 JUNE 2023
title: ADOPTION OF NR3S POLICY
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: STEPHEN BARKER – SOLICITOR

1 PURPOSE

1.1 To seek Committee's approval of amendment to the NR3 Policy adopted at the meeting of this Committee on 1 November 2022.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – }
- Corporate Priorities – } The Council aims to be a well-managed Council providing efficient services.
- Other Considerations – }

2 BACKGROUND

2.1 Members' attention is drawn to reports to this Committee on 1 November 2022 and 21 March 2023, relating to what is now called the National Register for Revocations, Refusals and Suspensions (NR3S). The decision in November 2022 was to approve and adopt a policy in relation to NR3 (the suspensions element has been added subsequently). In March 2023, committee was informed of the nationwide mandatory requirement for use of the National Anti-Fraud Network (NAFN) database and the addition of registration of suspension of licences.

2.2 Committee noted in March that an updated policy would be submitted for approval, possibly following publication of a template by NAFN.

3 ISSUES

3.1 The national template has not been updated, and therefore the Council's officers have reviewed the existing policy.

3.2 A draft updated policy is attached as appendix 1. Committee is asked formally to approve the adoption of this policy.

4 RISK ASSESSMENT

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

- Resources – None.
- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – None.

- Equality & Diversity – None.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Formally approve the adoption of the amended NR3S Policy in respect of requests for information, disclosure of information and use of information, appended to this report.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

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



Ribble Valley
Borough Council

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**NATIONAL REGISTER OF TAXI LICENCE REFUSALS,
REVOCATIONS, AND
SUSPENSIONS (NR3S)**

**POLICY IN RESPECT OF REQUESTS FOR INFORMATION,
DISCLOSURE OF INFORMATION, AND USE OF INFORMATION AS A
RESULT OF AN ENTRY ON NR3S**

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Policy Administration

Policy Ownership

For any queries about this policy, please contact the plan owner.

| | | | |
|---------------------|-----------------------------|--|--------------|
| Department | Chief Executives | | |
| Service Unit | Legal & Democratic Services | | |
| Owner | Mair Hill | mair.hill@ribblevalley.gov.uk | 01200 425111 |
| Committee | Licensing Committee | | |

This policy is maintained and published on behalf of Ribble Valley Borough Council. A copy of this policy will be published on the Council Intranet and will be reviewed and updated as stated below.

Version Control and Review Date

| Version | Date | Reason for Publication | Approved by Committee / Date | Review Date |
|---------|------------|------------------------|------------------------------|-------------|
| V1.0 | XX/XX/20XX | Review of the Policy | Licensing Committee / Date | XX/XX/20XX |
| V1.1 | | | | |
| V1.2 | | | | |

This policy will be reviewed, as a minimum, on an annual basis. However, consideration should be given to reviewing the policy should there be any changes in legislation or guidance. The policy/procedure owner will ensure the document is reviewed as stated.

Equality Implications

| Action | Yes / No |
|--|----------|
| An Equality Impact Assessment (EIA) has been completed | |
| EIA Hyperlink | |

Supporting documents or Legislation relating to this policy

| Please include any supporting documents / legislation |
|--|
| 1. National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3) |
| 2. Data Protection Act (DPA) 2018 |
| 3. |

Introduction

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals, Revocations and Suspensions: the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

1. Overarching Principles

This policy covers the use that Ribble Valley Borough Council will make of the ability to access and use information contained in the National Register of Taxi Licence Revocation, Refusals and Suspensions (NR3S). The NR3S contains information relating to any refusal to grant, or revocation of, or suspension of, a taxi drivers' licence¹. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked or suspended in the past.

Ribble Valley Borough Council has signed up to the NR3S. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, or an existing taxi drivers' licence is suspended that information will be placed on the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received Ribble Valley Borough Council will make a search of NR3S. The search will only be made by an officer who has been trained in the use of NR3S and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and during the appeal process.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of service of the written notification of the determination of the application²

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court there is a further right to appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' or the Crown Court, it is possible to appeal the decision by way of case stated³. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the

¹ Throughout this policy reference is made to 'taxi drivers licence.' This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a hackney carriage and private hire joint licence.

² The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374).

³ Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates' court or the Crown Court.

decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to the appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined⁴.

The data will be held securely in accordance with the Ribble Valley Borough Council General Data policy on the secure retention of personal data which is available at [Data Phttps://www.ribblevalley.gov.uk/privacynoticerotection – Ribble Valley Borough Council](https://www.ribblevalley.gov.uk/privacynoticerotection-Ribble-Valley-Borough-Council). At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure of personal data which is available [Data Protection – Ribble Valley Borough Council](#)

2. Making a request for further information regarding an entry on NR3S

When an application is made to Ribble Valley Borough Council for the grant of a new, or a renewal of, a taxi driver's licence, we will check the NR3S.

Ribble Valley Borough Council will make and then retain a clear written record⁵ of every search that is made of the register. This will detail:

- the date of the search
- the name or names searched
- the reason for the search (new application or renewal)
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date)

This record will not be combined with any other records (i.e. combined with e register of licences granted) and will be retained for the retention period of 25 years.

If the search reveals any match (i.e. there is an entry on the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information. The request will include details of our data protection policy in relation to the use of any data obtained during the process.

The request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

⁴ Decisions of the local authority, Magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made 'promptly' and in any case no later than 3 months after the grounds to make the 1st claim arose. If an application for judicial review is made after any relevant information has been destroyed, this authority will request the information again and then retain the information until all court proceedings have been determined.

⁵ This will be electronic, rather than 'pen and paper' hard copy

3. Responding to a request made for further information regarding an entry on NR3S

When Ribble Valley Borough Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for a period of 25 years⁶.

We will then determine how to respond to the request. It is not lawful to simply provide a blanket response to every request.

The Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store the data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of the period. It is expected that if the second authority have adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority (the first authority) is satisfied that the other authority's (the second authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed⁷. This will be determined by an officer who is trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibility of a taxi driver. Data is held on the NR3S register for a period of 25 years, but this authority (the first authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Ribble Valley Borough Council will disclose information relating to a suspension, revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Ribble Valley Borough Council Hackney Carriage and Private Hire Licensing Statement of Policy and Guidelines on Relevant Convictions ("the Statement") which has been adopted in full by this Council. A copy of the policy is available at <https://www.ribbonvalley.gov.uk/private-hire-hackney-carriage/private-hire-vehicles-information> Hire Vehicles Information – Ribble Valley Borough Council. Where the reason for refusal to grant or revocation or suspend relates to a conviction (or similar as defined in the Statement) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant, revocation or suspend relates to a conviction (or similar as defined in the Statement which is outside the timescales determined in those the Statement, the information may not be disclosed.

However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 of the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of functions conferred on the authority by an enactment of rule of law.

⁶ This record may be combined with the written record of the action taken as a result of the request

⁷ If the 1st authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made.

The officer will record what action was taken and why. Ribble Valley Borough Council will make and then retain a clear written record⁸ of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

4. Using any information obtained as a result of a request to another authority

When Ribble Valley Borough Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal or suspension of a taxi drivers' licence. This will be in accordance with the usual process for determining applications. Please refer to the Ribble Valley Borough Council Hackney Carriage and Private Hire Licensing Statement of Policy and Guidelines on Relevant Convictions ("the Statement") which has been adopted in full by this Council and is available at [Private Hire Vehicles Information – Ribble Valley Borough Council](https://www.ribblevalley.gov.uk/private-hire-hackney-carriage/private-hire-vehicles-information)

Ribble Valley Borough Council will make and then retain a clear written record of the use that is made of the search (this information will be added to the register detailed above).

Information received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that Ribble Valley Borough Council will make in relation to the application.

⁸ This will be electronic rather than 'pen and paper' hard copy.

Appendix 1 - Information disclosure form

This form is submitted following a search of the National Register of Refusals, Revocations and Suspensions (NR3S)

(For completion by requesting authority)

Name of authority requesting information

Requestor authority reference number

Name of authority from which information is sought.....

Name of individual in respect of whom the request is made

Decision in respect of which request is made: Refusal / Revocation/Suspension

Other details for this record:

D.O.B

Address

Driving licence number

Any alias.....

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure the holders of taxi/PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants and existing holders of taxi and PHV licences and will be retained in accordance with the authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed at www.ribblevalley.gov.uk

Signed:

Name:

Position:

Date:

(For completion by providing authority)

Further information to support the decision recorded on NR3S in respect of the above named individual

Declaration by providing authority.

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded on the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi/PHV licence, the above named individual has been made aware of the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed:

Name:

Position:

Date:

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 13 JUNE 2023
title: MEDICAL REPORTS FOR DRIVERS OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: STEPHEN BARKER – SOLICITOR

1 PURPOSE

1.1 To inform Committee of an issue which has arisen in relation to provision of medical reports for applicants for new and renewed driving licences for hackney carriages and private hire vehicles, and to seek Committee's approval for commencement of consultation on revision of the policy for Licencing of Hackney Carriage Drivers and Vehicles and of Private Hire Operators, Drivers and Vehicles ("the Policy").

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – }
 - Corporate Priorities – }
 - Other Considerations – }
- The Council aims to be a well-managed Council providing efficient services based on identified customer needs.

2 BACKGROUND

2.1 A Group 1 licence is the "normal" driving licence for non-professional drivers and does not require medical assessment. Medical input in respect of such a licence only tends to arise when a doctor has concerns about a patient's capability to drive, when a report would be submitted to the DVLA. Group 2 licences include large lorries and buses, and an application requires a medical assessment.

2.2 Responsibility for determining any higher standard and medical requirements for Hackney Carriage and Private Hire Drivers, over and above the Group 1 driver licensing requirements, rests with the licensing authority. Ribble Valley Borough Council, along with almost all other authorities, has determined that such drivers, on application or on some renewals (depending on how much time has elapsed since the last medical), should provide a mandatory Group 2 medical certificate. The Council requires this to be signed by the applicant's GP or by a GP from the same practice who has access to the applicant's medical records. This requirement is incorporated in the Policy.

2.3 The Council's standard medical report form includes a request that the doctor certifies whether they consider the applicant meets the Group 2 medical standards to act as driver of a Hackney Carriage or Private Hire Vehicle to carry the public for commercial gain. This is in addition to submission of medical information following analysis of medical records and an examination of the applicant.

3 ISSUES

3.1 Some medical practices have taken issue with the requirement for the GP to certify that the applicant meets the Group 2 medical standards, arguing that this decision

rests with the licensing authority following receipt of information from the GP. Whilst they are content to examine and compile a report on the applicant, they consider that determination of fitness to drive is a matter for the DVLA in respect of Group 1 licences, and for the licensing authority in the case of a requirement for Group 2 compliance. On this basis, they are refusing to sign the certificate. Whilst this position has, so far, only been taken by a small number of practices, they do state that this follows advice from the Lancashire and Cumbria Local Medical Committees, and therefore the number of such refusals may increase in the future. Without this certificate applicant's cannot progress their application or renewal.

3.2 Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 gives authorities the power to require applicants to submit information. Section 57(2)(a) provides that a district council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle:

- (i) to provide a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle;
- (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or a private hire vehicle.

3.3 Therefore, the licensing authority has a discretion as to how, and by who, medical information is provided. It is noted that some licensing authorities do not require input specifically from the applicant's GP, but instead have preferred providers who will examine the applicant, review their medical records, and provide a report and possibly a certificate. Alternatively, there are private GP's and specialist reporting agencies who can provide this service, and applicants could be allowed to make their own arrangements.

3.4 In the course of preparation of this report, it was noted that the fees charged by GP's and agencies to applicants vary considerably, from £47 to £180 or more. Removal of the requirement for the applicant's own GP to provide a report would also enable applicants to seek the best value for provision of a report and any certificate.

3.5 Having reviewed the options available, it is proposed that applicants be required to obtain the necessary either from their own GP or from another GP who has had sight of their medical records. This would ensure that the GP providing the report has access to all the relevant information and the report is accurate and that applicants are able to obtain a report within a reasonable period of time or at all.

4 RISK ASSESSMENT

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

- Resources – None.
- Technical, Environmental and Legal – The legal issues arising from this matter have been incorporated into the report.
- Political – None.
- Reputation – None.

- Equality & Diversity – None.

5 RECOMMENDED THAT COMMITTEE:

- 5.1 Authorise the Head of Legal and Democratic Services to consult with drivers, operators, the Police and LCC (as they commission private hire drivers and vehicles for work in support of children) on amendment of the Policy and conditions to require examination of the applicant by their own GP or by any qualified GP who has had sight of their medical records.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

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

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MINUTES OF THE RIBBLE VALLEY EVENT SAFETY ADVISORY GROUP THURSDAY 11TH MAY 2023 AT 2:00PM

| | | |
|-----------------|---------------------------------------|--------------------------|
| <u>PRESENT:</u> | Winston Robinson (Chair) | RVBC |
| | Jason Middleton | RVBC |
| | Mark Beveridge | RVBC |
| | Katharine Collinge | RVBC |
| | Matt Riding | RVBC |
| | Gary Hennighan | Lancashire Police |
| | Sgt Kevin Day | Lancashire Police |
| | Gary Makin | Lancashire Police |
| | Samantha Edwards | Lancashire Fire & Rescue |
| | Colin Hickson | Lancashire Fire & Rescue |
| | Wes Trurow | Lancashire Fire & Rescue |
| | Kirsty Miller | LCC |
| | Organisers of the Beatherder Festival | |

APOLOGIES

Apologies were received Claire Pearson (Lancashire Police)

BEATHERDER FESTIVAL

The festival will be taking place on 14, 15, 16 and 17th July 2023.

The organisers provided a summary of the 2022 festival. It was noted that it all went smoothly and good weather prevailed.

For this year's festival, there are no changes in terms of the contractors, the traffic management company or the staging and welfare companies. Tickets are selling well and it is anticipated that it will reach capacity. This is the second time that the festival will open on Thursday and the timetable of events was discussed.

Discussion took place surrounding the number of tickets that had been sold for under 18 years olds. It was quite a low number of 71 tickets, but the organisers are hoping this will increase. Safeguarding issues were discussed in respect of younger entrants.

There will be CCTV on site again and it was noted that there will be a great security presence. The festival will be using wristbands for those entering and it will have their name on the band. There will also be an increased number of cashless stalls.

The organisers noted that there were a couple of complaints made about the festival after it had taken place. These related to the festival going on until 4am on the Friday and Saturday night and one in relation to noise at approximately 2am on one evening. This complaint may have related to some campers in one area having brought their own sound system.

One neighbour had raised concerns regarding the amount of rubbish after the festival and there was a suggestion to increase the litter picking.

There was discussion with police Licensing Sergeant as to the mandatory conditions to provide free waters at the bars and how this could be achieved.

It was confirmed that from a policing level, the organisers feel that they could manage the site with less police. However, the point of entry to the festival is key and they would like the support of police in this area. There will still be an open door policy for police to walk around the festival.

The organisers advised that they had sent out the Event Management Plan prior to the meeting, but this had not been received. It was emailed to Jenny Martin during the meeting and thereafter circulated electronically. It was agreed that the Event Management Plan needed consideration. Rather than invite the Beatherder organisers to another ESAG meeting, if individuals have any concerns, they will contact the organisers directly.

Beatherder left the meeting at 2:52pm

MINUTES OF PREVIOUS MEETING – 16th March 2023 / UPCOMING EVENTS

There was a recap of the events that had been discussed at the previous meeting that are upcoming:

Chipping Steam Fair – It was re-iterated about the potential traffic problem entering the site, and particularly if emergency vehicles should need to enter. In 2022 there was a lot of standing traffic and the event is getting increase numbers attending. Gary Makin will liaise with the organiser about this.

Royal Lancashire County Show – it was noted that the numbers attending this event are increasing. They do have a traffic management plan in place. It is an event that takes place over 3 days and it was noted that it is a well organized event.

The insurance document that they had originally submitted has now expired. Jenny Martin is to chase the updated insurance with the organisers.

Ribble Valley Scooter Rally – Winston has spoken to Lancashire County Council and it's felt important that they have proper traffic management in place (just for a few hours). It was also noted that they need to have people marshalling on the street at the event as well. Winston will discuss with the organiser about this.

Beatherder Festival – The Event Management Plan had just been circulated but it was noted that there was some contradictions within the plan. This needs to be given further consideration.

The possibility of having a desktop exercise with the Beatherder organisers was mooted and also the level of police presence at the event.

DATE OF NEXT MEETING

Once Rebecca Tait returns from maternity leave on 1st June, a further meeting will be arranged.

The meeting concluded at 3.11pm

Minutes of Sub-Committee of the Licensing Committee

Meeting Date: Friday, 17 March 2023, starting at 10.00 am
Present: Councillor S O'Rourke

Councillors:

I Brown

D O'Rourke

In attendance: Helen McKee and Solicitor

Also in attendance: Councillors

802

WELCOME

803

APOLOGIES AND RE-CONSTITUTION OF THE COMMITTEE MEMBERSHIP

There were no apologies for absence.

804

DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS

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

805

STANLEY HOUSE MARQUEE. FURTHER LANE, MELLOR BB2 7NP

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services and its appendices.

The application had previously been adjourned for preparation and consideration of a noise impact assessment, to be commissioned by the applicant. The applicant had notified the Council's licensing officers that an assessment had been carried out, but that the ensuing report had not yet been received. The applicant hoped that this report would be received on 17 March 2023, after which it would be distributed.

It was noted that the applicant had been pro-active in notifying officers of the likely delay in receipt of the noise report. This had enabled the Council to liaise with the applicant and those who had made representations in relation to possible further adjournment to enable proper consideration of the content of the noise report, and the future availability of individuals and the Council Chamber had been established, subject to the views of the sub-committee.

In accordance with regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005, and section 9 of the Ribble Valley Borough Council procedure for the conduct of hearings under the Licensing Act 2003, providing for adjournment of hearings to a specified date, the Sub-Committee determined that the application should be adjourned until 10am on Friday 26 May 2023 to enable the applicant to commission and distribute an appropriate noise impact assessment from an independent and suitably qualified person. In accordance with paragraph 9.32 of the revised guidance under section 182 of the Licensing Act 2003, this would then enable other persons and responsible authorities to address the new evidence before the substantive hearing of the application. This would then enable the Sub-Committee to have relevant evidence with which to decide the application.

EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 10.10 am

If you have any queries on these minutes please contact the committee clerk, Jenny Martin 01200 413214 Rebecca.Tait@ribblevalley.gov.uk.

Minutes of Sub-Committee of the Licensing Committee

Meeting Date: Friday, 14 April 2023, starting at 2.30 pm
Present: Councillor S Brunskill (Chair)

S O'Rourke

A Humphreys

In attendance: Solicitor and Administration Assistant (Licencing)

924 WELCOME

925 APOLOGIES AND RE-CONSTITUTION OF THE COMMITTEE MEMBERSHIP

There were no apologies for absence.

926 DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

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

927 EXCLUSION OF PRESS AND PUBLIC

That by virtue of the next items of business being exempt information under paragraph 1 of part 1 of Schedule 12A of the Local Government Act 1972 that press and public be now excluded from the meeting.

928 LICENSING HEARING - TAXI

The Sub-committee received a report from the Head of Legal and Democratic Services informing them of an application for a private hire driver's licence and requesting that the Sub-committee determine whether the applicant was a fit and proper person to hold such a licence in the light of information received from the Disclosure and Barring Service.

The Applicant attended the hearing and made submissions and responded to questions by the Sub-committee.

RESOLVED THAT COMMITTEE:

That further information was required as to the nature of the Applicant's previous conviction before a final determination of the application could be made. The hearing was adjourned for a short period.

The meeting closed at 3.05 pm

If you have any queries on these minutes please contact the committee clerk, Jenny Martin jenny.martin@ribblevalley.gov.uk.

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Minutes of Sub-Committee of the Licensing Committee

Meeting Date: Friday, 28 April 2023, starting at 2.00 pm
Present: Councillor

Councillors:

S Brunskill
S O'Rourke

A Humpheys

In attendance: Solicitor and Administration Assistant (Licencing)

Also in attendance: Councillors

941 WELCOME

942 APOLOGIES AND RE-CONSTITUTION OF THE COMMITTEE MEMBERSHIP

There were no apologies for absence

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

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

944 EXCLUSION OF PRESS AND PUBLIC

That by virtue of the next items of business being exempt information under paragraph 1 of part 1 of Schedule 12A of the Local Government Act 1972 that press and public be now excluded from the meeting.

945 LICENSING HEARING - TAXI

The purpose of the hearing was to determine whether a private hire vehicle driver's licence should be granted. The hearing had previously been adjourned on 14 April 2023 to obtain further information regarding the nature of the Applicant's previous conviction.

The Sub-Committee considered the report of the Head of Legal and Democratic Services along with updating information provided by the Council's Solicitor.

The Applicant attended the hearing and answered further questions that were put to him by the Sub-Committee surrounding his previous conviction.

The Sub-Committee, having taken account of all the submissions, written and verbal, the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Statement of Policy and Guidelines on Relevant Convictions ("the Policy"), concluded that the Applicant was not a fit and proper person and that a licence should not be granted.

RESOLVED:

That the private hire driver's licence application be refused.

The meeting closed at 2.30 pm

If you have any queries on these minutes please contact the committee clerk, Jenny Martin 01200 413214 Rebecca.Tait@ribblevalley.gov.uk.