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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, 5 SEPTEMBER 2023** in the **Council Chamber**.

If time permits, there will be also be a training session for Members at the conclusion of the Committee.

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. **OUTCOME OF CONSULTATION ON SCRAP METAL POLICY** (Pages 7 - 28)

Report of the Chief Executive enclosed

6. **MEDICAL REPORTS FOR DRIVERS OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES** (Pages 29 - 34)

Report of the Chief Executive enclosed

ITEMS FOR INFORMATION

7. TAXI/PRIVATE HIRE LICENSING OPERATIONS (Pages 35 - 36)

Report of the Chief Executive enclosed

8. ALCOHOL LICENSING UPDATE (Pages 37 - 40)

Report of the Chief Executive enclosed

9. PAVEMENT LICENCES UPDATE (Pages 41 - 42)

Report of the Chief Executive enclosed

10. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There are no items under this heading.

11. MINUTES OF SUB-COMMITTEES (Pages 43 - 46)

- Minutes of Sub-Committee on 30th June 2023
- Minutes of Sub-Committee on 30th June 2023

12. EXCLUSION OF PRESS AND PUBLIC

ITEMS FOR DECISION

There are no items under this heading.

ITEMS FOR INFORMATION

There are no items under this heading.

Electronic agendas sent to members of Licensing – Councillor Stella Brunskill JP, Councillor Ian Brown (Chair), 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, 13 June 2023, starting at 6.30 pm
Present: Councillor I Brown (Chair)

Councillors:

D Brocklehurst	S O'Rourke
S Brunskill	M Peplow
S Farmer	J Rogerson
M Graveston	G Scott
R Newmark	K Spencer
D O'Rourke	R Walsh

In attendance: Head of Legal and Democratic Services and Solicitor

73 APOLOGIES FOR ABSENCE

Apologies for the meeting were received from Councillors G Hibbert and L Street.

74 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 March 2023 were approved as a correct record and signed by the Chairman.

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

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

76 PUBLIC PARTICIPATION

There was no public participation.

77 BRIEFING ON THE WORK OF THE LICENSING COMMITTEE

As the members had already undertaken a training course immediately prior to the Committee, the Head of Legal and Democratic Services gave a brief overview of the legislation that comes under the remit of the Licensing Committee.

78 APPOINTMENT TO WORKING GROUPS

The Chief Executive submitted a report to seek Committee's views on the need for working groups under the remit of the Licensing Committee.

RESOLVED THAT COMMITTEE:

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

ADOPTION OF NR3S POLICY

The Chief Executive submitted a report seeking Committee's approval of amendment to the Council's Policy with regard to the National Register for Revocations, Refusals and Suspensions (NRS3) which had previously been adopted at the meeting of this Committee on 1 November 2022.

RESOLVED THAT COMMITTEE:

Approve the adoption of the amended NR3S Policy in respect of requests for information, disclosure of information and use of information, that was appended to the report.

MEDICAL REPORTS FOR DRIVERS OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

The Chief Executive submitted a report informing Committee of an issue which had 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").

The Policy currently required that an applicant for the grant or certain renewals of a licence should be examined by their own GP or a GP from the same practice who had access to the applicant's medical records to the standard required for a DVLA Group 2 medical assessment, who should also provide a certificate that they considered that the applicant met the medical standards to carry the public for commercial gain. Members were informed that there had been instances where practices had refused to certify that the applicant met Group 2 medical standards, arguing that this decision rests with the licensing authority following receipt of information from the GP. Without this certificate applicants could not progress their application or renewal.

It was also reported that the fees charged by GP's and agencies to applicants could vary considerably.

Were the requirement for the applicant's own GP or their practice to provide a report to be removed, this would enable applicants to approach a GP who was prepared to provide the appropriate certificate, following examination of the applicant and their full records, and would also enable applicants to seek the best value for provision of a report and any certificate.

RESOLVED THAT COMMITTEE:

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.

REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

82 MINUTES OF EVENT SAFETY ADVISORY GROUP MEETING - 11 MAY 2023

The minutes of the Event Safety Advisory Group meeting from 11 May 2023 were noted.

83 MINUTES OF SUB-COMMITTEES

The minutes of the Sub-Committees that took place on 17 March 2023, 14 April 2023 and 28 April 2023 were noted.

84 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 6.57 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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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: 5 SEPTEMBER 2023
title: SCRAP METAL DEALERS POLICY
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To inform Committee of the results of the consultation and seek Committee's adoption of the Scrap Metal Dealers Policy.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – Consideration of these issues will promote the Council's aim to be a well managed Council.
- Corporate Priorities – Consideration of these issues will promote the Council's priority of enhancing the existing environmental quality of our area.
- Other Considerations – None.

2 BACKGROUND

2.1 The Scrap Metal Dealers Act 2013 came into force on 1 October 2013. On 21 March 2023 Committee resolved to approve the draft revised Scrap Metal Dealers Act Policy and authorised the Head of Legal and Democratic Services to consult upon it. A copy of that policy is enclosed at Appendix 1.

3 ISSUES

3.1 The Head of Legal and Democratic Services subsequently consulted with all parties listed in section 1 of the policy. A copy of the letter sent to all parties on 17 April 2023 is enclosed as Appendix 2. The deadline for responses was 30 June 2023. The Council did not receive any response to this consultation.

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 – The adoption of the policy will enhance the Council's reputation.
- Equality & Diversity – None.

5 RECOMMENDED THAT COMMITTEE

5.1 Adopt the Scrap Metal Dealers Act Policy enclosed at Appendix 1.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

- Report of Chief Executive dated 21 March 2023.

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

SCRAP METAL DEALERS' POLICY



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

March 2023

~~[September 2018]~~

Contents

1.	Introduction	3
2.	Definitions under Scrap Metal Dealers Act 2013	3
3.	Types of Licence	5
4.	Applicant Suitability	5
5.	Revocation of Licence / Imposition of Conditions	8
6.	Supply of Information	9
7.	Register of Licences	9
8.	Notification Requirements	10
9.	Display of Licence	10
10.	Verification of Suppliers Identity	10
11.	Payment for Scrap Metal	10
12.	Record Keeping	11
13.	Rights of Entry & Inspection	12
14.	Application Procedure	13
15.	Variation of Licence	13
16.	Further Information	13
17.	Fee	14
18.	Right to Make Representations	14
19.	Closure of Unlicensed Sites	15
20.	Offences & Penalties	17
21.	Delegation of Functions	18

1. Introduction

The Policy

- 1.1 This document states Ribble Valley Borough Council's ('**Council**') policy on the regulation of Scrap Metal Dealers in its capacity as the relevant local authority for the purposes of the Scrap Metal Dealers Act 2013 ("**Act**").

The policy outlines the requirements of the Act. It gives guidance to new applicants, existing licence holders, consultees and members of the public as to how the Council will administer and enforce the requirements of the Act. The council may depart from its policy if the individual circumstances of any case warrant such a deviation. In such cases the Council must give full reasons for doing so.

This policy will be reviewed at least every five years, and was last reviewed in September 2018. In preparation for the publication of this policy, the following will be consulted.

- a) Lancashire Constabulary
- b) Lancashire Fire & Rescue Services
- c) The Environment Agency
- d) The Council's Environmental Health department
- e) Existing licence holders
- f) Relevant trade associations associates

The Law

- 1.2 The Act received Royal Assent on 28 February 2013 and came into force on 1 October 2013, with its enforcement powers subsequently coming into force on 1 December 2013. The Act repeals the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001 creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries.
- 1.3 The Act maintains local authorities as the principal regulator, but replaces the old registration system with a full licensing regime. It grants power to refuse a licence to "unsuitable" applicants and a power to revoke licences if the licence holder becomes "unsuitable".
- 1.4 The Act requires a scrap metal dealer to obtain a licence in order to carry on business as a scrap metal dealer.

2. Definitions under Scrap Metal Dealers Act 2013

- 2.1 A person carries on business as a scrap metal dealer if:
- (a) they wholly or partly buy or sell scrap metal (whether or not sold in the form it was bought); or
 - (b) they carry on business as a motor salvage operator (see 2.1.3).
- 2.2 The selling of scrap metal merely as surplus materials or as a by-product of manufacturing articles is NOT to be regarded as 'carrying on a business' as a scrap metal dealer.
- 2.3 Motor salvage operation is defined in the Act as a business that consists wholly or mainly of:

- (a) recovering salvageable parts from motor vehicles for re-use or sale and selling the remainder of the vehicle for scrap;
- (b) buying written-off vehicles, repairing and reselling them;
- (c) buying or selling motor vehicles which are to be the subject of any of the activities mentioned in (a) or (b);
- (d) wholly or mainly in activities falling within paragraphs (b) and (c);

2.4 Scrap metal includes:

- (a) Any old, waste or discarded metal or metallic material; and
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

2.5 Scrap metal does not include:

- (a) Gold;
- (b) Silver;
- (c) any alloy of which 2% or more by weight is attributable to gold or silver.

"Licensed site" means a site identified in a scrap metal licence.

"Mobile collector" means a person who—

- (a) carries on business as a scrap metal dealer otherwise than at a site; and
- (b) regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door.

"Police officer" includes a constable of the British Transport Police Force.

"Premises" includes any land or other place (whether enclosed or not).

"Relevant environmental permit or registration" means—

- (a) any environmental permit under regulation 13 of the Environmental (Permitting) Regulations 2016 (SI 2016/1154) authorising any operation by the applicant in the local authority's area;
- (b) any registration of the applicant under Schedule 2 to those Regulations in relation to an exempt waste operation (within the meaning of regulation 5 of those Regulations) carried on in that area;
- (c) any registration of the applicant under Part 8 of the Waste (England and Wales) Regulations 2011 (carriers, brokers and dealers of controlled waste).

"Relevant offence" and "relevant enforcement action" have the meaning given by section 3(3) of the Scrap Metal Dealers Act 2013 and prescribed in the regulations made by the Secretary of State.

"Site" means any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there).

"Site manager", in relation to a site at which a scrap metal dealer carries on business, means the individual who exercises day-to-day control and management of activities at the site. (An individual may be named in a licence as site manager at more than one site; but no site may have more than one site manager named in relation to it).

"Trading name" means a name, other than that stated in the licence under which a licensee carries on business as a scrap metal dealer.

3. Types of Licence

3.1 Anyone wishing to operate a business as a scrap metal dealer will require either:

- (a) a site licence; or
- (b) a collector's licence;

3.2 The licence is valid for three years and permits the licence holder to operate within the boundaries of Ribble Valley.

3.3 A person may hold more than one licence issued by different local authorities but may not hold more than one licence issued by any one authority.

Site Licence

3.4 The site licence authorises the licence holder to carry on business at the site(s) identified in the licence.

3.5 The site licence must include:

- (a) the name of the licensee;
- (b) the name of the authority;
- (c) identify all the sites in the authority's area at which the licensee is authorised to carry on business;
- (d) the name of the site manager of each site;
- (e) the date of expiry.

3.6 The site licence also permits the licence holder to act as a collector.

Collector's Licence

3.1 The collector's licence authorises the licensee to carry on business as a mobile collector within the boundaries of Ribble Valley.

3.2 The collector's licence must include:

- (a) the name of the licensee;
- (b) the name of the authority;
- (c) the date of expiry;

4. Applicant Suitability

General

4.1 The Council must determine whether the applicant is a suitable person to carry on a business as a scrap metal dealer; and may not issue a licence unless satisfied the applicant is suitable.

4.2 In determining a person's suitability the Council will have regard to:-

- (a) Statutory guidance on determining suitability which is issued from time to time by the Secretary of State; and
- (b) Its Policy.

- 4.3 Notwithstanding the existence of this policy, the Council, when determining a person's suitability for the purposes of the Act, will treat each case on its own individual merits.

Determining Suitability

- 4.4 As well as its policy and statutory guidance, the Council, when determining a person's suitability, may have regard to any other information it considers relevant, in particular, but not limited to:

- (a) whether the applicant or site manager has been convicted of any relevant offence;
- (b) whether the applicant or site manager has been the subject of any relevant enforcement action;
- (c) whether there has been any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
- (d) whether there has been any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- (e) whether there has been any previous revocation of a scrap metal licence (and the reasons for the revocation);
- (f) whether the applicant has demonstrated there will be adequate procedures in place to ensure compliance with the Act.

(g) guidance also indicates that whether the applicant has undergone training may be taken into account; however, there is no statutory requirement or power to introduce a condition in this respect.

- 4.5 In determining suitability the Council will require the applicant to produce a Disclosure and Barring Service Certificate.

- 4.6 In determining whether a company is suitable to carry on business as a scrap metal dealer, the Council will have particular regard as to whether any of the following are a suitable person:

- (a) any director of the company;
- (b) any secretary of the company;
- (c) any shadow director of the company (that is to say, any person in accordance with those directions or instructions the directors of the company are accustomed to act).

- 4.7 In determining whether a partnership is suitable to carry on business as a scrap metal dealer, the Council will have particular regard as to whether each of the partners are a suitable person.

- 4.8 The Council may consult other persons regarding the suitability of an applicant, including, but not limited to:

- (a) any other local authority;
- (b) the Environment Agency;
- (c) the Natural Resource Body for Wales;
- (d) an officer of a police force;

- 4.9 If the applicant or any site manager has been convicted of a relevant offence, the Council may include in the licence one or both of the following conditions:

- (a) that the dealer must not receive scrap metal except between 9am and 5pm on any day;
 - (b) that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- 4.10 Having regard to the objectives of the Act the Council have determined there will be a presumption to refuse an application where the applicant or any other person required to be named or identified in the application has been convicted of any of the relevant offences laid down in the Act.
- 4.11 The Act deems the following as relevant offences for the purpose of ascertaining an applicants suitability:-
- An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989;
 - An offence under section 170 or 170B of the Customs and Excise Management Act 1979(5), where the specific offence concerned relates to scrap metal;
 - An offence under section 110 of the Environment Act 1995;
 - An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990;
 - An offence under section 9 of the Food and Environment Protection Act 1985;
 - An offence under section 1 of the Fraud Act 2006, where the specific offence concerned relates to scrap metal, or is an environment- related offence;
 - An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;
 - An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002;
 - Any offence under the Scrap Metal Dealers Act 1964;
 - Any offence under the Scrap Metal Dealers Act 2013;
 - An offence under sections 1, 8,9,10, 11, 17, 18, 22 or 25 of the Theft Act 1968(13), where the specific offence concerned relates to scrap metal, or is an environment-related offence;
 - Any offence under Part 1 of the Vehicles (Crime) Act 2001;
 - An offence under sections 85, 202, or 206 of the Water Resources Act 1991;
 - An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007;
 - An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010;
- An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2016.
- Any offence under the Hazardous Waste (England and Wales) Regulations 2005;

- Any offence under the Hazardous Waste (Wales) Regulations 2005;
 - An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002;
 - Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000;
 - Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007;
 - Any offence under the Transfrontier Shipment of Waste Regulations 1994;
 - Any offence under the Transfrontier Shipment of Waste Regulations 2007;
 - Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006;
 - An offence under regulation 42 of the Waste (England and Wales) Regulations 2011;
- 4.12 While the Act states the Council must have regard to the above-mentioned relevant offences, the Council is not limited to taking into account only those offences. As such the Council may consider other offences that, in the Council's opinion, may be relevant in determining an applicant's suitability.
- 4.13 Having regard to the objectives of the Act the Council have determined there will be a presumption to refuse an application where the applicant or any other person required to be named or identified in the application has been the subject of any of the following forms of enforcement action within the period of three years prior to the application:
- (a) closure notice pursuant to the Act;
 - (b) closure order pursuant to the Act;
 - (c) action for recovery of possession of out of date or discontinued licences.
- 4.14 Having regard to the objectives of the Act, the Council has determined it will consider the following offences, or enforcement actions relating to any person relevant to the licence, as being of particular relevance to the suitability of the licence holder:
- (a) Written warning relating to scrap metal licence compliance;
 - (b) Waste regulations 2011 - enforcement, compliance and stop notices;
 - (c) Permitting regulations notices;
 - (d) Planning Breach of Condition / Enforcement Notices;
 - (e) Statutory nuisance abatement notice;
 - (f) Breach of statutory nuisance abatement notice;
- 4.15 The authority is aware of its duty not to fetter its discretion and, notwithstanding the matters that the Council may take into account when determining a person's suitability, each case shall be treated on its own individual merits.

5. Revocation of Licence / Imposition of Conditions

- 5.1 The Council may revoke a scrap metal licence if it is satisfied that the licensee does not carry on the business of scrap metal dealing at any of the sites identified in the

licence.

- 5.2 The Council may revoke a licence if it is satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence.
- 5.3 The Council may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer and the Council shall have particular regard to any "relevant offences" and "relevant enforcement action" and to those matters contained in section 4 of this policy.
- 5.4 If the licensee or any site manager named in a licence is convicted of a relevant offence, the Council may vary the licence by adding one or both of the conditions set out in paragraph 4.9
- 5.5 A revocation or variation comes into effect when no appeal is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.
- 5.6 If the Council considers that the licence should not continue in force without conditions, it may by notice provide:
- (a) that, until a revocation comes into effect, the licence is subject to one or both of the conditions set out in paragraph 4.9, or
 - (b) that a variation under this paragraph comes into effect immediately.
- 5.7 All licences issued by the Council pursuant to the Act remain the physical property of the Council and must be returned to the Council as required on expiry or revocation of the relevant licence.
- 5.8 Action may be taken for the recovery of any licence not returned as required by the Council and any such action may be taken into account in relation to any future application for a licence.

6. Supply of Information

- 6.1 This section applies to information which has been supplied, to the Council, under the Act relating to a scrap metal licence or to an application for, or relating to, such licence.
- 6.2 The Council must supply any such information to any of the following persons who request it for purposes relating to this Act:
- (a) any other local authority;
 - (b) the Environment Agency;
 - (c) the Natural Resources Body for Wales;
 - (d) an officer of a police force.
- 6.3 This section does not limit any other power the Council may have to supply that information.

7. Register of Licences

- 7.1 The Environment Agency maintains a register of scrap metal licences issued by authorities in England and each entry will record:
- (a) the name of the authority which issued the licence;
 - (b) the name of the licensee;
 - (c) any trading name of the licensee;

- (d) the address of the site identified in the licence;
- (e) the type of licence; and
- (f) the date on which the licence is due to expire;

7.2 The registers are to open to the public for inspection.

8. Notification Requirements

- 8.1 An applicant for a scrap metal licence, or for the renewal, or for a variation to a licence, must notify the Council of any changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.
- 8.2 A licensee who is not carrying on business as a scrap metal dealer in the Ribble Valley area must notify the Council within 28 days from the date on which the licence holder ceased to be carrying on their business.
- 8.3 If a licence is issued to a business under a trading name the licensee must notify the Council of any change to that name within 28 days of the change occurring.
- 8.4 The Council must notify the Environment Agency, of -
 - (a) any notification given to the Council under paragraph 8.1 or 8.1
 - (b) any variation made by the Council under paragraph 15 (variation of type of licence or matters set out in licence), and
 - (c) any revocation by the Council of a licence

9. Display of Licence

- 9.1 A copy of a site licence must be displayed at each site identified in the licence. The copy must be displayed in a prominent place, in an area accessible to the public.
- 9.2 A copy of a collector's licence must be displayed on any vehicle that is being used in the course of the dealer's business. This must be displayed in a manner which enables it easily to be read by a person outside the vehicle.

10. Verification of Suppliers Identity

- 10.1 A scrap metal dealer must verify the name and address of any person they receive scrap metal from.
- 10.2 When verifying the person's name and address, the scrap metal dealer must do so by way of documents, data or other information obtained from a reliable and independent source.
- 10.3 Should verification not be gained then each of the following may be guilty of an offence:
 - (a) the scrap metal dealer;
 - (b) if metal is received at the site, the site manager;
 - (c) any person who, under arrangements made by a person within sub-paragraph (a) or (b), has responsibility for verifying the name and address.

11. Payment for Scrap Metal

- 11.1 A scrap metal dealer must only pay for scrap metal by either:

- (a) a cheque (which is not transferrable under Section 81A Bills of Exchange Act 1882); or
- (b) electronic transfer of funds (authorised by a credit, debit card or otherwise).

11.2 Payment includes payment in kind, for example goods or services.

12. Record Keeping

12.1 A scrap metal dealer must keep three types of records:

12.1.1 Receipt of Metal

12.1.2 Disposal of Metal

12.1.3 Supplementary

Receipt of Metal

12.2 If any metal is received in the course of the dealer's business the dealer must record the following information:

- (a) description of the metal, including its type (or, types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features;
- (b) date and time of receipt;
- (c) the registration mark of the vehicle delivered by;
- (d) full name and address of person delivering it;
- (e) full name of the person making payment on behalf of the dealer;

12.3 The dealer must keep a copy of any documents used to verify the name and address of the person delivering the metal.

12.4 If payment is made by cheque, the dealer must retain a copy of the cheque.

12.5 If payment is made via electronic transfer, the dealer must keep a receipt identifying the transfer or, if there is no receipt identifying the transfer, a record of particulars identifying the transfer.

12.6 If unsure about the provenance of an item, it is good practice for the dealer to delay payment in order to verify such provenance.

Disposal of Metal

12.76 The Act regards metal as being disposed of:

- (a) whether or not in the same form it was purchased;
- (b) whether or not the disposal is to another person;
- (c) whether or not the metal is despatched from a site;

12.87 Where a scrap metal dealer disposes of metal in the course of business under a site licence, the following must be recorded:

- (a) description of the metal, including its type (or types if mixed), form and weight;
- (b) date and time of disposal;
- (c) if to another person, their full name and address;

- (d) if payment is received for the metal (by sale or exchange) the price or other consideration received;

12.98 If disposal is in the course of business under a collector's licence, the dealer must record the following information:

- (a) the date and time of the disposal;
- (b) if to another person, their full name and address;

Supplementary

12.109 The information collected during receipt and disposal must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.

12.1140 The records of receipt must be marked so as to identify the scrap metal to which they relate.

12.1244 Records must be kept for a period of 3 years beginning with the day on which the metal is received or disposed of as may be the case.

12.1342 If a scrap metal dealer fails to fulfil a requirement under paragraph 12 or this paragraph each of the following may be guilty of an offence:

- (a) the scrap metal dealer;
- (b) if the metal is received at or (as the case may be) despatched from a site, the site manager;
- (c) any person who, under arrangements made by a person within paragraph(a)or (b) has responsibility for fulfilling the requirement.

12.1413 A scrap metal dealer or site manager may have a defence to any offence if they can prove arrangements have been made to ensure the requirement to keep records was justified, or that they took all reasonable steps to ensure those arrangements were complied with.

13. Rights of Entry & Inspection

13.1 A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time on notice to the site manager.

13.2 A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager, if

- (a) reasonable attempts to give notice have been made and failed; or
- (b) entry to the site is reasonably required for the purpose of ascertaining whether the provisions of this Act are being complied with or investigating offences under it, and in either case, the giving of the notice would defeat that purpose.

13.3 Paragraphs 13.1.1 and 13.1.2 do not apply to residential premises.

13.4 A constable or an officer of the Council may:

- (a) require production of, and inspect, any scrap metal kept at any licensed premises;
- (b) require production of, and inspect, any records that are required to be kept in accordance with the Act;
- (c) take copies of or extracts from any such records.

- 13.5 Officers of the Council will undertake where reasonable and practicable to give a notice of their powers and your rights on entry to any site licensed pursuant to the Act.

14. Application Procedure

Term of Licence/Renewal

- 14.1 A licence is valid for three years beginning from the date it is issued.
- 14.2 If a renewal is received before the expiry of the existing licence the existing licence will continue to have effect, and:
- (a) If withdrawn the licence expires at the end of the day of withdrawal.
 - (b) If refused, and there is no appeal possible the existing licence will expire or, where there is a right of appeal the licence will not expire until any such appeal is finally determined or withdrawn.
- 14.3 If a licence is renewed, the licence expires at the end of the three year period from the date of the renewal.

Application

- 14.4 The application form is available from the Licensing Department, or from the Council's website. Guidance notes on how to complete the application form are also available
- 14.5 Please note the collectors licence allows a business or individual to operate only within the Ribble Valley area, therefore individuals wishing to collect across borders will be required to obtain a collectors licence from the relevant local authority where they wish to collect and sell.
- 14.6 All applicants are required to provide a basic disclosure of criminal convictions with the application. Information on convictions held by those having lived outside the United Kingdom will also be required.
- 14.7 From 4 April 2022, applicants must complete a tax check to confirm that they registered for tax before applying to renew a site licence or a mobile collector's licence. New applicants (including those who have not held a licence in the preceding year) should follow the "confirm your tax responsibilities" guidance. Details are available from the Licensing Department, or from the Council's website.

15. Variation of Licence

- 15.1 A licence may be varied from one type to the other. A variation application must be made to reflect changes to:
- (a) Site licence - the name of licensee, the sites, site manager
 - (b) Collector's licence - name of licensee
- 15.2 The variation can amend the name of the licensee but cannot transfer the licence to another person.
- 15.3 The application to vary a licence must be made to the issuing authority and contain particulars of the changes to be made to the licence.

16. Further Information

- 16.1 The Council may request (at the time of application or later) any additional information it considers relevant for the purpose of considering an application.

- 16.2 Failure to provide such information may result in an application being declined.

17. Fee

- 17.1 An application must be accompanied by the fee, set by the Council.
- 17.2 Any fee set will take into account guidance from the Secretary of State. Details of the current fees can be found on the Council's website.

18. Right to Make Representations

Notice Period

- 18.1 If the Council proposes to refuse an application or to revoke/vary a licence, a notice shall be issued to the applicant/licensee setting out what the Council proposes to do and the reasons for this. The notice shall also state that, within the period specified, the applicant/licensee can either:
- (a) make representations about the proposal; or
 - (b) inform the authority that the applicant/licensee wishes to do so.
- 18.2 The period specified in the notice shall be not less than 14 days beginning with the date on which the notice is given to the applicant/licensee.
- 18.3 Within the period specified in the notice the applicant/licensee must notify the Council whether the applicant / licensee wishes to make representations.
- 18.4 Should this period expire and the applicant/licensee has not made representations, or informed the Council of their wish to do so, the Council may refuse the application, or revoke or vary the licence.
- 18.5 If, within the period specified in the notice, the applicant/licensee informs the Council that they wish to make representations, the Council will allow a reasonable period to make representations and may refuse the application or revoke or vary the licence if they fail to make representations within that period.
- 18.6 If the applicant/licensee notifies the Council that they wish to make oral representations, the Council will give them the opportunity of appearing before, and being heard by a sub-Committee of the Licensing Committee.

Notice of Decision

- 18.7 If the application is refused, or the licence is revoked or varied, notice shall be given to the applicant/licensee setting out the decision and the reasons for it. The notice shall also state that the applicant/licensee may appeal against the decision, the time within which the appeal may be brought (21 days beginning with the day on which notice of the decision was given) and, if revoked or varied, the date on which the revocation of variation is to take effect.

Appeals

- 18.8 An applicant may appeal to a magistrates' court against the refusal of an application or a variation. The licensee may appeal to a magistrates' court against the inclusion in a licence of a condition under Section 3(8) of the Act or the revocation or variation of a licence.
- 18.9 An appeal must be made within 21 days beginning on the day the notice to refuse the application, to include the condition or to revoke or vary the licence was given.
- 18.1.3 On appeal, the magistrates' court may confirm, vary or reverse the authority's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

19. Closure of Unlicensed Sites

Closure Notice

- 19.1 An authorised officer of the Council or, a constable, may issue a closure notice where they are satisfied that the premises are being used by a scrap metal dealer in the course of business and that the premises are not a licensed site.
- 19.2 The closure notice will state the reasons for the closure notice being issued and specify the steps which may be taken to ensure that the alleged use of the premises ceases.
- 19.3 The closure notice will also state the Council may apply to the Courts for a 'closure order', should the notice not be complied with.
- 19.4 The notice shall be given to the person who appears to be the site manager of the premises and any person who appears to be a director, manager or other officer of the business in question. The notice may also be given to any person who has an interest in the premises.
- 19.5 A person with an interest in premises is the owner, leaseholder or occupier of the premises.
- 19.6 The notice shall be given to a person who occupies another part of any building or structure of which the premises form part and the constable or local Council believes at the time of giving the notice, that the person's access to that other part would be impeded if a closure order were made in respect of the premises.

Cancellation of Closure Notice

- 19.7 A constable or the Council may cancel a closure notice. This takes effect when a cancellation notice it is given to any one of the persons to whom the closure notice was given. This must also be given to any other person to whom the closure notice was given.

Application for Closure Order

- 19.8 When a closure notice has been given, a constable or the Council shall make a complaint to a justice of the peace for a closure order. This may not be made less than 7 days after the date on which the closure notice was given or more than 6 months after that date.
- 19.9 A complaint under this paragraph may not be made if the constable or the Council are satisfied that the premises are not (or are no longer) being used by a scrap metal dealer in the course of business and there is no reasonable likelihood that the premises will be so used in the future.

Closure Order

- 19.10 A closure order requires that a premises be closed immediately to the public and remain closed until a constable or the Council makes a termination of closure order by certificate, the use of the premises by a scrap metal dealer in the course of business be discontinued immediately and that any defendant pay into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met.
- 19.11 The closure order may include a condition relating to the admission of persons into the premises, the access by persons to another part of any building or other structure of which the premises form part.
- 19.12 A closure order may include such provision as the court considers appropriate for dealing with the consequences if the order should cease to have effect.
- 19.13 As soon as practicable after the closure order is made, the complainant must fix a

copy of it in a conspicuous position on the premises in respect of which it was made.

- 19.14 A sum ordered to be paid into court under a closure order is to be paid to the designated officer for the court.

Termination of Closure Order by Certificate

- 19.15 Once a closure order has been made and a constable or the Council satisfied that the need for the order has ceased a certificate may be issued. This ceases the closure order and any sum paid into a court is to be released by the court to the defendant.
- 19.16 As soon as is practicable after making a certificate, a constable or local authority must give a copy to any person against whom the closure order was made, give a copy to the designated officer for the court which made the order and fix a copy of it in a conspicuous position on the premises in respect of which the order was made.
- 19.17 A copy of the certificate must be given to any person who requests one.

Discharge of Closure Order by Court

- 19.18 A closure order may be discharged by complaint to a justice of the peace. This can be done by any person to whom the relevant closure notice was given or any person who has an interest in the premises but to whom the closure notice was not given.
- 19.19 The court will make a discharge order if it is satisfied that there is no longer a need for the closure order. The justice may issue a summons directed to a constable as the justice considers appropriate or the local authority, requiring that person appear before the magistrates' court to answer to the complaint.
- 19.20 If a summons is issued, notice of the date, time and place at which the complaint will be heard must be given to all persons to whom the closure notice was given (other than the complainant).

Appeal in relation to Closure Orders

- 19.21 An appeal may be made to the Crown Court against a:
- (a) closure order;
 - (b) decision not to make a closure order;
 - (c) discharge order;
 - (d) decision not to make a discharge order;
- 19.22 The appeal must be made before the end of 21 days beginning with the day on which the order or decision in question was made.
- 19.23 An appeal under (a) or (b) above may be made by any person to whom the relevant closure notice was given or any person who has an interest in the premises but to whom the closure notice was not given.
- 19.24 An appeal under (b) or (c) above may be made by a constable or the Council.

Enforcement of Closure Order

- 19.25 A person is guilty of an offence, if without reasonable excuse they permit premises to be open in contravention of a closure order, or fail to comply with, or do an act in contravention of a closure order.
- 19.26 If the closure order has been made, a constable or an authorised officer of the Council may (if necessary using reasonable force) enter the premises at any reasonable time, and having entered the premises, do anything reasonably necessary for the purpose of securing compliance with the order.

- 19.27 If the owner, occupier or other person in charge of the premises requires the office to produce evidence of identity or evidence of authority to exercise powers, the officer must produce that evidence.

20 Offences & Penalties

- 20.1 The following paragraphs are only indicative of the general offences and penalties. Independent legal advice should be sought for individual cases.

- 20.2 The following are prescribed by the Act as Criminal Offences:

Section	Offence	Level
Section 1	Carrying on business as a scrap metal dealer without licence	5
Section 8	Failure to notify authority of any changes to details given with application	3
Section 10	Failure to display site licence or collectors licence	3
Section 11(6)	Receiving scrap metal without verifying persons full name and address	3
Section 11(7)	Delivering scrap metal to dealer and giving false details	3
Section 12(6)	Buying scrap metal for cash	5
Section 13	Failure to keep records regarding receipt of metal	5
Section 14	Failure to keep records regarding disposal of metal	5
Section 15(1)	Failure to keep records which allow the information and the scrap metal to be identified by reference to one another	5
Section 15(2)	Failure to keep copy of document used to verify name and address of person bringing metal, or failure to keep a copy of a cheque issued	5
Section 15(3)	Failure to keep information and records for three years	5
Section 16	Obstruction to right of entry and failure to produce records	3

- 20.3 Current levels of Fines:

Level 1 - £200

Level 2 - £500

Level 3 - £1,000

Level 4 - £2,500

Level 5 – unlimited (for offences committed after 13 March 2015).

Offences by Bodies Corporate

- 20.4 Where an offence under this Act is committed by a body corporate and it is proved—

- (a) to have been committed with the consent or connivance of a director, manager, secretary or other similar officer; or
- (b) to be attributable to any neglect on the part of any such individual, the individual as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly;

where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with that management as if the member were a director of the body corporate.

21. Delegation of Functions

- 21.1 Where there are uncontested applications, or where there are no questions about the suitability of the applicant, the determination should be dealt with by the Council's Licensing Officers.
- 21.2 Contested applications where there is relevant information from any of the consultees, or queries regarding an applicant's suitability, revocation of a licence or the imposition of conditions will be presented to a sub-Committee of the Council's Licensing Committee.



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Stephen Barker
direct line: 01200 413216
e-mail: licensing@ribblevalley.gov.uk
my ref:
your ref:
date: 17 April 2023

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Contact: 01200 425111
www.ribblevalley.gov.uk

Dear Consultee

Scrap Metal Dealers Act 2013 Consultation

The Council as the relevant local authority for the purposes of the Scrap Metal Dealers Act 2013 ("Act") has reviewed and updated its Scrap Metal Dealers' Act Policy. The purpose of the Policy is to provide guidance on the way in which the Council will administer and enforce the requirements of the Act. It is therefore important to consult upon its contents before it is implemented.

On 21 March 2023 the Council's Licensing Committee approved the draft revised policy and authorised the Head of Legal and Democratic Services to consult with interested parties and afford an opportunity for them to make any representations.

The draft Scrap Metal Dealers Act 2013 Policy is available to view at:
<https://www.ribblevalley.gov.uk/downloads/file/3548/draft-scrap-metal-dealer-s-policy-march-2023>

If you do not have access to the internet, please contact the Licensing Officer on 01200 414454 to obtain a hard copy.

The Council would be pleased to receive any comments you may have on its draft revised policy. Responses can be made by writing to the Licensing Officer (Alcohol & Entertainment), Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe BB7 2RA or by e-mail licensing@ribblevalley.gov.uk

The deadline for responses is Friday 30 June 2023.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Barker'.

Stephen Barker
Solicitor
Ribble Valley Borough Council

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 5 SEPTEMBER 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 the results of the consultation and to seek Committee's authorisation for the Head of Legal and Democratic Services to make consequential amendment to the Council's Policy for Licensing of Hackney Carriage Drivers and Private Hire Operators Drivers and Vehicles and the Private Hire Drivers Licence Conditions.

1.2 Relevance to the Council's ambitions and priorities:

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

2 BACKGROUND

2.1 At its meeting on 13 June 2023, Committee authorised the Head of Legal and Democratic Services to consult with drivers, operators, the Police and LCC on amendment of the Policy and Conditions to require examination and reporting on the health of an applicant for a Hackney Carriage or Private Hire Drivers Licence to be carried out by their own GP or by any qualified GP who had had sight of the applicant's medical records.

3 ISSUES

3.1 The Head of Legal and Democratic Services consulted with the parties identified in paragraph 2.1 above. A copy of the letter and consultation papers are attached at Appendix 1. The deadline for responses was 4 August 2023.

3.2 Two responses were received. One driver indicated his support for the amendment but did not comment further. LCC Integrated Transport Services commented that the proposal seems sensible in that it adds flexibility, may reduce the cost of compliance for drivers and is in line with PSV drivers' medical arrangements.

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 – Approval of the amendments will enhance the Council's reputation.
- Equality & Diversity – None.

5 RECOMMENDED THAT COMMITTEE

5.1 Note the outcome of the consultation.

5.2 Authorise the Head of Legal and Democratic Services to make appropriate amendments to the Policy and Conditions.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

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

REF: SB/CMS/LICENSING/5 SEPT 2023



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: **STEPHEN BARKER**
direct line: 01200 413216
e-mail: stephen.barker@ribblevalley.gov.uk
my ref: **SB/EL**
your ref:
date: 15 June 2023

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
Fax: 01200 414488
www.ribblevalley.gov.uk

Dear Sirs

CONSULTATION ON AMENDMENT OF LICENSING POLICY AND CONDITIONS REGARDING MEDICAL REPORTS

I write to inform you that the Council's Licensing Committee has resolved to amend the policy and the relevant conditions for licensing hackney carriage and private hire drivers, by providing that the necessary group 2 medical assessment and certificate can be provided by the driver's own GP, or by any qualified GP who has had sight of the driver's medical records.

The Council is seeking your views on this amendment.

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 4 August 2023.

Please contact Joanne or me if you have any queries.

Yours faithfully

STEPHEN BARKER
SOLICITOR

Enc

To all Private Hire & Hackney Carriage Drivers
Private Hire Operators, Lancashire Police,
Lancashire County Council



Ribble Valley Borough Council

www.ribblevalley.gov.uk

On 13 June 2023, the Council's Licensing Committee considered amendment of the Council's Licensing Policy and conditions in relation to hackney carriage and private hire drivers, to enable the necessary group 2 medical assessment and certificate to be provided either by the applicant's own GP, or by any qualified GP who has had sight of the applicant's medical records.

A copy of the report to Committee and the proposals can be found here:

<https://democracy.ribblevalley.gov.uk/documents/s5415/MEDICAL%20REPORTS%20FOR%20DRIVERS%20OF%20HACKNEY%20CARRIAGES%20AND%20PRIVATE%20HIRE%20VEHICLES%20-%202013%20JUNE%202023.pdf>

If you have any difficulty accessing this document, or if you require further information, please contact the Council. Paper copies can be obtained at the Council Offices or posted to you if required.

Timetable

The consultation will run from 19 June 2023 to 4 August 2023, and the results will 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 (joanne.steer@ribblevalley.gov.uk) on or before 4 August 2023.



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

CONSULTATION RESPONSE FORM

Name:

Address:

.....

.....

.....

Licence N° (if applicable)

Contact Details:

.....

.....

.....

Medical Assessments and Certificates

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

Comments:

.....

.....

.....

.....

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meeting date: TUESDAY, 5 SEPTEMBER 2023
title: TAXI/PRIVATE HIRE LICENSING OPERATIONS
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

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

- 2.1 On 15 June 2023, the Council's Taxi Enforcement Officer carried out an inspection of licensed private hire and hackney carriage vehicles, in a joint operation with the Police and Vehicle and Operator Services Agency.

- 3.1 Seven vehicles were inspected, all of which were found to be of the required standard.

- #### 4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- 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 implications identified.

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

MARSHAL SCOTT
CHIEF EXECUTIVE

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

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 5 SEPTEMBER 2023
title: ALCOHOL LICENSING UPDATE
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: STEPHEN BARKER – SOLICITOR

1 PURPOSE

1.1 To inform Committee of a revision to the Statutory Guidance issued under section 182 of the Licensing Act 2003; of the introduction of amended provisions in relation to the late night levy; and of the position in relation to licensing relaxations introduced during the covid pandemic.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- The Council's aims to be a well-managed authority providing and consideration of these issues will promote that aim.

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 the Act. The guidance has been updated twice in the space of 2 months, in July and August 2023. A copy of the most recently revised guidance can be found at

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

2.2 The Police Reform and Social Responsibility Act 2011 introduced late night levies as a means of seeking to address the costs of alcohol relates crime. This was amended by the Policing and Crime Act 2017, although the relevant amendments did not come into force until 13 July 2023. The levy applies to holders of premises licences and club premises certificate holders during the late night supply period (determined locally and between the hours of midnight and 6am). The levy can now be applied to all or part of a licensing area (Ribble Valley) and can now also apply to late night refreshment premises. Gov.UK has recently published amended guidance which can be found at

<https://www.gov.uk/government/publications/late-night-levy-guidance/amended-guidance-on-the-late-night-levy>

2.3 The Business and Planning Act 2020 introduced certain temporary relaxations in relation to certain licensing issues, which have been extended during subsequent years. Consultation has taken place on the future of these relaxations and the Government has announced certain decisions in relation to off-licences and temporary event notices. Further consultation is taking place as to whether the area covered by a pavement licence should be deemed to be part of the licensed premises to be included in the premises plan.

3 ISSUES

3.1 The principal change to the Section 182 guidance is:

a) Counter Terrorism Conditions

Paragraph 2.10 to 2.14 relate to “counter terrorism and public safety”. It states that licensing committees may wish to give consideration to appropriate counter terrorism measures and advice when considering applications for high profile or large premises and events. This is especially the case if they are in receipt of relevant advice from police counter-terrorism staff. Paragraph 2.14 confirms that there is an Annex in relation to counter-terrorism. The Annex (found on page 156 of the revised guidance) references a number of resources relating to public safety at venues which licensing authorities may find helpful in order to consider applications where enhanced security concerns may be relevant. (At present this has been introduced as part of the Section 182 guidance. The long-awaited Terrorism (Protection of Premises) Bill (known as Martyn’s Law after one of the victims of the Manchester Arena bombing) was published on 2 May 2023, but may not come into effect to impose obligations on those with responsibility for premises until 2026 or even 2027.)

b) Minor Variation Off-Sales

The first (July 2023) revision of the guidance had provided for procedures regarding variation of licences to permit off-sales, but that has now been superseded due to the extension of the Business and Planning Act provisions mentioned in paragraph 3.3.b below.

3.2 When late night levies were introduced, a Home Office impact assessment in 2012 estimated that the levy might be viable in 94 licensing authorities in England and Wales. At that time, projected costs for an authority setting up the levy was £9,981, and ongoing annual administration costs were estimated at £12,880. In 2022, of the 10 authorities which had introduced and retained the late night levy, the smallest was Chelmsford, which has a population approximately three times larger than the Ribble Valley. Although no calculation has been carried out in the Ribble Valley, there is a real possibility that the operation of the levy would be a charge on businesses which does not cover the cost of administration, with there being no positive result in funding the PCC or the authority to address underlying issues. Viability of the levy is highlighted as an issue in paragraph 1.9 of the guidance.

3.3 Licensing Relaxation

a) Temporary Event Notices (TENs)

The extension in the number of TENs that a premises can apply for, brought about as a consequence of Covid, will come to an end on 31 December 2023. After that date, the pre-Covid limits will resume so that a licensed premises user can apply for up to 15 TEN applications in a calendar year (which had been extended to 20) and the maximum number of days that the TENs can cover reverts to 21 from 26.

b) Off-Sales

The temporary authority for premises which only have an on-licence to be able to carry out off-sales has been extended and now expires on 31 March 2025.

c) Pavement Licences

As noted elsewhere on the agenda, draft regulations are before Parliament to extend this regime until 30 September 2024, with further amending provisions in the Levelling Up and Regeneration Bill for the permanent introduction of such licences. As noted above, there is ongoing consultation about the extent of the licenced premises for the premises plan.

4 CONCLUSION

4.1 Committee is asked to note the contents of this report.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

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

REF: SB/CMS/LICENSING/5 SEPT 2023

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 5 SEPTEMBER 2023
title: PAVEMENT LICENCE UPDATE
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To inform Committee of a proposal to extend provision for Pavement Licences.

1.2 Relevance to the Council's ambitions and priorities:

- | | | |
|------------------------|---|--|
| • Community Objectives | } | The Council aims to be a well-managed authority and consideration of these issues will promote that aim. |
| • Corporate Priorities | } | |
| • Other Considerations | } | |

2 BACKGROUND

2.1 One of the temporary provisions introduced in response to the Coronavirus pandemic, under the Business and Planning Act 2020, was a fast-track process to allow businesses selling food or drink to obtain authority from the local authority for placement of furniture such as tables and chairs on the highway adjacent to their premises. This is known as a Pavement Licence.

2.2 This temporary provision was initially due to expire on 30 September 2021. That deadline has been extended twice, currently expiring on 30 September 2023. The Council has issued six such licences during this period, although all have expired and not been renewed.

2.3 In early 2022, the Government consulted on a proposal to make this regime permanent. Following the consultation, provisions for the introduction of permanent pavement licensing are contained in the Levelling Up and Regeneration Bill, which is currently making its way through Parliament.

3 ISSUES

3.1 The Government has now introduced the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023, which provide for the pavement licensing regime to continue with an expiration date of 30 September 2024. If approved, this will maintain the current arrangements until the Levelling Up and Regeneration Bill has become law, or until further renewal. (This report has been prepared at the time of the introduction of the draft regulations – they may have been approved by the time of this meeting).

3.2 The provisions in the Levelling Up and Regeneration Bill, if passed in their current form, do have some implications for the Council. Currently, there is a limit of £100 on the licensing fee which can be charged – if passed the fee could be £500 or £350 in the case of premises with an existing Pavement Licence. Additionally, whereas the current regime has no sanction within the legislation for operation without a licence,

the Bill provides for local authorities to be able to require removal of unauthorised furniture, and, in default, to remove the unauthorised items and recover their reasonable costs in so doing. Currently, the only sanction is if the Highways Authority or Police were to take action for obstruction of the highway.

- 3.3 If should be noted that the grant of a Pavement Licence does not affect any requirement to ensure that an area is covered by a Premises Licence, if sales of alcohol will actually take place in that area (for example, if there is a temporary bar).

4 CONCLUSION

- 4.1 Committee is asked to note the contents of this report.

STEPHEN BARKER
SOLICITOR
BACKGROUND PAPERS

MARSHAL SCOTT
CHIEF EXECUTIVE

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

REF: SB/CMS/LICENSING/5 SEPTEMBER 2023

Minutes of Sub-Committee of the Licensing Committee

Meeting Date: Friday, 30 June 2023, starting at 10.00 am
Present: Councillor S O'Rourke (Chair)

Councillors:

I Brown

D O'Rourke

In attendance: Administration and Licensing (Alcohol & Entertainment) Officer and Solicitor

Also in attendance: Mr S Ahmed (director of the applicant), Mr P Thompson (relevant representative), Ms K Davies (relevant representative), Ms A Walker (relevant representative) and Councillor S Brunskill (advancing relevant representation by Mellor Parish Council).

157 WELCOME

158 APOLOGIES AND RE-CONSTITUTION OF THE COMMITTEE MEMBERSHIP

There were no apologies for absence.

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

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

160 STANLEY HOUSE MARQUEE, FURTHER LANE, MELLOR BB2 7NP

The Sub-Committee met to consider the application of AF Events Blackburn Limited for a premises licence in respect of Stanley House Marquee, Further Lane, Mellor, Blackburn, BB2 7NP. The licence requested was for the licensable activities of provision of live and recorded music indoors only between the hours of 1000 hours and 2359 hours Monday to Sunday.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services and its appendices ("**Report**"), together with subsequent written representations from the parties received before the date of the hearing, an Acoustic Assessment Report dated 31 March 2023 prepared by Lighthouse Acoustics and an Acoustic Commissioning Report dated 25 May 2023 prepared by Lighthouse Acoustics.

Mr Ahmed explained that the applicant was currently operating under the licence for their landlord, Stanley House Hotel. However, the applicant considered that they wished to demonstrate social responsibility and apply for their own licence as they knew the nature of the business which they wished to operate. They did not wish to provide alcohol and had excluded the use of fireworks by their clients. The applicants were keen to work with and to seek to avoid having a negative impact upon the local community.

Mr Ahmed answered questions put to him by the Sub-Committee, the Environmental Health Officer and residents. He confirmed the applicant had conducted 50 events in the premises over the past 5 months without complaint. The applicant would not permit the use of external speakers and their sound limiter cannot be altered. He

confirmed that the applicant had already obtained quotations for air conditioning, and they are looking to invest in this. The applicant had no intention of using the Stanley House licence for its events and any new bookings are being taken to terminate at 2300 hours.

The applicant accepted the "Good Practice Guidance" at item 7 of the Noise Assessment Report (with the possible exception of windows being closed after the bridal party had exited through them for photographs), but did not consider the proposed sound levels at 87 for music and 86 for microphone at item 6.9 of the report were appropriate as they operated satisfactorily at a higher level at another venue in Manchester.

The Environmental Health Officer expressed that she was fairly confident with the findings in the reports and the methodology. Residents made observations to her about the particular nature of the local environment, and the lack of background noise; the Environmental Health officer acknowledged this issue and explained that there are residual statutory nuisance considerations as well as any licensing conditions.

Mrs Davies and Mr Thompson made further verbal representations, which included asking that further consideration be given to sound limiting measures, raising concerns around the applicant "flip-flopping" between the licence of Stanley House and the licence currently applied for (if granted), questioning whether air conditioning would actually be installed and outlining that there should not be a lengthy process if there was a breach of that licence.

Councillor Brunskill commented that Mellor Parish Council had continuing concerns which included concerns that the noise report findings were not correct and that it didn't give a true reading given the structure of the marquee.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written. The Sub-Committee also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations and guidance under s 182 of the Licensing Act 2003, the relevant provisions of the Human Rights Act as set out in the Report and the Council's licensing policy. The Sub-Committee were mindful of the guidance that any conditions should not duplicate other statutory requirements, and should not replicate offences set out in the Licensing Act 2003 or other legislation. The Sub-Committee were also mindful of the relatively rural location of the premises and the level of background noise when compared to a city location.

RESOLVED:

To grant the licence for provision of live and recorded entertainment indoors only from 1000 hours to 2300 hours each day from Monday to Sunday inclusive, subject to conditions.

161

EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 11.27 am

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

Minutes of Sub-Committee of the Licensing Committee

Meeting Date: Friday, 30 June 2023, starting at 2.00 pm
Present: Councillor I Brown (Chair)

Councillors:

S Brunskill

S O'Rourke

In attendance: Licensing Officer and Solicitor

Also in attendance: Mr S Spencer (Former director of the Applicant), Mr M Ireland of Harrison Drury Solicitors (Applicant's representative, but instructed by Thwaites Brewery), Mr K Torgersen of Harrison Drury Solicitors and Ms H Kerr (Relevant Representative)

162 WELCOME

163 APOLOGIES AND RE-CONSTITUTION OF THE COMMITTEE MEMBERSHIP

Apologies were received from a local resident, Ms J Davies

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

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

165 WHITE HART INN, 36 PADIHAM ROAD, SABDEN BB7 9EW

The Sub-Committee met to consider the application of the White Hart, 36 Padiham Road, Sabden, Clitheroe, BB7 9EW to vary the premises licence in two respects, namely to amend the plans which accompanied the premises licence to permit alcohol sales from a defined outdoor area and to remove a condition requiring curtains to be closed in the licensed area after 2300 hours. Prior to the hearing, an additional condition had been agreed following dialogue with the Council's environmental health department providing that "No sales of alcohol will be permitted in external areas after 2100 hours each day".

The Sub-Committee considered the contents of the report of the Chief Executive dated 30 June 2023 and its appendices ("**Report**"), and subsequent representations which had been received and circulated prior to the hearing.

Mr Ireland made verbal representations to the Sub-Committee. He highlighted the fact that the responsible authorities had not made representations to the Sub-committee.

He explained that, notwithstanding the condition (condition m of annex 2 of the existing licence), there had been no curtains serving the licensed area from 2014 until 2022 without complaint, that the current curtains in place did not have acoustic qualities, and that the condition was not appropriate.

He explained that the proposed service outside was intended to avoid or alleviate bottlenecks inside the building, that the outside bar would only be used when the premises were busy enough to justify employment of an additional staff member to run the outside bar, and that this staff member would in fact be present to supervise the outside of the premises including customer behaviour in that location.

He acknowledged that the relationship between the applicant and its operators and key neighbours had broken down, which had been identified by the brewery following consideration of the representations in response to this application. The brewery hoped to insert itself into the situation to try to resolve matters.

He addressed the issues which had been raised in the representations. Amongst the issues, particular concern had been expressed about music noise from inside the premises. It was not intended to seek to vary the licence in this respect at the hearing, and that residents as well as responsible authorities had the right to review a licence, if appropriate.

Mr Ireland also drew the Sub-Committee's attention to the Judgment in the case of Daniel Thwaites plc v Wirral Magistrates Court, in particular paragraphs 42 and 55.

The objector questioned whether customers in the beer garden could be served by use of an app and waiter service. The applicant, and their representative, considered this but expressed concerns about the signal for wi-fi, the suitability for their customer base, and indicated that, in their view, such a proposal was not relevant for the current hearing.

The Council's solicitor explained the planning conditions which had been imposed when planning permission was granted for the construction of the shed seating booths in the beer garden in 2019, in order that the brewery and their planning advisors could consider what planning matters might need to be considered in relation to the proposed use of the shed and garden.

The objector indicated that music played in the beer garden over bank holidays had disturbed the peace, and was concerned that such activity would be encouraged by the presence of an outside bar. She also stipulated that apps do work in Sabden and that wi-fi was satisfactory.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written. The Sub-Committee also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations and guidance under s 182 of the Licensing Act 2003, the relevant provisions of the Human Rights Act as set out in the Report and the Council's licensing policy.

RESOLVED:

The Licensing Sub-Committee resolved to grant the application to permit alcohol sales from the defined outdoor area and to remove the condition requiring curtains to be closed in the licensed area after 2300 hours. Further, they resolved that there should be an additional condition of the licence providing that "No sales of alcohol will be permitted in external areas after 2100 hours each day".

166

EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 2.55 pm

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