

# RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **LICENSING COMMITTEE** is at **6.30pm** on **TUESDAY, 20 OCTOBER 2020 by Zoom.**

I do hope you will be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (Copy for information to all other Members of the Council)  
Directors  
Press

## AGENDA

### Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. Minutes of the meeting held on 28 January 2020 – copy enclosed.
3. Declarations of pecuniary and non-pecuniary interests (if any).
4. Public Participation (if any).

### FOR DECISION

- ✓ 5. Revision of Taxi Licensing Policy and Procedures following Publication of the Statutory Taxi and Private Hire Vehicle Standards – report of Chief Executive – copy enclosed.
- ✓ 6. Review of Council's Statement of Licensing Policy – report of Chief Executive – copy enclosed.
- ✓ 7. Amendment of Conditions for Private Hire Operators – report of Chief Executive – copy enclosed.

### FOR INFORMATION

- ✓ 8. Temporary Pavement Licences – report of Chief Executive – copy enclosed.
- ✓ 9. Minutes of Licensing Sub-Committee Hearings dated 9 July 2020, 10 July 2020, 26 August 2020 and 6 October 2020 – copy enclosed.

Part II - Items of business **not** to be discussed in public

FOR INFORMATION

NONE

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

Agenda Item No.

meeting date: 20 October 2020  
title: REVISION OF TAXI LICENSING POLICY AND PROCEDURES FOLLOWING PUBLICATION OF THE STATUTORY TAXI & PRIVATE HIRE VEHICLE STANDARDS  
submitted by: CHIEF EXECUTIVE  
principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

## 1 PURPOSE

1.1 To inform Committee of the Statutory Taxi & Private Hire Vehicle Standards and seek approval to amended the Council's policies and procedures.

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 these proposals support that objective.

## 2 BACKGROUND

2.1 In July 2020, the Department for Transport published its Statutory Taxi and Private Hire Vehicle Standards ("**Taxi Standards**"). A copy of the Taxi Standards is enclosed as Appendix 1.

2.2 The Standards are intended to reflect the significant changes in the industry and the lessons learned from experiences in local areas since 2010 version of the Department of Transport's Best Practice Guidance was issued. The Standards replace the relevant sections of that guidance. Where there is a conflict between the Standards and the best practice guidance the Standards will take precedence.

2.3 The Standards set out a framework of policies, which under Section 177(4) of the Policing and Crime Act 2017 local authorities **must have regard to** when exercising their functions. This will include when developing, implementing and reviewing taxi and private hire licencing regimes. "Having regard" is more than having a cursory glance at a document before arriving at a pre-conceived conclusion.

2.4 At paragraph 1.3 of the Standards the Government makes clear that:

*"Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason to do so.**"*

2.5 Paragraph 2.8 of the Standards also suggests that *"... In the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the ...Standards, and the Policies and delivery plans that stem from them."*

### 3 ISSUES

- 3.1 In light of the guidance set out at paragraphs 2.3 and 2.4 above, the Council has reviewed its current taxi and private hire licensing policies and procedures against the Standards. The results of that review, including any action that it proposed to ensure compliance with the Standards is set out in Appendix 2.

### 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Resources will be required to make the proposed amendments
  - Technical, Environmental and Legal –
  - Political – N/A
  - Reputation – Compliance with the Standards enhances the Council's reputation as well-managed Council.
  - Equality and Diversity – N/A

### 5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Approve in principle the action proposed in Appendix 2 and authorise the Head of Legal and Democratic Services to consult upon any material amendments to the Council's Taxi and Private Hire Licensing Policy.

MAIR HILL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

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

REF: MJH/Licensing Committee/20 October 2020



Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

July 2020

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# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.



- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.



## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.



5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close



connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### **‘County lines’ exploitation**

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or



drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### **Stretched Limousines**

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.



## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a ['responsible organisation'](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.



## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.



## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

## Appendix 2

	<b>Recommendations from Standards</b>	<b>Current Ribble Valley policy and procedures</b>	<b>What needs to be put into place.</b>
1.	Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their local area, and their performance annually.	The Council approved its Taxi licensing policy on 29 January 2019. The policy is kept under constant review and the Head of Legal and Democratic Services has delegated powers to amend it to reflect changes in legislation  Annual taxi meetings currently in place to discuss and monitor any arising licensing issues.	Amend policy to make it explicit that it will be review at least every 5 years
2.	Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.	The licensing team work closely with the Head of Legal and Democratic Services and are able to raise issues at any point.  The Council does also have a whistleblowing policy which forms part of the staff handbook.	No action required.
3.	Local authorities should ensure they have an effective 'whistleblowing' policy and that all staff are aware of it.	The Council does also have a whistleblowing policy which forms part of the staff handbook.	No action required.
4.	Licensing authorities should engage with areas and groups who represent disabled and vulnerable people such as women's groups, local traders, to identify any concerns and issues that might arise from a proposed change.	Some of these groups have been consulted in the past.	Officers to identify such groups locally so that they are consulted on any future changes to policy and procedure.
5.	Any changes in licensing requirements should be followed by a review of the licenses already issued.	Previously when changes to policy have been made which might effect current licensees, have been brought in with a date to ensure compliance.	Following any future changes to policy and procedure a review will take of all licences already issued but in line with the guidance, allowing time to adapt to the new

			requirements. The implementation schedule will be communicated promptly and clearly.
6.	DBS Update service is a clear recommendation to be checked annually.	The Council's policy includes at paragraph 2.4, information about the DBS update. This is encouraged at present but not mandatory.	Amend the Council's procedure to require new applicants to sign up for the DBS update service, and all existing licence holders to sign up for it from the point when they next apply for a DBS certificate.
7.	Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.	Good links maintained with the Local police. The Council carries out quarterly operations with the police and DVLA	Officers to formalise sharing procedures and protocols with the police.
8.	DBS should not be the only source of information that should be considered as part of a fit and proper assessment – Common Law Police Disclosure should be considered, as through this, information is passed on at arrest or charge rather than conviction – eliminating the relying on drivers to inform us themselves.		To be discussed with the police as part of 7.
10.	A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable person should be referred to the DBS.		The decision on whether to refer the matter to the DBS will be made by the Head of Legal and Democratic Services.
11.	Action taken by the licensing authority as a result of information received should be fed back to the police.	Legal and Licensing Officers work closely together and action taken is fed back to the police currently.	No action required.
12.	Applicants and licensees should be required to disclose if they hold or if they previously held a licence with another authority. An applicant	Application form currently contain a statutory declaration and information on the penalty	No action required.

	should also be required to disclose if they have had an application for a licence refused or a licence revoked or suspended by any other licensing authority.	for providing false information. They also require a disclosure of whether a licence has been held elsewhere, refused, revoked or suspended.	
13.	Tools such as NR3 should be used by licence authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.	The Council uses this tool currently.	No action required.
14.	All licensing authorities should operate or establish a means to facilitate a MASH or the objectives of a MASH.		The Council will establish a route to facilitate the objectives of a MASH with LCC.
15.	<p>All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.</p> <p>There should be guidance on the Council's website on how to complain directly to the licensing authority.</p>	<p>A system in place on the Council's licensing software, for recording complaints. All complaints are to be recorded on the system to enable analysis of trends across licensees as well as complaints against individual licensees.</p> <p>Guidance already exists on the Council's website on how to complaint to the licensing authority. There is a taxi complaints email inbox which can be viewed by 4 officers to ensure that all complaints are picked up quickly.</p> <p>The Council also runs press campaigns at various points in the year to report the results of taxi inspections and remind the public of how to stay safe.</p> <p>Ways to complain should be displayed in all vehicles</p>	<p>The Council does not currently require licence holders to display information on how to complaint to the licensing authority within vehicles.</p> <p>It is proposed that the Council produce stickers with the relevant information and make it a condition of a vehicle licence that the sticker be displayed in a prominent position so that a passenger can see it.</p> <p>The Council will ensure that its website and future stay safe campaigns</p>

			include all the information contained in the Annex of the Standards.
16.	All individuals that determine whether a license is issued should be required to undertake sufficient training.	Officers receive regular training and members of licensing committee have received training previously.	Put in place an annual training programme for licensing sub-committee on all issues set out in paragraph 5.3 of the Standards. Training shall be a mandatory before a member can sit on a sub-committee.  Issue LGA Taxi licensing handbook to all new members.
17.	All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.	This is provided for under the current licensing scheme of delegation.	No action required.
18.	In the interest of public safety, licensing authorities should not, as part of their policies issue a licence to any individual that appears on either barred list.	This is provided for in the current policy.	No action required.
19.	All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire drivers to undertake safeguarding training, including CSE Course.	This is provided in the Council's current policy. All applicants must also pass CSE course to obtain a driver's licence.	No action required.
20.	A licensing authority's test of a driver's proficiency should cover both oral and written English language skills.	Language proficiency tested throughout application stage, including written knowledge test of the area. It is also a component of passing the Diamond driving test which we require to obtain badge.	No action required.



21.	Licensing Authorities should require a basic disclosure from the DBS and the check I undertaken annually for vehicle and operator licences.	Applicants for a vehicle and operators' licence are required to provide a basic DBS. This will be updated annually via the updater service.	No action required.
22.	All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or adverse net effect on the safety of Taxi and Private Hire vehicle users and drivers alike.		The Council shall consult upon this.
23.	Licensing Authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.	This is included in the Council's operators' conditions.	No action required.
24.	Licensing authorities should, as a minimum, require Private Hire Vehicle Operators to record the information detailed in the standards (page 31) for each booking made.	This is included in the Council's operators' conditions.	No action required.
25.	The use of a driver who holds a PCV (Passenger Carrying Vehicle) licence and the use of a PSV (Public Service Vehicle) such as a minibus which holds 9 passengers or more, to undertake a Private Hire Vehicle booking should not be permitted as a condition of the Private Hire Vehicle Operator's licence without the informed consent and prior knowledge of the booker.	This is included in the Council's operators' conditions.	No action required.
26.	Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.		Officers will investigate and report back to committee on possibility of joint authorisation with neighbouring authorities.
27.	Licensing authorities should ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions of failing to do so.	Policy/conditions of licence are sent out with every single paper licence received, including operator, driver and vehicle. The Council also operates a points-based penalty system of which all licence holders are aware.	No action required.

28.	Before any decision is made in regards to suspending or revoking a licence, the licensing authority must consider the available evidence and the driver should be given the full opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to a revocation at a later date.	The Council has a procedure in place to allow licence holders to provide evidence to and present their case including in person at licensing sub-committees.	No action required.

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 6

meeting date: 20 OCTOBER 2020  
 title: REVISION OF STATEMENT OF LICENSING POLICY  
 submitted by: CHIEF EXECUTIVE  
 principal author: STEPHEN BARKER, SOLICITOR

### 1 PURPOSE

1.1 To seek approval from Committee of the revision to the Council's Statement of Licensing Policy to form the basis of consultation.

1.2 Relevance to the Council's ambitions and priorities

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

### 2 BACKGROUND

2.1 Section 5 of the Licensing Act 2003 ("Act") requires that each Local Authority formulate and publish a Statement of Licensing Policy ("Statement") every five years. The Statement is in effect until 6 January 2021. It must therefore be reviewed and the revised policy will come into force from January 2021.

### 3 ISSUES

3.1 A revised Statement of Licensing Policy is enclosed as Appendix 1. The amendments are shown in track changes and reflect factual changes made since the policy was last reviewed.

3.2 Before determining its policy, the Council is required to consult the parties specified in Section 5 of the Act. Committee is asked to consider the draft policy at Appendix 1 and to authorise the Head of Legal and Democratic Services to consult upon it as required by Section 5 of the Act.

3.3 It is proposed that the consultation run from 21 October 2020 to 2 December 2020 and that the results of the consultation be brought to Full Council on 15 December 2020 with a recommendation for approval, so that it would be in place from January 2021.

3.4 On 30 April 2019, the Council approved the Cumulative Impact Assessment (CIA) under the Licensing Act 2003 in respect of the Whalley and Painter Wood ward. Reference to this is included in Section 6 of the attached draft. Within 3 years of publication, the Licensing Authority must review the CIA and determine whether it remains of the opinion shown in the assessment. It is considered that it would be premature to carry out that review at this relatively early stage, in particular due to the unusual and very difficult circumstances which have affected the licensed trade in 2020. Where appropriate the Licensing Sub-Committee has given full consideration to the CIA in determining the two relevant applications which have come before it.

#### 4 RISK ASSESSMENT

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

- Resources – Resources will be expended in carrying out the consultation.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – The Council’s reputation will be enhanced by ensuring its policy is reviewed.
- Equality & Diversity – No implications identified.

#### 5 **RECOMMENDED THAT COMMITTEE**

##### 5.1 Approve the draft Statement of Licensing Policy at Appendix 1 to this report.

##### 5.2 Authorise the Head of Legal and Democratic Services to consult upon the draft Statement of Licensing Policy, and to report on the outcome of consultation and seek approval of the Licensing Policy by Full Council at its meeting on 15 December 2020.

STEPHEN BARKER  
SOLICITOR

MARSHAL SCOTT  
CHIEF EXECUTIVE

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

REF: SB/EL/20/10/20



# Ribble Valley Borough Council

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[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

## **STATEMENT OF LICENSING POLICY**

### **LICENSING ACT 2003**

**2021-2026**

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## 1. BACKGROUND

Ribble Valley Borough Council ("**Council**") is designated as the Licensing Authority ("**Authority**") under the Licensing Act 2003 ("**Act**") and is responsible for granting all licences designated under the Act in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.

Section 5 of the Act requires that each Licensing Authority must in respect of each five year period determine its policy with respect to the exercise of its functions and to publish the statement before the beginning of that period. This Statement of Licensing Policy ("**Statement**") is prepared pursuant to those provisions and with due regard to the guidance that the Secretary of State has issued under Section 182 of the Act ("**Guidance**").

The Statement shall be effective from 7 January ~~2016~~2021 and shall remain in effect for five years until 6 January ~~2021~~2026. This revision updates the Policy to reflect factual changes which have occurred since it was last reviewed. Prior to its expiry, it will be subject to review and further consultation if required.

Applicants are asked to have regard to the Guidance before submitting applications under the Act.

The Statement sets out the considerations that the Council will take into account when considering applications for licences under the Act and the policies that the Council will generally apply.

The Statement provides guidance on the approach that the Council will take towards licensing following the introduction of the Act. It may be subject to review pending the compilation of information specifically relating to the Council's area and the outcome of consultation with local bodies, organisations and residents. A list of consultees is contained in **Appendix 1** to this Statement.

The Council will be mindful of other legislation, which may impact on the promotion of the Licensing Objectives. These will include:

Crime and Disorder Act 1998 as amended by the Police Reform Act 2002

Clean Neighbourhoods & Environment Act 2005

Health Act 2006

Anti-Social Behaviour Act 2003

Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000

Policing and Crime Act 2009

Crime and Security Act 2010

Criminal Justice and Police Act 2001

Private Security Industry Act 2001

Violent Crime Reduction Act 2006

The Human Rights act 1998

The health and Safety at Work etc Act 1974

The Environmental Protection Act 1990

The Equality Act 2010

The Police Reform and Social Responsibility Act 2012

The Anti-Social Behaviour Crime and Policing Act 2014

The Live Music Act 2012

The Deregulation Act 2015

The Data Protection Act 2018

The Council will also have regard to Government and Council strategies, for example the Council's Safer Events Protocol, so far as they impact on the licensing objectives.



Any queries relating to the matters set out in this document should be addressed to:

Administration and Licensing Officer  
Ribble Valley Borough Council  
Council Offices, Church Walk  
Clitheroe BB7 2RA

Tel: 01200 414454

e-mail: [catherine.moore@ribblevalley.gov.uk](mailto:catherine.moore@ribblevalley.gov.uk)

Information can also be obtained from the Council's website [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Responsible authorities (as at the date of review) can be contacted as follows; changes to contact details will appear on the Council's Website (as above).

Police:

Lancashire Constabulary  
Police Licensing  
King Street  
Clitheroe  
Lancashire  
BB7 2EU  
[eastpolicelicensing@lancashire.pnn.police.uk](mailto:eastpolicelicensing@lancashire.pnn.police.uk)

Fire:

Eastern Area Fire ~~Safety Enforcement Team Leader~~ Inspector  
Lancashire Fire and Rescue Service  
E71 Blackburn Fire Station  
Fire Safety Department  
Byrom Street  
Blackburn  
BB2 2LE  
[imranarif@lancsfireandrescue.org.uk](mailto:imranarif@lancsfireandrescue.org.uk)

Health & Safety and Environmental Health:

Head of Environmental Health Services  
Ribble Valley Borough Council  
Council Offices  
Church Walk  
Clitheroe  
Lancashire  
BB7 2RA  
[EnvironmentalHealth@ribblevalley.gov.uk](mailto:EnvironmentalHealth@ribblevalley.gov.uk)

Local Planning Authority:

~~Development Department~~ Head of Planning Services  
Development Management and Built Conservation  
FAO: Colin Sharpe Rebecca Bowers  
Ribble Valley Borough Council  
Council Offices  
Church Walk  
Clitheroe

Lancashire  
BB7 2RA  
[Rebecca.Bowers@ribblevalley.gov.uk](mailto:Rebecca.Bowers@ribblevalley.gov.uk)

Protection of Children:

Business Manager

~~Lancashire Safeguarding Children's Board Manager~~Adult Board and Lancashire Safeguarding  
Children's Board  
Lancashire County Council  
Room B52D39  
PO Box 61  
County Hall  
Preston  
PR1 ~~8RJ~~0LD

Trading Standards:

Trading Standards  
Lancashire County Council  
Licensing  
County Hall  
Pitt Street  
Preston  
PR1 0LD  
[IntelligenceManagement@lancashire.gov.uk](mailto:IntelligenceManagement@lancashire.gov.uk)

Director of Public Health:

Lancashire County Council  
Licensing  
Level 1 Christ Church Precinct  
County Hall  
Preston  
PR1 8XB  
[PHLicensing@lancashire.gov.uk](mailto:PHLicensing@lancashire.gov.uk)

Licensing Authority

Ribble Valley Borough Council  
Council Office  
Church Walk  
Clitheroe  
Lancashire  
BB7 2RA  
[licensing@ribblevalley.gov.uk](mailto:licensing@ribblevalley.gov.uk)

Home Office (Immigration Enforcement)  
Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
[alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

## 2. ACTIVITIES COVERED BY THIS STATEMENT

The following activities which require a licence under the provisions of the Act, and which are covered by this statement, include:

1. The sale by retail of alcohol.
2. The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
3. The provision of regulated entertainment.
4. The provision of late night refreshment.

## 3. LICENSING OBJECTIVES

This Statement is intended to cover the control of licensed premises, qualifying Clubs and temporary events, and extends to new licence and permit applications including those for personal licences, renewals, transfers and the variation of conditions attached to various licences. There are four main licensing objectives contained within the Act, and the Authority will promote these objectives when undertaking its licensing functions:

- i) The prevention of crime and disorder.
- ii) Public safety.
- iii) The prevention of public nuisance.
- iv) The protection of children from harm.

Further guidance on the four licensing objectives is contained in Section 7 of this Statement.

For the purposes of the Statement, no one objective is considered to be of any greater importance than the others; each are seen to be equal. Each application will be considered on its merits in the context of the four licensing objectives. To assist in promoting the objectives, the Authority will ensure integration with local crime prevention, planning, local businesses, community representatives, and take into account culture and transport strategies. The Authority will work closely with the Police/Enforcement Agencies, Fire Authority and Transport Providers to develop a protocol and the Licensing Committee will take into account reports relating to tourism/visitors and culture in the area, to enable those needs to be addressed.

## 4. INTRODUCTION

The Authority recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough. The Authority wishes to encourage licensees to provide a wide range of entertainment activities within the Borough throughout their opening hours to promote live music, dance, theatre etc for the wider cultural benefit of the community.

The Authority will endeavour to carry out its licensing functions in a way that ensures public safety, supports well managed premises, where licence holders display sensitivity to the potential impact of activities on local residents and businesses, and protects residents from detrimental effects. The Authority will have regard to how littering and fouling, noise, street crime and the capacity of the Authority's infrastructure, resources and police resources impact on the licensing objectives. However, unless relevant representations are received from responsible authorities or interested parties, there is no provision for the licensing authority to impose conditions on a licence other than those proposed within an application.

The Authority will work in partnership with the police, residents and all local businesses to promote the licensing objectives. This Statement will be further developed in consultation with the consultees listed in **Appendix 1**, and whilst it is prepared for the Authority's area, it also takes account of the position in adjoining Authorities where common boundaries exist.

## 5. THE BOROUGH OF RIBBLE VALLEY

Of the 12 district and 2 unitary authorities within the County of Lancashire, Ribble Valley has the largest geographical area but the smallest population. Covering 226 square miles, two thirds of the district is designated as part of the Forest of Bowland Area of Outstanding Natural Beauty. Ribble Valley is also the 'Centre of the Kingdom' as the small settlement of Dunsop Bridge lies on the exact centre point of the British Isles.

57,10060,900 people live within the Borough (information from ONS mid-year estimate 2019). The historic market town of Clitheroe contains just over a quarter of the residents (population c.14,500) and is the commercial and administrative centre for the district. The town of Longridge (population c.8,000) is the industrial and shopping centre for the west of the Borough. Elsewhere, there are numerous villages of varying sizes, some accessible along the A59 corridor, others more remote from local services and public transport. (Populations for towns from 2011 census).

The resident population is relatively old, with a greater than average number of residents over the age of 60 and consequently a lower than average number of young people aged 24 and under. Population projections suggest that this imbalance will increase in the future.

Ribble Valley is a relatively affluent area, and unemployment levels within the Borough are amongst the lowest in the country. Given the rural nature of the area, it is not surprising that agriculture and tourism are important employers.

Amongst the Council's ambitions are:

To help make people's lives safer and healthier.

To protect and enhance the existing environmental quality of the area.

Within the Council's area there are 233-259 premises (with alcohol), and 33-32(no alcohol), 19-16 clubs.

## 6. GENERAL STATEMENT OF POLICY

The Council as Licensing Authority has adopted the following principles. These principles will serve as a general guide to the Council when it carries out its licensing functions:

- Each application will be considered on its individual merits.
- The Council recognises the use of longer opening hours as a possible means of reducing the concentration of people leaving licensed premises at the same time and that it might minimise the potential nuisance caused to local residents and each application will be considered on its own merits.
- The Council will not fix predetermined licensing quotas in any given area nor will it seek to introduce 'zones' within the Borough where specific activities are concentrated.
- The Council will not fix predetermined closing times for particular areas.
- That so far as shops, stores and supermarkets are concerned, the Council will permit the sale of alcohol during legal opening hours, except where the police have indicated particular problems with premises as a focus of crime and disorder, nuisance or disturbance.
- The Council will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.
- The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities,

particularly for children, and will not allow the views of vocal minorities to predominate over the general interests of the community.

- The Council can only attach licence conditions when a hearing takes place, and will ensure that conditions are reasonable, proportionate and strictly necessary for the promotion of the licensing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre, for example by imposing indirect costs of a disproportionate nature, and duplicating the requirements of other legislation.
- The Council does not propose to implement standard conditions of licence across the board but instead will draw upon the Model Pool of conditions issued by the Department for Culture, Media and Sport, and attach conditions as appropriate, given the circumstances of each individual case. The Council will only attach conditions that further the Licensing Objectives.
- The Council will monitor the impact of licensing on regulated entertainment in the borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, the Council will consider how to correct that and if necessary will change this Policy.
- The Council is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.
- The Council may seek in its own name premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. The Council will consider any request for permission to use such public spaces for cultural activities.
- The Council currently holds two premises licence. The first is for the Castle Grounds, Clitheroe which authorises the provision of regulated entertainment and the second for the Atrium Café, Clitheroe Castle Museum, which authorises the sale by retail of alcohol for consumption on and off the premises, the provision of regulated entertainment and late night refreshment.
- The Council expects applicants for new premises licences or for variations of existing licences to address in their operating schedules the requirements listed in **Appendix 2**. This is not an exhaustive list. However the Council accepts that not all the requirements will be relevant to every premises and that account must be taken of the size, style, characteristics and activities taking place at the premises concerned. Applicants should be aware that their application may be rejected or delayed if any part of the application is not completed properly.
- The Council, in determining applications, will have regard to the available resources of Lancashire Constabulary, in order to ensure that the operation of any premises is not undermining the prevention of crime and disorder or the prevention of nuisance objectives of the Act.
- As part of its Licensing Policy, the Council approved a Cumulative Impact Assessment (CIA) covering the Whalley and Painter Wood ward on 30 April 2019. On the basis of evidence at that time, the Council was satisfied that there was evidence to support such a decision, and that it was proportionate and the most effective measure to identify the problems identified. Where an application is submitted for a new premises licence or for variation of an existing premises licence within the area of the CIA, the licensing authority's discretion shall be engaged upon the receipt of relevant representations. The starting point shall be that the burden shall be on the applicant to demonstrate how the application does not undermine the licensing objectives. The Cia is not absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the CIA in the particular circumstances of the case. Where no representations are received for an application within the CIA area, the application will be granted as applied for.



## 7. LICENSING OBJECTIVES

The Council recognises that the licensing process can only seek to control those measures which are within the control of the licensee.

### (1) Prevention of Crime and Disorder

In addition to the requirement for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions and to do all it reasonably can to prevent crime and disorder in the district.

The Council will consider attaching conditions to licences and certificates to prevent crime and disorder, and these may include conditions drawn from a Pool of Model Conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. Any Pool of Model Conditions will be published and available to interested parties.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Crime and Disorder', and should consider these when preparing their operating schedules.

The Council recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:

- Planning controls;
- Enforcement of environmental protection legislation (e.g. on noise nuisance);
- Positive measures to provide a safe and clean town centre;
- Environmental controls in partnership with local businesses, transport operators and other departments of the Council;
- Powers to designate parts of the district as places where alcohol may not be consumed publicly;
- Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- The need to disperse people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- Confiscation of alcohol from adults and others in designated areas;
- Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- The power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

### (2) Public Safety

The Council will consider attaching conditions to licences and certificates to promote public safety, and these may include conditions drawn from the Pool of Model Conditions. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Public Safety' and should consider these when preparing their operating schedules. Applicants may

also have regard to the Ribble Valley Safer Events Protocol and can seek advice from the Ribble Valley Safety Advisory Group. However, it is not intended to duplicate existing legislation or regulatory regimes, e.g. the Health and Safety at Work etc Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

### **(3) Prevention of Nuisance**

The Council will take an objective view of the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. These may include conditions drawn from the Pool of Model Conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Council will:

Consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved (including, where appropriate, compliance with smoke free requirements);

Examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of residential accommodation;

Consider restricting the hours of the licence or the licensable activity only as a last resort, because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

Where applications are received relating to shops stores and supermarkets, such premises will be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping, unless representations raise very good reasons, based on the licensing objectives, for restricting those hours.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Public Nuisance' and should consider these when preparing their operating schedules.

### **(4) Prevention of Harm to Children**

Nothing in this Statement limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.

Areas that will give rise to particular concern in respect of children include premises:

- (i) where there have been convictions of members of the current staff or management at the premises for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on naming, packaging, and promotion of alcoholic drinks is not being followed;
- (ii) with a known association with drug taking or dealing;
- (iii) where there is a strong element of gambling on the premises;
- (iv) where entertainment of an adult or sexual nature is commonly provided.

It is acknowledged that complete bans will be rare but the options the Council will consider for limiting the access of children, where necessary, for the prevention of harm to children, may include any of the following:

- (i) limitations on the hours when children may be present;

- (ii) age limitations (below 18);
- (iii) limitations or exclusions when certain activities are taking place;
- (iv) restrictions or exclusions in respect of parts of premises; (see the matters referred to in **Appendix 2** under the heading 'Protection of Children from Harm'.)
- (v) requirements for an accompanying adult;
- (vi) full exclusion of people under 18 from the premises when any licensable activities are taking place.

The Council will not impose conditions restricting the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

~~In premises showing films, the Council will restrict access to the relevant part of the premises to meet the required age limit in accordance with any certificate granted by the British Board of Film Classification. In the case of a film that has not been subject to classification under Section 4 Video Recordings Act 1984, we will require the film to be submitted to the licensing authority at least 14 days before the proposed exhibition. A certificate will then be given to the film by the Authority and any age restriction imposed must be adhered to determine applications in accordance with the Policy for Determining Film Classification adopted on 12 July 2016.~~

Where large numbers of unaccompanied children are likely to be present, for example, at a children's show or pantomime, conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and protection from harm. The Council would expect applicants to address these matters in their risk assessments and operating schedule submissions.

The Council will consider attaching conditions to licences and certificates to prevent harm to children, and these may include conditions drawn from the Pool of Model Conditions.

## 8. PLANNING CONSIDERATIONS

The planning and licensing functions of the Council will be separated to avoid duplication and any possible conflicts of interest. The Council will not allow licensing applications to be a re-run of planning applications. The Licensing committee is not bound by decisions made by a Planning committee and vice versa.

The Planning and Development committee and the Licensing committee may provide reports relating to licensed premises to each other, thereby ensuring communication between those exercising licensing, planning and building control functions.

~~In general the Council expects that prior to the submission of a licensing application, the appropriate planning permission will have been granted. The Council acknowledges the ability of an applicant for a premises licence to seek a provisional statement in accordance with section 29 of the Licensing Act 2003.~~

Where, as a condition of a planning permission for commercial purposes, terminal hours have been set which are different from the licensing hours the applicant must observe the earlier closing time.



## **9. TEMPORARY EVENT NOTICE**

Temporary Event Notices, commonly referred to as 'TENs', can be used to authorise premises for licensable activities for temporary periods or special occasions. Unlike applications for Premises Licences and Club premises Certificates, the licensing authority does not grant Temporary Event Notices. Instead the premises user notifies the licensing authority of their intention to hold an event and in general, only the police and the council's Environmental Health function can intervene to prevent it taking place or agree modifications to the event arrangements.

TENs are subject to defined limitations and it is only when one of these limits are exceeded that the licensing authority can intervene and will return the notice as void. Otherwise the authority will just acknowledge the notice - this may be done electronically.

A number of limitations on TENs are:

- the number of times a person may be granted a temporary event notice (50 times per year for a personal licence holder & 5 times per year for other people).
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- scale – they cannot involve the presence of more than 499 people at any one time;
- use of the premises – the same premises cannot be used for more than 15 events or 21 days in a calendar year

There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes.

A standard TEN is given no later than 10 working days' notice before the event to which it relates; and

A late TEN is given not before 9 and no later than 5 working days before the event.

### **STANDARD TEMPORARY EVENT NOTICE**

Standard TENs must be submitted to the licensing authority no less than 10 working days before the first day of the event. A 'working day' as defined by the Act is any other day than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday. Ten working days is exclusive of the day on which the event is to start and exclusive of the day on which the TEN is given.

If the required notice is not given, the TEN cannot be acknowledged by the Authority, it is advisable therefore to provide as much notice as possible.

Lancashire Constabulary and Environmental Health may object to a TEN within three working days. An objection can be made on the grounds of any licensing objective. Where an objection is received (and not withdrawn) a hearing before the Council's Licensing Sub-committee will be convened who will determine the matter.

### **LATE TEMPORARY EVENT NOTICE**

Late TENs are intended to be used by premises users who are required, for reasons outside their control to, for example, change venue at late notice.

A maximum of 10 Late TENs per year can be submitted by a personal licence holder and 2 per year for other people. Late TENs count towards the maximum number of events that can be held during a calendar year.

Late TENs must be submitted to the licensing authority no more than 9 working days and no less than 5 working days before the first day of the event. A 'working day' as defined by the Act is any other day than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday. Ten working days is exclusive of the day on which the event is to start and exclusive of the day on which the TEN is given.

Lancashire Constabulary and Environmental Health may object to a TEN within 3 working days of its receipt. An objection can be made on the grounds of any licensing objective. Where an objection is made, a counter notice will be issued and the TEN will not be valid. It should be noted that this differs from the process for Standard TENs, which require an objection to be considered at a hearing.

## 10. LICENCE REVIEWS

The grounds for an application for a review of a premises licence must be relevant to one or more of the four licensing objectives. An Interested Party (e.g. a local resident, local organisation and Councillor) or a Responsible Authority (including the Council) can initiate a review, at any time. The Council must be satisfied that any ground for a review is relevant to one or more of the licensing objectives, or in the case of an application made by an interested party, that the ground is not frivolous, vexatious or is a repetition (e.g. similar to representations considered when determining an original application for a premises licence, or similar to a ground for review specified in an earlier application made in respect of the same premises). The Council's role is to administer the process and determine its outcome at a hearing. Having regard to the application and any relevant representations, the Authority can modify the conditions of a licence; exclude a licensable activity from the scope of the licence; remove the Designated Premises Supervisor, suspend the licence for a period not exceeding three months, or revoke the licence or determine that no action is appropriate. For this purpose, the conditions of a licence are modified if any of them is altered or omitted or any new condition is added.

## 11. ENFORCEMENT

Enforcement action will be taken by the Authority where required, in accordance with any agreed protocol with local police or other statutory bodies on enforcement issues. Regard will also be had to the Council's Licensing Enforcement Policy adopted in November 2006 (as amended). This will ensure the effective and efficient deployment of enforcement staff and police officers, to avoid duplication when carrying out enforcement duties or inspections of licensed premises. The protocol will provide for the targeting of agreed problem or high-risk premises which require greater attention, while providing a lighter touch in respect of low-risk premises which are well-run.

This will allow for flexibility in the approach of enforcement officers and police officers, particularly where attention may be drawn to areas which require greater attention whilst areas with less problem/nuisance/disturbance will receive less attention. The Council is committed to consistent, effective and efficient licensing enforcement policies and procedures, and recognises the importance of enforcement to the overall effectiveness of the policy. The Authority is committed to continue to undertake enforcement measures, in partnership with the police and other enforcement agencies where appropriate.

## 12. DELEGATION

The Authority will deal with applications under the Act in accordance with the Scheme of Delegation contained in **Appendix 3**.

### **13. MONITORING/REVIEW**

The Council will carry out a review of the Policy when appropriate, and in any case every five years or such period as required by legislation, and will gather and maintain information specific to the Council to assess the impact of the Policy on the local community.

## **APPENDIX 1**

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### **CONSULTEES**

The Chief Constable, Lancashire Constabulary;

The Chief Officer, Lancashire Fire and Rescue Services;

The holders of current Premises licences;

The holders of current club premises certificates;

All councillors of Ribble Valley Borough Council;

All town and parish councils in Ribble Valley;

Neighbouring local authorities, namely, Blackburn with Darwen, Burnley, Craven, Hyndburn, Pendle,

Preston, Rossendale and South Ribble Valley Borough Council;

Clitheroe Chamber of Trade;

Whalley Chamber of Trade;

Longridge Chamber of Trade

Area Child Protection partnership;

Relevant officers of Ribble Valley Borough Council;

Lancashire County Council Trading Standards

Lancashire Safeguarding Children's Board

Primary Care Trust;

Musicians' Union;

Equity;

Jazz Services Ltd;

British Beer and Pub Association

Clitheroe Pubwatch

Longridge Pubwatch

## **APPENDIX 2**

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Matters which should be considered by applicants when preparing their operating schedules and when considering submitting any application for new licences or variations of existing licences which are relevant to the four licensing objectives.

The lists are not exhaustive but provided for guidance only. Not all the matters listed will be relevant to every type of premises and regard must be had to the size, style, characteristics and activities taking place at the premises which is the subject of the application.

### **Protection of Children from Harm**

- Restricting access of children to cigarette machines/ensuring procedures in place to prevent sale of tobacco to under 18's.
- Restricting access of children to any gaming machines.
- Restricting access of children into premises which provide adult entertainment, where there is a strong element of gambling or there are known problems with drug taking or with underage sales.
- Procedures to ensure that any customer coming on to the premises is over the age of 18 years.

### **Public Safety**

- The provision of registered door supervisors at the entrance to premises, in order to ensure that the maximum capacity is not exceeded, and the method by which the capacity is monitored.
- The provision of door supervisors at points between different rooms or different levels to ensure that the maximum occupancy for each room or level is not exceeded and the method for monitoring the capacity for the level/floor.
- Large and outdoor event organisers to undertake and record a suitable and sufficient risk assessment and fire risk assessment, and develop and implement an effective Event Safety Management Plan.
- All event organisers are advised to view the Council's Safer Event Policy, which promotes and encourages safe, successful and considerate events being held in the Ribble Valley, details of which can be found on the Ribble Valley Borough Council Website.

### **Public Nuisance**

- The proximity of any residents.
- The provision of DJ announcements or other public announcements asking people to leave quietly, having regard to residential neighbours.
- The provision of signage at all exits from the premises asking patrons to leave quietly and to have regard to residential neighbours.
- The effective monitoring of queues and methods of dealing with people who are causing a disturbance in the queue.
- The introduction of a written dispersal strategy.
- Signage outside the premises advising patrons that they will not be allowed admission if they are causing a disturbance.
- Door supervisors and other members of staff asking patrons to leave quietly.
- Door supervisors positioned immediately outside the premises to ensure the quiet dispersal of the customers.
- The measures implemented for ensuring that patrons do not congregate outside the premises (including, where appropriate, provision for keeping the premises/premise frontage free of litter).

- The provision of information to customers advising them of the most appropriate routes to the nearest transport facilities.
- The position of the nearest car park/use of premises car park and if it will disturb any residents.
- The provision of a free phone taxi service or other arrangements with taxi companies to collect patrons.
- The implementation of a procedure of banning any customers who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- The implementation of a last admission time.
- Management of the queues so that patrons who are not going to gain admission to the premises before last admission time are advised accordingly.
- The provision of internal queuing arrangements where possible or alternatively additional till points to minimise the length of time people have to queue at premises.
- The provision of CCTV cameras outside the premises.
- Procedures for ensuring that no customer leaves with bottles or glasses.
- Playing music at a lower level towards the end of the evening in a “wind down” period.
- Ensuring that the premises will close within half an hour of the end of the last licensable activity.
- The location of the premises, their proposed capacity and the nature and age of the clientele who are likely to be coming to the premises.
- The nature of the entertainment which is going to be provided.
- The location and proposed use of any outside areas including by patrons using the areas for smoking. By way of guidance only, the Council would expect that after 11pm all persons outside the premises would move indoors and any amplified sound would be inaudible in neighbouring domestic properties. However, each application will be considered on its merits.

### **Crime and Disorder**

- The capability, responsibility and training of members of management, in order to effectively supervise staff and ensure that the premises are operated in such a manner so as to prevent any crime and disorder, ensure the safety of the public, the protection of children from any physical or psychological harm and in a manner which does not cause the public any nuisance.
- The introduction of a policy which addresses the issues of a minimum drinks price, binge drinking, shows a responsible attitude to the sale of intoxicating liquor and avoids irresponsible promotions.
- The introduction of plastic glasses and bottles for major events.
- Adopting as a statement of best practice, initiatives such as the “Night Safe initiative”; “Best Bar None”; “Altern8” and “Think 21 campaign”.
- Using radio links/pagers as a means of connecting to other licensed premises.
- Joining any local Club Watch or Pub Watch initiative and being an active participant.
- Introducing CCTV both internally and externally and ensuring any advice given by any crime prevention officer is complied with.
- Introducing a maximum safe capacity for the premises.
- Providing a minimum number of door supervisors on the basis of an appropriate ratio of registered door staff to customers. A ratio of 2 supervisors for the first 100 customers and then 1 supervisor for each subsequent 100 customers or part thereof is suggested.
- The supervision by a personal licence holder of any person under the age of 18 on a till.
- The complete exclusion of any person under the age of 18 from being able to sell alcohol.
- Closing the premises at the request of the police during specific times on any football match day.
- The introduction of toughened glass.

- Adopting the guidance recommended in the “Safer Clubbing” guide as a statement of best practice.
- Adopting a trade code of practice covering irresponsible drinks promotions, for example BBPA’s guidelines on drinks promotions or the Portman Group recommendations.
- Providing a suitable environment for customers having regard to the activities going on on the premises, in particular appropriate levels of seating.
- The provision of a microphone to record any conversations at any entrances/exits to the premises.

## APPENDIX 3

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### Scheme of Delegation

<u>Matter to be dealt with</u>	<u>Full committee</u>	<u>Sub Committee</u>	<u>Officers</u>
Application for personal licence			All cases
Application for personal licence with unspent convictions		If a police objection	All other cases
Application for premises licence/club premise certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer for premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	



## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No 7.

meeting date: TUESDAY, 20 OCTOBER 2020  
 title: AMENDMENT OF CONDITIONS FOR PRIVATE HIRE OPERATORS  
 submitted by: CHIEF EXECUTIVE  
 principal author: STEPHEN BARKER, SOLICITOR

### 1 PURPOSE

1.1 To seek Committee's formal approval of amendment of the conditions applicable to Private Hire Operators.

1.2 Relevance to the Council's ambitions and priorities

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

### 2 BACKGROUND

2.1 Committee will recall having approved in principle that a further condition (Condition 25) be added to the conditions applicable to Private Hire Operators at the meeting held on 28 January 2020, and having authorised the Head of Legal and Democratic Services to carry out consultation on the proposal. The proposed condition was to address issues reported when Ribble Valley Private hire Operators utilised the services of Hackney Carriages licensed by another authority as a Private Hire Vehicle in the Ribble Valley.

2.2 Pursuant to this authorisation, the Council's Solicitor wrote to all relevant licence holders and interested parties to consult them. A copy of the consultation document is enclosed with this report as Appendix 1. Notice was also given that breach of the proposed condition would result in the imposition of 3 penalty points under the Council's Infringement Points Scheme (Private Hire).

### 3 ISSUES

3.1 The Council received three responses to the consultation. All three replies supported the proposed additional condition. The responses are detailed at Appendix 2.

### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Resources may be expended in carrying out the receipt and coordination of additional documentation supplied by Operators.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.

- Reputation – The Council’s reputation will be enhanced by ensuring that aspects of public safety are addressed.
- Equality & Diversity – No implications identified.

## 5 RECOMMENDED THAT COMMITTEE

### 5.1 Approve amendment of the Council’s Standard Conditions for Private Hire Operators licences by introduction of condition 25 as follows:

#### 25. Out of Borough Hackney Carriages Acting as Private Hire Vehicles in the Ribble Valley Borough Council Licensing District:

- a) The Private Hire Operator shall notify Ribble Valley Borough Council’s Administration Assistant (Licensing) in writing within 48 hours of each and every Hackney Carriage vehicle employed or used by the operator that is licenced by another licensing authority.
- b) Where a private hire operator ceases to employ or use such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 48 hours, notify Ribble Valley Borough Council’s Administration Assistant (Licensing) in writing.
- c) The Private Hire Operator shall retain a copy of the Hackney Carriage Vehicle Licence granted by the other authority, along with a copy of the MOT Certificate, Certificate and Policy of Insurance and vehicle registration document and any applicable driver’s licence document and badge and forward a copy of those documents to the Ribble Valley Borough Council’s Administration Assistant (Licensing) within 48 hours.
- d) Where a Hackney Carriage vehicle is licensed by another authority, such a Hackney Carriage driver or Hackney Carriage vehicle is prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Ribble Valley Borough Council which suggests or might lead to a misunderstanding that the vehicle is licensed by Ribble Valley Borough Council.
- e) The receipt of advanced bookings by the licensed Operator for Hackney Carriages which have been licenced by another authority or for any booking which is subsequently allocated to a Hackney Carriage vehicle which has been licenced by another authority, must be maintained in a completely separate register of bookings and in the same format as condition 10. If a computerised booking system is in place, those booking records must be kept on a completely separate and distinct area of the system’s hard drive to enable easy inspection by Ribble Valley Borough Council.
- f) In the event that a Ribble Valley licensed Private Hire Operator proposes to use a Hackney Carriage vehicle licenced by another authority on a pre-booked journey, the Operator shall notify the prospective customer at the time of booking of the following:  
 “The driver and vehicle which you are about to book are not licenced by Ribble Valley Borough Council and therefore Ribble Valley Borough Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint, customers will have to deal with the other authority where they may be licenced.”
- g) In any advertising literature or web information, a form of words must be used which clearly states to prospective customers the following, in the event that it is intended that Hackney Carriage vehicles licensed by

another authority will be used for private hire purposes in the Ribble Valley:

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

5.2 Approve consequential amendment of the Council’s Infringement Points Scheme (Private Hire).

STEPHEN BARKER  
SOLICITOR

MARSHAL SCOTT  
CHIEF EXECUTIVE

#### BACKGROUND PAPERS

Report of Chief Executive dated 28 January 2020

Ribble Valley Borough Council Private Hire Operators’ Standard Conditions

Ribble Valley Borough Council Infringement Points Scheme (Private Hire)

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

REF: SB/EL/20/10/20

## **APPENDIX 2**

Response to consultation on the proposed addition of condition 25 to the Conditions for Private Hire Operators.

I support the variation of the conditions by the introduction of condition 25 relating to out of borough Hackney Carriages being used as private hire vehicles in the Ribble Valley.

### Comments

1. Drivers from other boroughs seem to be working in Ribble Valley exclusively and should at least have Ribble Valley badge and cars checked.
2. I think this is a good idea and it is about time something was done.
3. I would also like to see the taxi signs on the vehicle roof also removed from the car if they are working as private hire, because on Friday and Saturday nights, you see them parked outside pubs touting for customers.



## RIBBLE VALLEY BOROUGH COUNCIL

please ask for: **STEPHEN BARKER**  
direct line: 01200 413216  
e-mail: [stephen.barker@ribblevalley.gov.uk](mailto:stephen.barker@ribblevalley.gov.uk)  
my ref: SB/EL  
your ref:  
date: 26 August 2020

Council Offices  
Church Walk  
CLITHEROE  
Lancashire BB7 2RA

Switchboard: 01200 425111  
Fax: 01200 414488  
[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Dear Sirs

### CONSULTATION ON INTRODUCTION OF AN ADDITIONAL CONDITION ON THE LICENCE OF PRIVATE HIRE OPERATORS REGARDING THE USE OF HACKNEY CARRIAGES LICENSED BY ANOTHER AUTHORITY FOR PRIVATE HIRE PURPOSES IN THE RIBBLE VALLEY

I write to inform you that the Council's Licensing Committee has recently been considering the introduction of a condition to the licence for private hire operators, requiring them to record and notify the Council when a Hackney Carriage licensed by another authority is used for private hire purposes in the Ribble Valley, and to notify prospective customers that the driver and vehicle are not licensed by Ribble Valley Borough Council, and that any complaint will have to be taken up with the authority which has issued the licence.

Please see the enclosed sheet for the proposed revision.

If you wish to respond with your views on this, please do so in writing using the enclosed form, and submitting it to me at the above address or email address on or before 7 October 2020.

Please contact me if you have any queries.

Yours faithfully

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

STEPHEN BARKER  
SOLICITOR

To all Private Hire Operators



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

## CONSULTATION RESPONSE FORM

NAME:

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ADDRESS:

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LICENCE NO:

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CONTACT DETAILS:

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I support / do not support the variation of Ribble Valley Borough Council private hire licence conditions by the introduction of condition 25 relating to out of borough Hackney Carriages being used as private hire vehicles in the Ribble Valley.

COMMENTS:

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# Ribble Valley Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

## **PROPOSED REVISION OF THE COUNCIL'S PRIVATE HIRE OPERATORS ON LICENCE**

The Council's Licensing Committee discussed this matter on 28 January 2020.

Committee was informed that:

- concern had been expressed with regard to the use of Hackney Carriages licensed by another authority for private hire purposes in the Ribble Valley by operators licensed in the Ribble Valley.
- consideration was given the introduction of a further condition ('condition 25') in to the licence for private hire operators in the Ribble Valley as follows:

### **25. Out of Borough Hackney Carriages Acting as Private Hire Vehicles in the Ribble Valley Borough Council Licensing District:**

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

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

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

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

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

- If introduced, it would be intended also to amend the infringement scheme of Ribble Valley Borough Council to provide for the imposition of 3 penalty points for any breach of the condition that was recorded against a private hire operator.

The Council’s Licensing Committee approved this amendment in principle, and resolved to consult upon this issue.

#### Timetable

The consultation will run from 26 August 2020 to 7 October 2020, and the results will then be reported to Committee.

If you wish to respond with your views, please do this by completing the enclosed form and submitting it to Stephen Barker at the Council offices on or before 7 October 2020.



Response to consultation on the proposed addition of condition 25 to the Conditions for Private Hire Operators.

I support the variation of the conditions by the introduction of condition 25 relating to out of borough Hackney Carriages being used as private hire vehicles in the Ribble Valley.

Comments

1. Drivers from other boroughs seem to be working in Ribble Valley exclusively and should at least have Ribble Valley badge and cars checked.
2. I think this is a good idea and it is about time something was done.
3. I would also like to see the taxi signs on the vehicle roof also removed from the car if they are working as private hire, because on Friday and Saturday nights, you see them parked outside pubs touting for customers.



## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

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meeting date: 20 OCTOBER 2020  
title: TEMPORARY PAVEMENT LICENCES  
submitted by: HEAD OF LEGAL AND DEMOCRATIC SERVICES  
principal author: MAIR HILL

### 1 PURPOSE

1.1 To inform committee of the provisions put in place for the issue of temporary pavement licences pursuant to the Business and Planning Act 2020 ("the **Act**").

1.2 Relevance to the Council's ambitions and priorities

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

### 2 BACKGROUND

2.1 The Act came into force on 22 July 2020. Sections 1 to 10 of the Act introduce provisions for the Council to issue Pavement Licences. These are temporary provisions which will remain in place until 3 September 2021. Pavement Licences are ordinarily licenced pursuant to Section 7A of the Highways Act 1980 and are therefore issued by the County Council as Highways Authority. The Act however introduced a new regime under which it would be the Council's responsibility to administer.

2.2 The new process provides a cheaper, easier and quicker way for businesses to obtain a licence. The fee for applying for a licence under the new process, is capped at £100 and the consultation period is 5 working days (excluding public holidays). It is currently a minimum of 28 calendar days under Part 7A.

2.3 If the local authority does not determine the application before the end of the determination period (which is 5 working days beginning with the first day after the public consultation period (excluding public holidays)), the licence is deemed to have been granted for a year (but not beyond 30 September 2021) and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

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

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

- 2.5 The furniture which may be used is:
- counters or stalls for selling or serving food or drink;
  - tables, counters or shelves on which food or drink can be placed;
  - chairs, benches or other forms of seating; and
  - umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.
- 2.6 This furniture is required to be removable. The Government's guidance states that Local authorities should be pragmatic when determining what is 'removable' but in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.
- 2.7 Licences can only be granted in respect of highways listed in section 115A (1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).
- 2.8 It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licenses and the need to comply with registration requirements for food businesses.
- 2.9 If the applicant has a licence to serve alcohol on-premises temporary amendments to the Licensing Act 2003 (which take effect pursuant to Section 11 of the Act) will allow them to sell alcohol for consumption off the premises without needing to apply for a variation of their licence.
- 2.10 Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.
- 2.11 If a condition imposed on a licence (either by the local authority) or nationally is breached the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to recover any costs. The authority may revoke a licence in the following circumstances:
- For breach of condition, (whether or not a remediation notice has been issued) or
  - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
  - the highway is being obstructed (other than by anything permitted by the licence);
  - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;

- it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
- the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

2.12 The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. It is good practice for local authorities to give reasons where these powers are used.

### 3 ISSUES

3.1 The Council had to be in a position to process and grant such licences by the time the Act received royal assent. Due to the extremely short period in which the arrangements had to be in place approval was sought from Chief Executive pursuant to the delegation made at Emergency Committee on 7 May 2020.

3.2 The following arrangements were approved:

#### Officer delegations

3.3 Due to the fast track nature of the process it was approved that determination of applications be delegated to the Head of Legal and Democratic Services.

#### Fees

3.4 The Act provides that local authorities must set a fee, but that it must not exceed £100. The Council assessed the time which would be involved in administering each application and based on this analysis considers the fee was set at **£100**.

#### Duration of Licence

3.5 If a local authority determines an application before the end of the determination period (which is 5 working days, beginning with the first day after the public consultation period, excluding public holidays) the authority can specify the duration of the licence, subject to a minimum duration of 3 months. The Government's guidance states that the expectation is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.

3.6 If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year. A licence granted or deemed to be granted will not be valid beyond 30 September 2021.

- 3.7 It was determined that the Council follow this guidance and issue licences for 12 months unless there are good reason for granting licences for a shorter period, or the applicant requests a shorter duration.

#### Conditions

- 3.8 The Act stipulates very limited mandatory conditions; however, the Council is permitted to impose additional local conditions. A number of additional local conditions were approved which are set out in **Appendix 1**.

#### Application Form

- 3.10 Section 2 of the Act provides that an application to the local authority must:
- specify the premises and, the part of the relevant highway to which the application relates;
  - specify the purpose (or purposes) for which the furniture will be used which must be to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
  - specify the days of the week on which and the hours between which it is proposed to have furniture on the highway;
  - describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls;
  - specify the date on which the application is made;
  - contain or be accompanied by such evidence of public liability insurance in respect of anything to be done pursuant to the licence as the authority may require; and
  - contain or be accompanied by such other information or material as the local authority may require.
- 3.11 The Council is permitted to require an application to be submitted on a standard application form. A copy of the Council's application form can be found at [https://ribblevalleygov-self.achieveservice.com/service/apply\\_for\\_a\\_temporary\\_pavement\\_licence](https://ribblevalleygov-self.achieveservice.com/service/apply_for_a_temporary_pavement_licence)

#### Appeal

- 3.12 There is no statutory appeal process under the Act, however, the Guidance suggests that local authorities may wish to consider the scope for an internal review process, for example permitting appeals to their Licensing Committee. It was approved that the Council should have a review procedure and that reviews would be determined by the Chief Executive in consultation with the Chair of the Licensing Committee of the Council.

## 4 RISK ASSESSMENT

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

- Resources – Increased resources will be required to implement and run the new licensing regime.
- Technical, Environmental and Legal – The Council will have responsibility for both the licensing and enforcement of the Act.
- Political - No implications identified.
- Reputation –The implementation and enforcement of the regime will enhance the Council's reputation.
- Equality & Diversity – No implications identified.

## 5 CONCLUSION

5.1. Committee should note the content of the report.

MAIR HILL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

## BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 4418

REF: MJH/Licensing Committee/20 October 2020



## PAVEMENT LICENCE CONDITIONS

### **National Conditions**

The Secretary of State publishes these conditions in exercise of his powers under clause 5(8) of the Business and Planning Act 2020:

Condition relating to clear routes of access:

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

Guidance on the effect of this condition

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

Smoke -free seating condition

It is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

### **Local Standard Pavement Licence Conditions**

1. Being the licence holder of a Pavement Licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that the Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for



maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.

2. The Council requires evidence that the licence holder has Public Liability Insurance for the operation of the Pavement Licence. This must indemnify the Council and Lancashire County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £5 million in respect of any one incident.

3. Tables and chairs and other furniture permitted under the licence must not be placed in position outside of permitted times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.

4. The Council and/or Lancashire County Council are empowered to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.

5. The licence holder is not to make or cause to be made any claim against the Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.

6. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.

7. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Council's Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.

8. Emergency routes to the premises and adjacent buildings must not be obstructed by the pavement furniture, which should not, in normal circumstances, extend beyond the width of the premises frontage. A clear direct pathway of at least 1.2 metres shall be maintained to allow entry and exit from buildings and premises.

9. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council.

10. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.

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

22. Where intoxicating liquor is permitted to be served or consumed in the licensed area, polycarbonate glasses must be used at all times.

23. The use of the licensed area shall not commence before 08.00 hours and shall cease before 21.00 hours each day.

## Minutes of Licensing Sub-Committee

Meeting Date: Thursday, 9 July 2020 at 10.00am  
Present: Councillor D Berryman (Chairman)

Councillors:

A Knox  
S Hirst

In attendance: Solicitor (RVBC), Admin & Licensing (Alcohol & Entertainment) Officer (RVBC), Committee Clerk (RVBC), Gill Sherratt (Applicant's representative), Edward and Tom Marsh (Applicants), Tim Ashworth (Objector).

### 663 APOLOGIES

There were no apologies for absence from the meeting.

### 664 PROCEDURE FOR THE CONDUCT OF REMOTE MEETINGS

This had previously been circulated to the Members of the Sub-Committee and approved.

### 665 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

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

### 666 THE SALVAGE HOUSE – UNIT 6A ABBOT WORKS, BACK KING STREET, WHALLEY, BB7 9SP

The Sub-Committee considered a report submitted by the Head of Legal and Democratic Services on the determination of an application required under Section 18 of the Licensing Act 2003. A copy of the application for a premises licence to be granted to the Salvage House in Whalley was included in the report.

The applicant's representative made verbal representations to the Sub-Committee setting out the background to the current application and the fact that the application related to the unique concept of the collective at the Salvage House, Whalley.

An offer was made to amend the application so as to reduce the hours of opening to finish at 10.30pm with everyone being off the premises by 11.00pm.

The objector also made verbal representations that related to issues surrounding public nuisance, in particular that of noise. Reference as also made to the Cumulative Impact Assessment relating to Whalley and the need to take this into consideration. This was taken into account by the Sub-Committee.

The Sub-Committee gave careful consideration to the representations made by both parties. The Sub-Committee also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant representations, the Council's Licensing Policy and the Cumulative Impact Assessment relating to Whalley.

RESOLVED: That the Sub-Committee resolve to grant the application for a premises licence as applied for (and amended at the hearing) subject to additional conditions. The Sub-Committee decision is available at:

[https://www.ribblevalley.gov.uk/download/downloads/id/12710/the\\_salvage\\_house\\_whalley.pdf](https://www.ribblevalley.gov.uk/download/downloads/id/12710/the_salvage_house_whalley.pdf)

The meeting closed at 11.08am.

If you have any queries on these minutes please contact Stephen Barker (413216).

## Minutes of Licensing Sub-Committee

Meeting Date: Friday, 10 July 2020 at 10.00am  
Present: Councillor D Berryman (Chairman)

Councillors:

A Knox  
S Hore

In attendance: Head of Legal and Democratic Services (RVBC), Admin & Licensing (Alcohol & Entertainment) Officer (RVBC), Committee Clerk (RVBC), Malcolm Ireland (Applicant's representative), Tom Jones (Applicant), Tim Ashworth and Peter Hitchen (Objectors).

### 667 APOLOGIES

There were no apologies for absence from the meeting.

### 668 PROCEDURE FOR THE CONDUCT OF REMOTE MEETINGS

This had previously been circulated to the Members of the Sub-Committee and was approved.

### 669 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

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

### 670 WHALLEY WINE BAR, 65-67 KING STREET, WHALLEY BB7 9SW

The Sub-Committee considered a report submitted by the Head of Legal and Democratic Services on the determination of an application required under Section 18 of the Licensing Act 2003. A copy of the application for a premises licence to be granted to the Whalley Wine Bar in Whalley was included in the report.

The applicant's representative made verbal representations to the Sub-Committee setting out the background to the current application and the fact that the application related to the successfully run business of the wine shop next door.

The Applicant's Solicitor explained the amended application included in the Applicant's bundle on the reasons for the amendments and the inclusion of additional and revised conditions.

The persons who had submitted relevant representations also made verbal representations that related to issues surrounding public nuisance, in particular that of noise at the rear of the property. Reference was also made to the Cumulative Impact Assessment for Whalley and Painter Wood and the need to take this into consideration.

Written representations by another objector were also taken into consideration.

The Sub-Committee gave careful consideration to the representations made by all parties both written and verbal. The Sub-Committee also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant representations, the Council's Statement of Licensing Principles and the Cumulative Impact Assessment for Whalley and Painter Wood.

RESOLVED: That the Sub-Committee resolve to grant the application for a premises licence as applied for (and amended at the hearing), to include the additional conditions proposed by the Applicant. The Sub-Committee decision is available at:

[https://www.ribblevalley.gov.uk/download/downloads/id/12711/the\\_whalley\\_wine\\_bar.pdf](https://www.ribblevalley.gov.uk/download/downloads/id/12711/the_whalley_wine_bar.pdf)

The meeting closed at 11.23am.

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

## Minutes of Licensing Sub-Committee

Meeting Date: Wednesday, 26 August 2020 at 11.00am  
Present: Councillor G Mirfin (Chair)

Councillors:

J Alcock  
A Knox

In attendance: Solicitor (RVBC), Admin & Licensing (Alcohol & Entertainment) Officer (RVBC), Committee Clerk (RVBC), Gill Sherratt (Applicant's representative), Robyn Isherwood (Applicant), Guy Hindley (Owner), John Gordon on behalf of Ribblesdale Park Lodge owners and Catherine Kendal, Doreen Hounslea, Katrina Hartley, William and Mae Morton, Stuart Wilson Louise Harrison and Dr Keith Kirby on behalf of Gisburn Parish Council (Objectors).

### 689 APOLOGIES AND RECONSTRUCTION OF MEMBERSHIP

There were no apologies for absence from the meeting.

### 690 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

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

### 691 PROCEDURE FOR THE CONDUCT OF REMOTE MEETINGS

This had previously been circulated to the Members of the Sub-Committee and was approved.

### 692 RIVERSIDE HOUSE, GISBURNE PARK ESTATE, GISBURN, BB7 4HU

The Sub-Committee considered a report submitted by the Head of Legal and Democratic Services on the determination of an application required under Section 35 of the Licensing Act 2003. A copy of the application for a premises licence to be varied for Gisburne Park Estates Ltd was included in the report.

The applicant's representative made verbal representations to the Sub-Committee setting out the background to the current application to vary the licensable hours, to include in the licence the premises known as Riverside House, and to extend the licensable activities to include the display of films.

She explained the reasons for the requested variation and inclusion of both films and Riverside House. She included suggested conditions based on representations made by Ribble Valley Environmental Health Officers.

Some of the people who had submitted relevant written representations made verbal representations that related to issues surrounding public nuisance, in particular that of noise in the early hours in the vicinity of the lodges.

Written representations by other objectors were also taken into consideration.



The Sub-Committee gave careful consideration to the representations made by all parties both written and verbal. The Sub-Committee also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant representations and the Council's Statement of Licensing Principles.

RESOLVED: That the Sub-Committee resolved to grant the variation with regard to the inclusion of films and Riverside House and limited extension to hours to include the additional conditions proposed by both the Applicant and themselves. The Sub-Committee decision is available at:

[https://www.ribblevalley.gov.uk/download/downloads/id/13002/riverside\\_house\\_gisburne\\_park\\_estate\\_gisburn.pdf](https://www.ribblevalley.gov.uk/download/downloads/id/13002/riverside_house_gisburne_park_estate_gisburn.pdf)

The meeting closed at 1.15pm.

If you have any queries on these minutes please contact Stephen Barker on 413216.

## Minutes of Licensing Sub-Committee

Meeting Date: Tuesday, 6 October 2020 starting at 11am  
Present: Councillor G Mirfin (Chair)

Councillors:

D Berryman  
M Robinson

In attendance: Solicitor (RVBC), Admin & Licensing (Alcohol & Entertainment) Officer (RVBC). Committee Clerk (RVBC), Gill Sherratt (Applicant's representative), Diane Despard (Applicant), Michael & Yvonne Johnson, Helen Knight, Dennis Langley, Diane Walmsley (Objectors), Hazel Lavelle (Supporter) and Graham Kelsall on behalf of a group of supporters.

### 762 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

There were no apologies for absence from the meeting.

### 763 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

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

### 764 PROCEDURE FOR THE CONDUCT OF REMOTE MEETINGS

This had previously been circulated to the Members of the Sub-Committee and was approved.

### 765 DMD DESIGN LTD, 1 LOWER LANE, LONGRIDGE, PR3 3SL

The Sub-Committee considered a report submitted by the Head of Legal and Democratic Services on the determination of an application required under Section 18 of the Licensing Act 2003. A copy of the application for a premises licence to be granted for 1 Lower Lane, Longridge was included in the report.

The applicant's representative made verbal representations to the Sub-Committee setting out the background to the current application following a refusal to grant a licence in October 2019.

She explained the reasons for the application which was to support the retail business of the applicant. The limit of TENs had been exhausted and having secured planning permission for the business the applicant now wanted a permanent licence to coincide with the retail hours of the shop premises. An additional condition was offered that only 4 seated persons would be allowed to drink outside the premises.

Some of the people who had submitted relevant written representations made verbal representations of objection that related to issues surrounding parking, operating outside licensing hours and noise disturbance. Others made supporting statements for the applicant and business.

Written representations by other objectors and supporters were also taken into consideration.

The Sub-Committee gave careful consideration to the representations made by all parties both written and verbal. The Sub-Committee also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant representations and the Council's Statement of Licensing Principles.

RESOLVED: That the Sub-Committee resolved to grant the licence to include the additional conditions proposed by the applicant and extended by themselves. The Sub-Committee decision is available at:

[https://www.ribblevalley.gov.uk/download/downloads/id/13054/1\\_lower\\_lane\\_lon\\_gridge.pdf](https://www.ribblevalley.gov.uk/download/downloads/id/13054/1_lower_lane_lon_gridge.pdf)

The meeting closed at 12.55pm.

If you have any queries on these minutes please contact Stephen Barker on 413216.