



**Committee:** LICENSING COMMITTEE  
**Date:** THURSDAY, 18 NOVEMBER 2021  
**Venue:** MORECAMBE TOWN HALL  
**Time:** 1.00 P.M.

## A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 7<sup>th</sup> October 2021 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

### **Matters for Decision**

5. **Proposed Licensing Work Plan 2022 (Pages 3 - 12)**

Report of the Licensing Manager

### **Exclusion of the Press and Public**

6. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following item:

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press

and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Councillors are reminded that, whilst the following item has been marked as exempt, it is for the Committee to decide whether or not to consider it in private or in public. In making the decision, Councillors should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion, Councillors should also be mindful of the advice of Council officers.

**7. Existing Dual Drivers Licence Holder (Pages 13 - 24)**

Report of the Licensing Manager

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Colin Hartley (Chair), Mel Guilding (Vice-Chair), Paul Anderton, Mandy Bannon, Roger Dennison, Merv Evans, June Greenwell, Joan Jackson, Abi Mills and Jean Parr

**(ii) Queries regarding this Agenda**

Please contact Sarah Moorghen, Democratic Services - email [smoorghen@lancaster.gov.uk](mailto:smoorghen@lancaster.gov.uk).

**(iii) Changes to Membership, or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democracy@lancaster.gov.uk](mailto:democracy@lancaster.gov.uk).

KIERAN KEANE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
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Published on 10<sup>th</sup> November 2021.

**LICENSING COMMITTEE****Proposed Licensing Work Plan 2022****18 November 2021****Report of Licensing Manager****PURPOSE OF REPORT**

To seek The Committees approval (with or without modification) of the proposed Licensing work plan for 2022

**The report is public**

**RECOMMENDATIONS**

- (1) **That the attached draft Licensing work plan for 2022 be approved by the Committee with or without modification**

**1.0 Introduction**

1.1 The proposed work plan attached at **Appendix 1** provides an overview of planned project work for the year 2022. The work plan does not deal with the day-to-day routine activities of the team which would have to take priority over planned reviews and developments.

1.2 The work plan contains project work, service and policy reviews that have been identified over the last few years as areas that will need scrutiny and review. The committee may already be familiar with a substantial number of the elements identified in the work plan as matters previously raised by of discussed by this committee.

1.3 The committee may wish to add to, remove or otherwise modify the workplan.

**2.0 Proposal Details**

2.1 The proposals detail planned project type work in relation to Licensing Act activities, taxi licensing and street trading. Additional projects may be required dependent upon any changes to national guidance, legislation, case law or other relevant consideration

**3.0 Details of Consultation**

3.1 There is no plans to undertake any formal consultation regarding the proposed work plan, other than to seek committees' approval with or without amendment to the draft work plan outlined at **Appendix 1**

**4.0 Officer Preferred Option**

4.1 For committee to agree the attached work plan noting the indicated priorities given for each of the items it contains.

**5.0 Conclusion**

5.1 The work plan as proposed contains key reviews and developments that the Licensing Manager considers to be key priorities and deliverable within the timeframe set.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

The work plan identifies a number of policy reviews which will be subject to impact assessments as appropriate

**LEGAL IMPLICATIONS**

Each policy review will be conducted within the appropriate legal framework and compliance with best practice guidance where appropriate

**FINANCIAL IMPLICATIONS**

Any financial implications arising from individual elements of the work plan will be detailed in the specific reports.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

**BACKGROUND PAPERS**

None

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**Ref:** JC/WP22

## Licensing Team

### Proposed Project Workplan 2022

Actions completed since previous Update:

- Hackney Carriage Unmet Demand Survey
- Transitioning the Licensed fleet to low emission vehicles – proposals listed in new taxi policy
- Review of private hire / hackney carriage licence conditions including driver, vehicle, and operator – listed in new taxi policy
- Local Authority registration with the National Anti-Fraud Network (NAFN)

| Project  | Scope   | Reason   | Risks   | Timeline          | Update<br>November 2021   |
|--|---|--|---|-------------------|---|
| Increase number of licensed drivers operating in the District (taxis/PH) | To promote the role of becoming a taxi/PH driver and work alongside partners to assist applicants | Reduced number of drivers locally and nationally | Public Safety/Crime and disorder concerns – Persons cannot get home swiftly or safely | Currently ongoing | <ul style="list-style-type: none"> <li>• College course is full in Nov due to reduced cost of course £100 instead of £220</li> <li>• Wrote to all expired drivers (97) and asked them to utilise fast track application procedure</li> <li>• Social media and Job Centre campaign to highlight</li> </ul> |

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|  |  |  |   |                         | profession – posters at print stage  |
| Recruit to vacant post in the Licensing Team                             | It is the intention for the role to be focused on enforcement/compliance with the majority of the work being proactive.  | Team will be at full strength following recruitment to vacant post<br><br>Assist with reporting of compliance matters to members via Licensing Committee | Post is not approved by management team | Post filled by Feb 2022 | <ul style="list-style-type: none"> <li>• JD/Advert in draft stage</li> </ul>   |
| Re-introduce Commercial services   | To reintroduce paid service “Licensing Direct” and Personal licensing training courses   | To assist business recovery through covid pandemic   | Reduced capacity in team (see above)    | Re-launch April 2022    | No progress to report  |
| To review the Councils Statement of Licensing Policy (Valid for 5 years) | Review content and aspirations of the Council in terms of how it will deal with Licensing Act 2003 matters, including applications, hearings, reviews and enforcement. | Statutory Requirement  | Legal Challenges                        | Dec 2021 – March 2022   | <ul style="list-style-type: none"> <li>• <b>Document is outstanding</b></li> <li>• Consider highlighting this to members or completing a quick review and starting consultation and adoption swiftly.</li> </ul> |
| To review the Councils Statement of Gambling Policy (Valid for 3 years)  | Review content and aspirations of the Council in terms of how it will deal with Gambling Act 2005 matters, including applications and enforcement.                     | Statutory Requirement  | Legal Challenge                         | Jan 2022                | <ul style="list-style-type: none"> <li>• First review being undertaken by Licensing Officers</li> </ul>  |

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| Taxi Licensing Policy - Implementation  |  | To provide a comprehensive taxi licensing policy for applicants. Licence holders, members and staff.                                       | Recommended best practice in Department for Transport guidance 2020                             | Adoption and implementation on early 2022        | <ul style="list-style-type: none"> <li>Public/Trade Consultation ended 27/6</li> <li>Consultation responses considered by Members Sept 2021 – decisions taken</li> <li>Licensing Manager completing final draft/actions</li> </ul> |
| Electronic Booking System for Vehicle tests   | <ul style="list-style-type: none"> <li>To review the Patronbase software proposals</li> </ul>  | <p>To allow vehicle test bookings to be made online by the driver</p> <p>Excessive steps in process, presently v labour intensive</p>      | Excessive resources – Control given to licence holder to book                                   | Aiming to align with Policy adoption.            | <ul style="list-style-type: none"> <li>Working on a snagging list</li> <li>Expected go live date in line with Taxi Policy</li> </ul>   |
| To produce model Licensing conditions for use with Licensing Act applications, variations and reviews | <ul style="list-style-type: none"> <li>To assist applicants, responsible authorities, Committee and other persons in proposing licensing conditions relevant to individual licensing applications, variations and reviews.</li> <li>The availability of a pool of conditions which all parties have</li> </ul> | <ul style="list-style-type: none"> <li>Efficiency</li> <li>Consistency</li> <li>Support for Licensing Direct commercial service</li> </ul> | None identified. Use of model standards would not prevent use of bespoke conditions if required | Alongside timeline for SoLP Dec 2021- March 2022 | <ul style="list-style-type: none"> <li>A draft set of model licence conditions has been produced and is currently with licensing enforcement officers for their comment.</li> </ul>  |

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|                                 | <p>access to will promote consistency and will assist enforcement. To produce a pool of Licensing conditions which are clear, appropriate and enforceable</p> <ul style="list-style-type: none"> <li>• A draft document will be produced for the Committee with a request for the committee to agree consultation prior to consideration of proposals and consultation responses received</li> </ul>              |  |  |                       | <ul style="list-style-type: none"> <li>• It is intended that the draft model conditions be brought to the Licensing committee seeking approval for a formal consultation process</li> <li>• Will include as part of the statement of Licensing Policy Review</li> </ul> |
| Review of street trading Policy | <ul style="list-style-type: none"> <li>• To liaise with colleagues in Economic Development regarding potential improvements to the current street trading policy in respect of consent/licence and prohibited streets for street trading</li> <li>• Ensure that permitted street traders are subject to appropriate public safety checks</li> <li>• Formal consultation regarding any proposed changes</li> </ul> | <ul style="list-style-type: none"> <li>• The current policy does not take account of where on permitted streets trading can take place</li> <li>• To help ensure a balanced and level playing field approach between high street businesses and</li> </ul> | <ul style="list-style-type: none"> <li>• Some mobile traders may lose income and become unsustainable</li> </ul> | April-September 2020* | <ul style="list-style-type: none"> <li>• It has taken some time to establish who if anyone has responsibility for managing the consent scheme.</li> <li>• Now established that other than a small number of city centre</li> </ul>                                      |



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|   |   | <p>mobile street traders</p> <ul style="list-style-type: none"> <li>To help avoid mobile traders locating outside inappropriate locations e.g. schools</li> <li>Could introduce a charging policy and increase revenue</li> </ul> |                 |   | <p>traders, the scheme is not proactively managed</p> <ul style="list-style-type: none"> <li>Work now started to explore options.</li> <li>Current Covid emergency may lead to delay in completing the review.</li> <li>No further progress to report</li> </ul> |
| Review of hackney carriage rank provision | <ul style="list-style-type: none"> <li>It is understood that Lancashire County Council intend to conduct a review of hackney carriage rank provision across the County. The Council welcomes this and would seek to work in partnership with the County Council and Lancaster Councils hackney carriage trade</li> <li>That the hackney carriage trade be invited to provide written proposals regarding hackney carriage rank provision at the earliest opportunity</li> </ul> | <ul style="list-style-type: none"> <li>To improve availability of Hackney carriages to the public</li> </ul>  | None Identified | <p>Jan- Feb (Comments invited from hackney carriage trade )</p> <p>Remainder of timetable outside the scope of Lancaster City Council to be</p> | <ul style="list-style-type: none"> <li>No work has commenced on this project however there has not been any pressure from the trade to push this forward.</li> <li>Due to ongoing LCC works on the gyratory of</li> </ul>  |

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|  | <p>so that these can form part of the first stage of the review</p> |  |  | <p>led by Lancashire County Council</p> | <p>Lancaster Town Centre they are reluctant to engage with Licensing to undertake a review as their may be significant changes which will cause disruptions again.</p> <ul style="list-style-type: none"> <li>• Now established good contact at Highways so any ad-hoc matters raised by the trade are handled swiftly</li> <li>• A number of HC ranks been updated by LCC following contact with Highways. (Nov 21)</li> </ul> |
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| <p>Review mechanism for assessing Hackney Carriage fares and annual uplift/change</p> | <ul style="list-style-type: none"> <li>The current arrangement of applying an annual uplift based on RPI has previously been subject to scrutiny and review over the last few years to try and identify the most suitable mechanism</li> <li>The adoption of RPI was an attempt to rationalise the approach because of the lack of National consistency or guidance</li> <li>An opportunity has arisen to work closely with Institute of Licensing to explore option for a more appropriate mechanism that could be used as a model approach</li> </ul> | <ul style="list-style-type: none"> <li>The current arrangement may not necessarily reflect the true cost of operating a Hackney carriage</li> <li>If a model approach can be agreed with the Institute of Licensing this could be adopted by other Licensing Authorities to help ensure level playing field<br/>This approach will help defend any future challenge that might be received</li> </ul> | <ul style="list-style-type: none"> <li>The outcome could conclude that there is no ideal model approach to adopt that is any better than the current model</li> <li>Review could conclude that the current tariff is actually too high and may conclude that the fares should reduce. This would cause concern with the trade and may result in judicial review.</li> </ul> |  | <ul style="list-style-type: none"> <li>National approach not progressed</li> <li>Handful of comments from drivers requesting fare increase.</li> <li>Method required to reflect fuel cost increase/impact of pandemic</li> </ul> |
| <p>Licensing Fees review</p>  | <ul style="list-style-type: none"> <li>Licensing Manager and Department accountant to conduct a full Licensing fee review based on full cost recovery</li> </ul>  | <p>Licensing Fees were maintained in 2021 – no review was undertaken</p>  | <p>Judicial review</p>  | <p>To implement new fees from April 2022</p> | <p>No progress to report</p>   |

**\*Denotes timescale extended due to the requirement to consult as part of the project**

**Colour coding Key (priority)**

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|  | <b>Lowest Priority</b>  |
|  | <b>Medium Priority</b>  |
|  | <b>Highest Priority</b> |

**Colour coding Key (Progress)**

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|--|---|
|  | <b>On track or completed</b>  |
|  | <b>Behind schedule but progressing ok</b>                             |
|  | <b>Significantly behind schedule, delayed, at risk or no progress</b> |

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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