



Committee: LICENSING COMMITTEE
Date: THURSDAY, 30 JUNE 2022
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 9th June 2022 (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

Exclusion of the Press and Public

5. **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 ground 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.

6. **Existing Dual Drivers Licence Holder** (Pages 4 - 21)

Report of the Licensing Manager

The press and public will be re-admitted to the meeting at this point

7. **Introduction of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022** (Pages 22 - 30)

Report of the Licencing Manager

8. **Taxis and Private Hire Vehicles (Disabled Persons) Act 2022** (Pages 31 - 37)

Report of the Licensing Manager

9. **Urgent Business - Decision taken in respect of a review of a Dog Breeders Licence** (Pages 38 - 48)

Report of Animal Licensing Manager

10. **Urgent Business - Decision taken in respect of a review of a Dog Breeders Licence** (Pages 49 - 59)

Report of the Animal Licensing Manager

11. **Pedicabs - Update** (Pages 60 - 76)

Report of the Licensing Manager

This Report was marked “to follow” and was published on the 28th June 2022.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Colin Hartley (Chair), Mel Guilding (Vice-Chair), Fabiha Askari, Roger Cleet, Roger Dennison, Andrew Gardiner, Mike Greenall, Tim Hamilton-Cox, Sally Maddocks and Jason Wood

(ii) Queries regarding this Agenda

Please contact Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 22nd June 2022.

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LICENSING COMMITTEE**Introduction of Taxis and Private Hire Vehicles
(Safeguarding and Road Safety) Act 2022****30 June 2022****Report of Licensing Manager****PURPOSE OF REPORT**

To inform the Committee of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, and note the current measures applied by licensing service to meet the requirements set out in legislation.

The report is public.

RECOMMENDATIONS

- 1) **That the Committee note the report and current measures applied by licensing to meet the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022**

1.0 Introduction

- 1.1 The Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 1.2 The Department for Transport (DfT) has published new statutory guidance for licensing authorities in England. The statutory guidance is intended to help licensing authorities comply with their new duties under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which came into effect on 31 May 2022.
- 1.3 The statutory guidance is attached at **Appendix A**. The Council will need to review its taxi licensing policies and standards to ensure they meet the standards outlined in legislation. Any measures adopted must be appropriate for Lancaster City Councils local needs, and the Council will need to be transparent in explaining the reasons for the standards it adopts.

2.0 Report

- 2.1 From 31 May 2022, if any licensing authority in England has information about a taxi or PHV driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued

that driver's licence. Any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

- 2.2 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 will require licensing authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.

The other duties of the Act relating the refusals, suspensions, and revocations database, will come into effect once commenced via legislation at a later date. Further guidance on those duties will come in due course.

- 2.3 If there is a relevant entry, the authority must contact the recording authority to request the relevant information. The decision-making licensing authority must then have regard to the information provided when making their decision.

The act gives the Secretary of State for Transport the power to provide or designate the database. The requirement that licensing authorities use the database will commence following regulations made by the Secretary of State for Transport.

The guidance issued is focused on supporting compliance with the first aspect, the new duties coming into effect from 31 May 2022.

- 2.4 The act requires licensing authorities in England to report safeguarding and road safety concerns about drivers licensed by other authorities to the licensing authority that issued the driver's licence. This is because only the authority that issued a driver's licence can suspend or revoke it. (The act defines the information that would constitute a safeguarding and road safety concern)

- 2.5 Once the licensing authority becomes aware of the safeguarding or road safety concerns, it has 10 working days to provide the relevant information and any other information to identify the driver to the licensing authority that issued the driver's licence.

- 2.6 Within 20 working days of receiving the concerns, the licensing authority must inform, in writing, the licensing authority that reported the concerns whether it has suspended or revoked the driver's licence (or intends to suspend or revoke the licence).

The licensing authority must also provide its reasons for the action it has taken or intends to take. Where a licensing authority decides not to revoke or suspend a licence, the reasons for this might also include any actions short of suspension or revocation that it will take.

- 2.7 When sharing information, the relevant licensing authorities should cooperate as fully as possible, subject to their obligations under data protection legislation.

3.0 Next steps

- 3.1 As members are aware, Lancaster City Council are active users of the National Register of Taxi Licence Revocations and Refusals (NR3). A platform in which Licensing Authorities can search applicants for previous refusals or revocations in other local authority areas and input those licence holders who have their licence

refused or revoked by Lancaster City Council. It is the intention to maintain the NR3 membership and the additional legislative requirement further strengthens the position of the Licensing Authority when determining an applicant's/driver fit and proper status.

- 3.2 It is important that members of the licenced trade and applicants are aware of the legislative requirements, by updating information on the council's website and application forms/privacy notices.
- 3.3 Guidance on the second aspect, the refusals, suspensions and revocations database, will be made available to licensing authorities in due course.

4.0 Conclusion

- 4.1 The report introduces the provisions of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. The Council will need to review licensing procedures to ensure compliance with the legislation and associated guidance.
- 4.2 Public safety is the paramount consideration of the licensing regime, the introduction of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the mandatory measures contained further strengthen the position of the Licensing Authority when determining applicants' suitability to be licensed.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):</p> <p>There are no impact assessments associated with this report.</p>	
<p>LEGAL IMPLICATIONS</p> <p>Licensing authorities in England must have regard to the guidance issued.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no financial implications arising from the report.</p>	
<p>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>[</p>	
<p>MONITORING OFFICER'S COMMENTS</p>	
<p>BACKGROUND PAPERS None</p>	<p>Contact Officer: Jennifer Curtis Telephone: 01524 582732 Email: jcurtis@lancaster.gov.uk Ref:JC/SAFE</p>



1. Home (<https://www.gov.uk/>)
 2. Transport (<https://www.gov.uk/transport>)
 3. Driving and road transport (<https://www.gov.uk/transport/driving-and-road-transport>)
 4. Transport businesses and vehicle operator licences (<https://www.gov.uk/transport/transport-businesses-and-vehicle-operator-licences>)
 5. Vehicle operator licences (<https://www.gov.uk/transport/vehicle-operator-licences>)
 6. Taxi and private hire vehicle licensing (<https://www.gov.uk/transport/taxi-and-private-hire-vehicle-licensing>)
 7. Taxis and private hire vehicles (Safeguarding and Road Safety) Act 2022 (<https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>)
- Department for Transport (<https://www.gov.uk/government/organisations/department-for-transport>)

Statutory guidance

Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

Published 23 May 2022

Applies to England

Contents

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This publication is available at <https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>

The [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](https://www.legislation.gov.uk/ukpga/2022/14/contents/enacted) (<https://www.legislation.gov.uk/ukpga/2022/14/contents/enacted>) (the act) received Royal Assent on 31 March 2022.

This guidance is issued to licensing authorities in England under [section 7](https://www.legislation.gov.uk/ukpga/2022/14/section/7/enacted) (<https://www.legislation.gov.uk/ukpga/2022/14/section/7/enacted>) of the act. Licensing authorities in England must have regard to it.

It intends to support taxi and private hire vehicle (PHV) licensing authorities in England in complying with the act. The guidance 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.

The 2 main aspects of the act

1. From 31 May 2022, if any licensing authority in England has information about a taxi or PHV driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver's licence.

Any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

2. The act will require licensing authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.

Before a licensing authority in England decides whether to grant or renew a driver licence, it must search the database for any entry relating to the applicant.

If there is a relevant entry, the authority must contact the recording authority to request the relevant information. The decision-making licensing authority must then have regard to the information provided when making their decision.

The act gives the Secretary of State for Transport the power to provide or designate the database. The requirement that licensing authorities use the database will commence following regulations made by the Secretary of State for Transport.

This guidance is focused on supporting compliance with the first aspect, the new duties coming into effect from 31 May 2022.

Guidance on the second aspect, the refusals, suspensions and revocations database, will be made available to licensing authorities in due course.

Reporting safeguarding or road safety concerns about drivers licensed by other licensing authorities

The act requires licensing authorities in England to report safeguarding and road safety concerns about drivers licensed by other authorities to the licensing authority that issued the driver's licence.

This is because only the authority that issued a driver's licence can suspend or revoke it.

Before the requirement to report concerns applies, the following must be true:

- the licensing authority is in England
- the taxi/P.H.V. driver was granted a taxi or P.H.V. (private hire car in Scotland) driver licence by a licensing authority in England, Wales or Scotland
- the licensing authority has become aware of information raising safeguarding or road safety concerns about a driver's conduct when in its licensing area
- the driver's conduct in its area is of such a type that the licensing authority would have considered suspending or revoking the driver's licence based on the safeguarding or road safety concerns if it had granted the licence

Once the licensing authority becomes aware of the safeguarding or road safety concerns, it has 10 working days to provide the relevant information and any other information to identify the driver to the licensing authority that issued the driver's licence.

When sharing information, the relevant licensing authorities should cooperate as fully as possible, subject to their obligations under data protection legislation.

What counts as safeguarding and road safety concerns

The act defines the information that would constitute a safeguarding and road safety concern at [section 1 \(https://www.legislation.gov.uk/ukpga/2022/14/section/1/enacted\)](https://www.legislation.gov.uk/ukpga/2022/14/section/1/enacted) and states that this would include information indicating that the person:

- committed a sexual offence (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
- harassed another person
- caused physical or psychological harm to another person (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
- committed an offence that involves a risk of causing physical or psychological harm to another person
- committed an offence under section 165, 168 or 170 of the [Equality Act 2010 \(https://www.legislation.gov.uk/ukpga/2010/15/contents\)](https://www.legislation.gov.uk/ukpga/2010/15/contents) (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
- did anything that constitutes unlawful discrimination or victimisation against another person for the purposes of the Equality Act 2010
- threatened, abused or insulted another person
- poses a risk to road safety while driving
- may be unsuitable to hold a taxi or P.H.V. driver's licence for other reasons related to the safeguarding of passengers or road safety

Furthermore, attempting to or conspiring to commit the above offences also constitutes a valid safeguarding or road safety concern.

Further detail on what driver conduct constitutes a safeguarding or road safety concern can be found at [section 1 \(https://www.legislation.gov.uk/ukpga/2022/14/section/1/enacted\)](https://www.legislation.gov.uk/ukpga/2022/14/section/1/enacted) of the act.

Considering safeguarding or road safety concerns report by another licensing authority

The act requires licensing authorities in England that receive a report of safeguarding or road safety concerns about a driver it has licensed to consider whether to suspend or revoke the driver's licence.

The requirement applies when the concerns are reported by a licensing authority in England, Wales or Scotland.

The decision must be based on the information provided about the safeguarding or road safety concerns and any other information available to the licensing authority.

Within 20 working days of receiving the concerns, the licensing authority must inform, in writing, the licensing authority that reported the concerns whether it has suspended or revoked the driver's licence (or intends to suspend or revoke the licence).

The licensing authority must also provide its reasons for the action it has taken or intends to take. Where a licensing authority decides not to revoke or suspend a licence, the reasons for this might also include any actions short of suspension or revocation that it will take.

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LICENSING COMMITTEE**Taxis and Private Hire Vehicles
(Disabled Persons) Act 2022****30 June 2022****Report of Licensing Manager****PURPOSE OF REPORT**

To inform the Committee of the commencement of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. Additionally, bring to members attention a letter from Ruth Harper, Deputy Director of the Accessible & Inclusive Travel Team in the Department for Transport. The letter sets out recommendations on the actions that Local Licensing Authorities can take to prepare for the changes introduced through the legislation.

The report is public**RECOMMENDATIONS**

- 1) **That the Committee note the contents of the report and current measures applied by the licensing service to meet the requirements set out in the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.**

1.0 Introduction

- 1.1 Lancaster City Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council must have regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 1.2 On 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 ("The 2022 Act") will take effect in England, Scotland, and Wales. It will amend the Equality Act 2010 to introduce new and amend existing duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.
- 1.3 The Council will need to review its current level of compliance so that they meet the minimum standards as outlined in the legislation. The Council will need to be transparent in explaining the reasons for the standards it adopts.

2.0 Report

- 2.1 From 28 June 2022, all licensing authorities must maintain and publish a list of licenced hackney carriage and private hire vehicles they designate as being wheelchair

accessible. This will identify vehicles whose drivers are subject to the duties at section 165 on providing assistance to wheelchair users and refraining from charging extra for it. Drivers can apply for an exemption certificate on medical grounds, or they have a physical condition that would restrict their ability to assist a person and their wheelchair.

- 2.2 The existing legislation requires drivers of designated wheelchair accessible vehicles to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers. From 28 June, all licensed drivers (private hire and hackney carriage) and private hire operators; regardless of whether the vehicle is wheelchair accessible, will be subject to duties under the Equality Act. The main changes are as follows.

Taxi and PHV drivers will be required to:

- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

PHV operators will be required to:

- Accept bookings for or on behalf of any disabled person if they have a suitable vehicle available.

- 2.3 Currently, drivers of designated wheelchair accessible vehicles may apply for an exemption certificate on medical grounds or where their physical condition makes it impossible or unreasonably difficult to perform the section 165 duties. Exemptions are currently granted from all of the duties at section 165.

As a result of the new Act, from 28 June:

- All taxi and PHV drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).
- Both existing and new exemption notices, when displayed correctly, will exempt a driver only from the mobility assistance duties at sections 164a and 165 – meaning, for example, that a driver’s medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

3.0 Next steps

- 3.1 Lancaster City Council currently licence 15 mandatory wheelchair accessible vehicles “WAVs”, a list of which is available for the public on the Council website. If any of these vehicles come to the end of its road life, it must be replaced with a WAV. Additionally other vehicle proprietors who could offer wheelchair accessible service are also included in the published list. The list was last updated on 14 June 2022.

3.2 Under the requirements of “the Act” a vehicle must be added to the list of designated vehicles if it “conforms to such accessibility requirements as the licensing authority thinks fit”. Vehicles placed on the list should be capable of carrying wheelchair users either in their wheelchair or in a passenger seat (depending on which the wheelchair user prefers), including allowing passengers to:

- get into and out of the vehicle in safety
- travel in the vehicle in safety and reasonable comfort

This means that, to be placed on a list, a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The government recommends that a vehicle should be included in a list only if it would be possible for the user of a “reference wheelchair” to enter, leave, and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

**The “reference wheelchair” is defined as 700mm in width, 1200mm in length, and 1350mm in height.

By taking this approach it will allow the duties at section 165 of the Equality Act 2010 to apply to more drivers than if the licensing authority only included vehicles capable of accommodating larger types of wheelchairs on their lists.

3.3 The government recognises that this approach will mean that some types of wheelchair or mobility aids, such as powered wheelchairs and mobility scooters, may be unable to access some of the vehicles included in the list. The Equality Act 2010 recognises this possibility, and driver defences are in place at section 165 if it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle, or it would not otherwise have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle.

Any hackney carriage or a private hire vehicle which conforms to the Councils accessibility requirements must be published on the list.

3.4 In order to comply with the new requirements, it will be necessary to review the fleet of licensed vehicles operating in the district. Drivers and private hire operators will also need to be notified of the requirements of the Act; this will include updating the information available on the Councils website, application forms being amended, and guidance being issued to the trade through newsletters etc.

3.5 Attached at **Appendix A** is a letter from Ruth Harper, Deputy Director of the Accessible & Inclusive Travel Team in the Department for Transport. The letter sets out actions the Council should consider in preparing for the updates to the legislation.

4.0 Conclusion

4.1 The report introduces the provisions of Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. The Council will need to review licensing procedures to ensure compliance with the legislation and associated guidance.

4.2 The introduction of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 will ensure that disabled people can access transport services, free from the fear of discriminatory treatment or being faced with additional charges. It will provide specific rights and protections for 13.7 million disabled people across England, Scotland, and Wales so that they can travel with the confidence that they will receive the assistance they require when accessing taxi and private hire vehicle services.

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

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. aims to ensure that disabled people can use hackney carriage and private hire services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.

LEGAL IMPLICATIONS

There are no legal implications arising from the report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the report

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

None identified

SECTION 151 OFFICER'S COMMENTS

[

MONITORING OFFICER'S COMMENTS

BACKGROUND PAPERS

None

Contact Officer: Jennifer Curtis

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Ref: JC/DPA22



Department
for Transport

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Great Minster House
33 Horseferry Road
London
SW1P 4DR
Tel: 0300 330 3000
Email: Taxis@dft.gov.uk

Web Site: www.gov.uk/dft

27 May 2022

Dear Local Licensing Authority officers,

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022: Actions required of local authorities ahead of coming into force on 28 June

On 28 June, the [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (“The 2022 Act”) will take effect in England, Scotland, and Wales¹. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.

We will shortly publish a revised version of our 2017 guidance, [Access for Wheelchair Users to Taxis and Private Hire Vehicles](#), for licensing authorities. This will set out our advice and recommendations on implementing the duties under the taxi and PHV section of the Equality Act. However, given the tight timescales, I wanted to write to you now to highlight the key actions you will need to take in advance of the new requirements applying on 28 June.

Lists of Wheelchair Accessible Vehicles (WAVs)

From 28 June, **all** licensing authorities must maintain and publish a list of licenced taxis and PHVs they designate as being wheelchair accessible. This will identify the vehicles whose drivers are subject to the duties at section 165 on providing assistance to wheelchair users and refraining from charging extra for this.

For those authorities which don't already maintain **and** publish such a list, we recommend you start preparing as soon as possible to comply by:

¹ The Act received Royal Assent on 28 April.

- Collating details of the WAVs in the taxi and PHV fleets you regulate, ensuring that respective drivers and operators are aware of their vehicles' inclusion, and the practical implications of this; and
- Once ready, publish the list or lists on your website, ensuring that content is accessible to disabled users and is easily discoverable.

When considering which vehicles to include on your list, you should pay regard to the [2017 guidance](#).

Exemptions

Currently, drivers of designated WAVs may apply for an exemption certificate on medical grounds or where their physical condition makes it impossible or unreasonably difficult to perform the section 165 duties. Exemptions are currently granted from all of the duties at section 165.

As a result of the new Act, from 28 June:

- All taxi and PHV drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).
- Both existing and new exemption notices, when displayed correctly, will exempt a driver **only** from the **mobility assistance** duties at sections 164a and 165 – meaning, for example, that a driver's medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

We recommend you prepare by:

- Ensuring you have an appropriate and transparent policy in place for inviting applications and then issuing exemption certificates and notices, where you are satisfied that it is appropriate to do so on medical or physical grounds. We recommend that drivers provide evidence to support their application, preferably from an independent medical professional.
- Informing all of the drivers you license that they will shortly be subject to the new duties introduced by the 2022 Act, and that any who consider themselves medically or physically unfit to perform the mobility assistance duties and who do not already hold an exemption should contact the authority to seek an exemption as a matter of urgency.
- Informing drivers who currently hold an exemption notice that the notice will continue to remain valid until replaced or withdrawn by the authority, and that, regardless of the notice wording, from 28 June it will exempt drivers **only** from the **mobility assistance** duties at new sections 164a and 165.

New requirements for drivers and operators

The existing legislation requires drivers of designated wheelchair accessible vehicles to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers. From 28 June, **all** taxi and PHV drivers and operators – regardless of whether the vehicle is wheelchair accessible – will be subject to duties under the Equality Act. The main changes are set out below.

Taxi and PHV drivers will be required to:

- Accept the carriage of **any** disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

PHV operators will be required to:

- Accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.

Further information on these duties can be found in the 2022 Act's [Explanatory Notes](#).

We recommend you prepare by:

- Communicating with operators and drivers to ensure that they understand the new requirements, and the enforcement action the authority will take in response to any non-compliance.
- Updating any internal guidance you may use to support both reactive and proactive enforcement of the Equality Act provisions.

Disabled people should be able to travel by taxis and PHVs free from any fear of discriminatory treatment. The changes introduced through the 2022 Act will provide disabled passengers with the reassurance that they will receive appropriate assistance, wherever they travel, without being charged extra, and I am grateful to you for taking prompt action to ensure these duties are implemented effectively.

Yours sincerely,



Ruth Harper
Deputy Director, Accessible and Inclusive Travel

Report to Licensing Committee

Decision taken in respect of a review of a Dog Breeders Licence - Mr Jack Raey.

21st June 2022

Report of Animal Licensing Manager

PURPOSE OF REPORT

The report is for information, to notify the committee of an urgent decision taken by the Director of Communities and Environment in consultation with the Chair of Licensing Committee in respect of a Dog Breeding Licence.

This report is public.

RECOMMENDATIONS

1. That the report is noted.

1.0 Introduction

- 1.1 The report is provided in accordance with the requirements of the Councils Constitution which provides that any urgent decisions taken by the Director in consultation with the Chair of Licensing Committee be report to the next meeting of the Licensing Committee.

2.0 Decision/ Action Taken

- 2.1 On 10th June 2022 the Director of Communities and Environment in consultation with the Chair of the Licensing Committee considered information in respect of Mr Jack Raey, Red Rose Kennels, 60 Lancaster Road, Overton. Mr Raey was last inspected on 4th July 2021, when a 2-year Dog Breeders Licence was issued. The information considered is attached at **Appendix A**. The decision was that Mr Raey's Breeders Licence was revoked with immediate effect.
- 2.2 The view of both the Director and Chair of Licensing Committee was that the Dog Breeders Licence should be revoked with immediate effect. The decision was given in writing that same day on 10th June 2022, and hand delivered to Mr Raey's home address. A copy of the decision is attached at **Appendix B**

- 2.3 The decision notice (**Appendix B**) refers to the reasons for the revocation being forwarded to Mr Raey on Friday 10th June 2022 a copy of these is provided at **Appendix C** and once again were hand delivered to Mr Raey at his home address
- 2.4 The matter was considered urgent as a Local Authority can with immediate effect revoke a licence where poor welfare conditions are discovered, and it would otherwise benefit the welfare of the animals involved to be removed from the licensable activity. The review of Mr Raey's licence met the requirements of an urgent matter as detailed in the Councils constitution
- 2.5 In addition A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary, or revoke a licence at any time on being satisfied that—
- (a) the licence conditions are not being complied with,
 - (b) there has been a breach of these Regulations,
 - (c) information supplied by the licence holder is false or misleading, or
 - (d) it is necessary to protect the welfare of an animal.

3.0 Council Policy and Legislation

- 3.1 The Council's Constitution states that "the Director for Communities and the Environment" in consultation with the Chair or Vice Chair of Licensing Committee can revoke a dog breeding licence under Section 15 of the Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 Part 3, Schedule 15 - Grounds for suspension, variation without consent or revocation of a license.

In addition, Part 2 section 7 page 50 of the Constitution provides the following delegation to the Chief Executive. (Page 52 confirms that the Director is authorised to carry out the general delegations of the Chief Executive)

Matters of Urgency

To authorise any action reasonably necessary to protect the health, safety or welfare of individuals or the safety of property.

Where it is necessary for any function of the Council or one of its committees to be discharged and it is impracticable or impossible, by means of urgency for the matter to be considered by the Council or such committee, to take such action as they consider appropriate, in consultation as far as is practicable with the Mayor and group leaders in respect of a Council function or the relevant committee Chair in respect of a matter within the Terms of reference of a Council Committee

4.0 Conclusion

- 4.1 The detail as to the relevant considerations in the decision making are attached in **Appendix A**, considered by the Director of Communities and Environment in consultation with the Chair of Licensing Committee. This report is for information, but also provides transparency regarding the decision-making process

CONCLUSION OF IMPACT ASSESSMENT

(Including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

In accordance with the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 there is a right of appeal to the "First-tier Tribunal. This period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted

SECTION 151 OFFICER'S COMMENTS

LEGAL IMPLICATIONS

These are detailed in the report in respect of the relevant Constitutional requirements.

BACKGROUND PAPERS

None

Contact Officer: Mark Woodhead
Telephone: 01524 582744
E-mail: mwoodhead@lancaster.gov.uk
Ref: MAW1

Decision to be taken

Mr Jack Reay, Red Rose Kennels, 60 Lancaster Road, Overton.

9th June 2022

Urgent Item Report

PURPOSE OF REPORT

A report from a member of the public raised concerns for the welfare of dogs housed at the above licenced dog breeding premises. A joint visit between Lancashire Police and Lancaster City Council Animal Licensing Officers was made on 7th June 2022. 25 adult dogs and 23 puppies were found onsite in outbuildings. There was evidence to suggest that the dogs had been left for a considerable period. At the time of the visit all the dog's welfare was not being met and all of the puppies and adult dogs appeared in distress. A decision was made to take 21 dogs into care and arrange for assessment by a vet. There were 16 licence breaches. The overall conditions and severity of the breaches are sufficient to justify licence revocation and due to the imminent threat to the welfare of many of the dogs, the recommendation is this should be immediate.

This report is public.

RECOMMENDATIONS

To revoke the dog breeding licence with immediate effect on the grounds of number and severity of the breaches of licence conditions, and the impact this has had on the health and welfare of the dogs, including the death of one puppy.

1 Introduction

The report is provided in accordance with the requirements of the Councils Constitution which provides that any urgent decisions must be taken by the Director in consultation with the Chair of Licensing Committee.

2 Allegation

On 7th June 2022 Animal Licensing Officers received a notification from the police of concerns raised by a member of the public for the safety and welfare of dogs housed at a licenced dog breeding establishment - 60 Lancaster Road, Overton. The notification stated that a member of the public attended the premises on 6th June to collect a puppy and although this was reported to be by prior agreement with the licence holder, Jack Reay, nobody was on site when she arrived. She remained on site for 8 hours. She tried a number of times to contact Mr Reay on his mobile phone, but he did not respond. She returned the following day and with still no one on site she reported her concerns to the Police. The Police then reported the matter to the Council. The licence holder has held a dog breeding licence for 1 year.

Summary of the licence details:

Mr Jack Reay
Red Rose Kennels
60 Lancaster Road, Overton.

Last inspected on 4th July 2021, when a 4-star (2 year) Licence was issued.

3 Officer inspection

Sarah Jones and Sarah Hayland (Animal Licensing Officers) arrived at approximately 13.20 on 7th June 2022 to find no one on site. Further enquiries were made, and they returned to the property at 15.10 with PC Neil Tomlinson and PC Matt Betts. The property is a large, detached property with a double garage converted for whelping and a converted stable block consisting of nine kennels, with approximately one acre of land attached.

Under Section 23 of the Animal Welfare Act 2006 Officers have Power of entry to any part of a licensed premises, which is not a domestic dwelling. On entering the outbuildings with the Police's assistance, the dogs were discovered.

On entering the Double Garage, it was found to be in complete darkness, there were 4 individual pens:

In Whelping Pen 1: 1 bitch and 4 pups, approximately 1 week old, with 1 unresponsive pup, no heating, no water, and no food.

In Whelping Pen 2: 1 heavily pregnant bitch (gave birth the following day) with blood-soaked bedding, no heating, no water, and no food.

Whelping Pen 3 was empty.

In Whelping Pen 4: 5 pups, approximately 8 weeks old, with no mother, no heating, no water, and no food.

In the Stable Block of 9, 6 were occupied:

In Kennel 1: 8 dogs, with no light, no water, no food, and heavily soiled bedding.

In Kennel 2: 2 dogs, with no light, no water, no food, and heavily soiled bedding.

In Kennel 3: 6 dogs, with no light, no water, no food, and heavily soiled bedding.

In Kennel 4: 1 bitch and 8 puppies approximately 6 weeks old, with no light, no water, no food, heavily soiled bedding, and a rake causing risk of injury.

In Kennel 5: 1 bitch and 9 puppies approximately 2 weeks old, with no light, no water, no food, and heavily soiled bedding.

In Kennel 6: 5 dogs, with no light, no water, no food, and heavily soiled bedding.

It was apparent that their needs were not being met, contrary to Section 9 of the Animal Welfare Act and there were 16 easily identifiable breaches of his Animal Licensing conditions, notably all welfare.

Following veterinary examination one puppy was found to have an infected umbilical hernia, requiring veterinary treatment. One pup was hyperthermic and later died. Two breeding bitches had vaginal infections. One breeding bitch was found to be underweight. All dogs were found to be dirty, with dry faecal matter and malodorous smell.

4 Officers Investigations and findings

Details of licence breaches are listed below:

General conditions:

- 5.1 Provision of suitable environment (due to the deficiencies noted, the conclusion is that the environment was not suitable).
- 5.2 Supplementary heating (there was no heating to any of the pens at the time of the inspection).
- 5.3 Provision of a clean and comfortable environment (the bedding was soiled in all pens).
- 5.9 Left unattended for longer than 4 hours (it was clear from the observations that there had not been a responsible person on site within the last 4 hours).
- 6.5 Constant access to fresh clean water (all pens were without water).
- 7.2 Opportunities to exercise (due to the apparent lack of recent attendance, none of the dogs had been given any exercise).
- 8.3 Daily opportunity to interact with people (the evidence suggests that nobody has been in attendance to interact with the dogs).
- 9.13 Monitoring at least one per day (if a responsible person had been on site during the day, it is reasonable to assume they would have attended to some or all of the welfare needs. Therefore, it is safe to assume this condition has not been met).

Specific conditions:

- 1.6 Puppy shown with mother (the mother was separated from her litter).
- 2.2 Size requirements for 3 of the kennels were not met.
- 2.6 Temperature regulation (no heating provided and poorly insulated buildings).
- 2.12 Clean and comfortable sleeping area (bedding was heavily soiled).
- 4.3 Opportunity to exercise at least twice per day (due to the listed welfare issues it is clear that there has not been anyone in attendance, therefore no opportunity for exercise).
- 6.6 Health and safety checks at start and end of day (the observations listed strongly suggest that there have not been any checks made).
- 6.7 Adequate supervision of whelping bitches (dogs should not be left unsupervised for any more than 4 hours. Though not specified this duration

should be reduced significantly when heavily pregnant or having recently given birth).

Limitation on number of dogs permitted - Licence states 10 and 25 were found on site at time of visit.

It should also be noted that although Mr Reay has been spoken to advise him of the actions taken on Tuesday and that a number of his dogs are now in our care, he has not been formally interviewed or asked for an explanation for the conditions and breaches noted.

He has been informed he will be asked to attend a formal interview under caution, and this will be his opportunity to answer specific questions and explain what happened. Due to the severity of the welfare failings and number of breaches of the licence, it is intended to prepare a prosecution file for this incident.

5 Council's Policy and Legislation

The Council's Constitution states that "the Director for Communities and the Environment" in consultation with the Chair or Vice Chair of Licensing Committee can revoke a dog breeding licence under Section 15 of the Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 Part 3, Schedule 15 - Grounds for suspension, variation without consent or revocation of a license.

A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary, or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

A Local Authority can with immediate effect revoke a licence where poor welfare conditions are discovered, and it would otherwise benefit the welfare of the animals involved to be removed from the licensable activity.

6 Conclusion

The Director of Communities and Environment in consultation with the Chair of Licensing Committee are asked to determine whether Jack Reay should have his Licence to Breed Dogs revoked with immediate effect.

Jack Reay, in connection with the licensable activity has failed to meet the needs of the dogs and puppies involved in the activity of breeding, thereby also breaching his license conditions. The request for revocation is due to Jack Reay's apparent disregard for his animal's welfare as we have reasonable grounds to believe that he was out of the country for 4 days, and from the observations outlined in this report it is clear he did not make sufficient and reliable provisions for the care and welfare of the dogs in his possession. The reason this should take immediate affect is to ensure he does not have time to restart the business immediately using his remaining dogs or buying more.

CONCLUSION OF IMPACT ASSESSMENT

(Including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

No significant impact. Mr Reay has the right of appeal if the licence is revoked

FINANCIAL IMPLICATIONS

Financial Services have not been consulted

SECTION 151 OFFICER'S COMMENTS

Section 151 officer has not been consulted

LEGAL IMPLICATIONS

These are detailed in the report in respect of the relevant Constitutional requirements.

BACKGROUND PAPERS

None

Contact Officer: Mark Woodhead

Telephone: 01524 582744

E-mail: mwoodhead@lancaster.gov.uk

Ref: MAW1

Urgent Matters Report - The Director for Communities and the Environment and the Chair of Licensing Committee.

10th June 2022

Decision Notice – Mr Jack Reay.

Section 15 of the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018 states A local Authority may, without any requirement of licence holders' consent, decide to suspend, vary or revoke a licence at any time on being satisfied that:

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

A Local Authority can with immediate effect revoke a licence where poor welfare conditions are discovered, and it would otherwise benefit the welfare of the animals involved to be removed from the licensable activity.

The Director for Communities and the Environment" in consultation with the Chair of Licensing Committee considered the Revocation Notice report presented to them.

The Director for Communities and the Environment and the Chair of Licensing Committee were advised that Mr Jack Reay of 60 Lancaster Road, Overton was licensed under the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018 and was last inspected on 4th July 2021, when a 2-year licence was issued.

The Director for Communities and the Environment and the Chair of Licensing Committee were advised that Jack Reay, in connection with the licensable activity has failed to meet the needs of the dogs and puppies involved in the activity of breeding, thereby also breaching his license conditions.

There is an apparent disregard for his animal's welfare and there are reasonable grounds to believe that he was out of the country for 4 days, and from the observations outlined in the report it is clear he did not make sufficient and reliable provisions for the care and welfare of the dogs in his possession. It was advised that the reason this should take immediate affect was to ensure he does not have time to restart the business immediately using his remaining dogs or buying more.

The Director for Communities and the Environment and the Chair of Licensing Committee Decision.

A licence issued by the Council to a dog breeder is in effect the Council's seal of approval that the holder is a fit and proper person to breed dogs. The Director for Communities and the Environment and the Chair of Licensing Committee is satisfied on the information provided that Mr Jack Reay have not been complying with the conditions of their dog breeders licence, that they have been in breach of the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018, the licence conditions are not being complied with, there has been a breach of these Regulations and it is necessary to protect the welfare of an animal.

The Director for Communities and the Environment and the Chair of Licensing Committee therefore decided to revoke with immediate effect the Dog Breeders licence that had been granted to Mr Jack Reay.

In accordance with the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018 there is a right of appeal to the “First-tier Tribunal. This period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

Signed.....

Councillor Hartley (Chair)

Dated 10th June 2022.



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Contact: Mark Woodhead
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E-mail: mwoodhead@lancaster.gov.uk
Website: www.lancaster.gov.uk



Mr Jack Reay,
Red Rose Kennels,
60 Lancaster Road,
Overton.

**Directorate for Communities
and the Environment**

Suzanne Lodge
**Director for Communities and
the Environment**
Morecambe Town Hall
Marine Road
MORECAMBE
LA4 5AF

10 June 2022

Dear Mr Reay,

**The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Section 18**

Licence Number LCC/052011
Mr Jack Reay,
Red Rose Kennels,
60 Lancaster Road,
Overton.

NOTICE OF REVOCATION OF LICENCE

- On 10th June 2022 Lancaster City's Director for Communities and the Environment" in consultation with the Chair or Vice Chair of Licensing Committee made a decision to revoke your licence to breed dogs
- The Grounds on which your licence is revoked are set out in the Decision Notice enclosed.
- The revocation will take effect immediately.
- You can apply to a First-tier Tribunal within 28 days to appeal the Council's decision. Guidance on how to do this can be found online : <https://www.gov.uk/guidance/welfare-of-animals-appeal-to-a-tribunal>
- Because your licence has been revoked you can no longer carry on the licensable activity. A person who carries on a licensable activity without a licence commits an offence and is liable to imprisonment for up to 52 weeks, an unlimited fine or both. Following a conviction a Court may also disqualify a person from owning or keeping animals.

Yours faithfully,

Mark Woodhead
Community Health and Protection Officer

Report to Licensing Committee

Decision taken in respect of a review of a Dog Breeders Licence – Ms Emily Sutcliffe.

21st June 2022

Report of Animal Licensing Manager

PURPOSE OF REPORT

The report is for information, to notify the committee of an urgent decision taken by the Director of Communities and Environment in consultation with the Vice Chair of Licensing Committee in respect of a Dog Breeding Licence.

This report is public.

RECOMMENDATIONS

1. That the report is noted.

1.0 Introduction

- 1.1 The report is provided in accordance with the requirements of the Councils Constitution which provides that any urgent decisions taken by the Director in consultation with the Chair or Vice Chair of Licensing Committee be reported to the next meeting of the Licensing Committee.

2.0 Decision/ Action Taken

- 2.1 On 13th June 2022 the Director of Communities and Environment in consultation with the Vice Chair of the Licensing Committee considered information in respect of Ms Emily Sutcliffe, 80 Coastal Road, Hest Bank, Lancaster. Ms Sutcliffe was last inspected on 20th August 2021, when a 2-year Dog Breeders Licence was issued. The information considered is attached at **Appendix A**. The decision was that Ms Sutcliffe's Breeders Licence was revoked with immediate effect.
- 2.2 The view of both the Director and Vice Chair of Licensing Committee was that the Dog Breeders Licence should be revoked with immediate effect. The decision was given in writing that same day on 13th June 2022, and hand delivered to Ms Sutcliffe's home address. A copy of the decision is attached at **Appendix B**

- 2.3 The decision notice (**Appendix B**) refers to the reasons for the revocation being forwarded to Ms Sutcliffe on Monday 13th June 2022 a copy of these is provided at **Appendix C** and once again were hand delivered to Mr Raey at his home address
- 2.4 The matter was considered urgent as a Local Authority can with immediate effect revoke a licence where poor welfare conditions are discovered, and it would otherwise benefit the welfare of the animals involved to be removed from the licensable activity. The review of Ms Sutcliffe's licence met the requirements of an urgent matter as detailed in the Councils constitution
- 2.5 In addition A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary, or revoke a licence at any time on being satisfied that—
- (a) the licence conditions are not being complied with,
 - (b) there has been a breach of these Regulations,
 - (c) information supplied by the licence holder is false or misleading, or
 - (d) it is necessary to protect the welfare of an animal.

3.0 Council Policy and Legislation

- 3.1 The Council's Constitution states that "the Director for Communities and the Environment" in consultation with the Chair or Vice Chair of Licensing Committee can revoke a dog breeding licence under Section 15 of the Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 Part 3, Schedule 15 - Grounds for suspension, variation without consent or revocation of a license.

In addition, Part 2 section 7 page 50 of the Constitution provides the following delegation to the Chief Executive. (Page 52 confirms that the Director is authorised to carry out the general delegations of the Chief Executive)

Matters of Urgency

To authorise any action reasonably necessary to protect the health, safety or welfare of individuals or the safety of property.

Where it is necessary for any function of the Council or one of its committees to be discharged and it is impracticable or impossible, by means of urgency for the matter to be considered by the Council or such committee, to take such action as they consider appropriate, in consultation as far as is practicable with the Mayor and group leaders in respect of a Council function or the relevant committee Chair in respect of a matter within the Terms of reference of a Council Committee

4.0 Conclusion

- 4.1 The detail as to the relevant considerations in the decision making are attached in **Appendix A**, considered by the Director of Communities and Environment in consultation with the Chair of Licensing Committee. This report is for information, but also provides transparency regarding the decision-making process

CONCLUSION OF IMPACT ASSESSMENT

(Including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

In accordance with the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 there is a right of appeal to the "First-tier Tribunal. This period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted

SECTION 151 OFFICER'S COMMENTS

LEGAL IMPLICATIONS

These are detailed in the report in respect of the relevant Constitutional requirements.

BACKGROUND PAPERS

None

Contact Officer: Mark Woodhead
Telephone: 01524 582744
E-mail: mwoodhead@lancaster.gov.uk
Ref: MAW2

Decision to be taken

Ms Emily Sutcliffe, 80 Coastal Road, Hest Bank, Lancaster.

13th June 2022

Urgent Item Report

PURPOSE OF REPORT

A report from a member of the public raised concerns for the welfare of dogs housed at the above licenced dog breeding premises. A joint visit between Lancashire Police and Lancaster City Council Animal Licensing Officers was made on 7th June 2022. 16 adult dogs and 9 puppies were found onsite in outbuildings. There was evidence to suggest that the dogs had been left for a considerable period. At the time of the visit all the dog's welfare were not being met and all of the puppies and adult dogs appeared in distress. A decision was made to take all 25 dogs into care. There were 11 licence breaches. The overall conditions and severity of the breaches are sufficient to justify licence revocation and due to the imminent threat to the welfare of the dogs, the recommendation is this should be immediate.

This report is public.

RECOMMENDATIONS

To revoke the dog breeding licence with immediate effect on the grounds of number and severity of the breaches of licence conditions, and the impact this has had on the health and welfare of the dogs.

1 Introduction

The report is provided in accordance with the requirements of the Councils Constitution which provides that any urgent decisions must be taken by the Director in consultation with the Chair or Vice Chair of Licensing Committee.

2 Allegation

On 7th June 2022 Animal Licensing Officers received a notification from the police of concerns raised for the safety and welfare of dogs housed at a licenced dog breeding establishment – 80 Coastal Road, Hest Bank. The concern was raised after a visit to another establishment, following a call by a member of the public. On arrival nobody was on site. The licence holder has held a dog breeding licence for 1 year.

Summary of the licence details:

Ms Emily Sutcliffe
80 Coastal Road
Hest Bank, Lancaster.

Last inspected on 20th August 2021, when a 4-star (2 year) Licence was issued.

3 Officer inspection

Sarah Jones and Sarah Hayland (Animal Licensing Officers) arrived at approximately 17.30 on 7th June 2022 to find no one on site. The property is a large, semi-detached property with a stable block to the rear consisting of two separate blocks.

Under Section 23 of the Animal Welfare Act 2006 Officers have Power of entry to any part of a licensed premises, which is not a domestic dwelling. On entering the stable block, the dogs were discovered.

In Stable Block 1: 15 dogs of various breeds with no light, no water, no food, and heavily soiled bedding.

In Stable Block 2:

Pen 1: 2 puppies with no mum, no water, no food, and heavily soiled bedding.

Pen 2: Mum with 5 puppies, no water, no food, and heavily soiled bedding.

Pen 3: 2 older puppies with no mum, no water, no food, and heavily soiled bedding.

It was apparent that their needs were not being met, contrary to Section 9 of the Animal Welfare Act and there were 11 easily identifiable breaches of his Animal Licensing conditions, notably all welfare.

4 Officers Investigations and findings

Details of licence breaches are listed below:

General conditions:

- 5.1 Provision of suitable environment (due to the deficiencies noted, the conclusion is that the environment was not suitable).
- 5.3 Provision of a clean and comfortable environment (the bedding was soiled in all pens).
- 5.9 Left unattended for longer than 4 hours (it was clear from the observations that there had not been a responsible person on site within the last 4 hours).
- 6.5 Constant access to fresh clean water (all pens were without water).
- 7.2 Opportunities to exercise (due to the apparent lack of recent attendance, none of the dogs had been given any exercise).
- 8.3 Daily opportunity to interact with people (the evidence suggests that nobody has been in attendance to interact with the dogs).
- 9.13 Monitoring at least one per day (if a responsible person had been on site during the day, it is reasonable to assume they would have attended to some or all of the welfare needs. Therefore, it is safe to assume this condition has not been met).

Specific conditions:

- 2.2 Size requirements for 1 of the kennels were not met.
- 2.12 Clean and comfortable sleeping area (bedding was heavily soiled).
- 4.3 Opportunity to exercise at least twice per day (due to the listed welfare issues it is clear that there has not been anyone in attendance, therefore no opportunity for exercise).
- 6.6 Health and safety checks at start and end of day (the observations listed strongly suggest that there have not been any checks made).

Limitation on number of dogs permitted - Licence states 5 and 16 were found on site at time of visit.

It should also be noted that Ms Sutcliffe was been spoken to on 9th June, to advise her of the actions taken on 7th June and that her dogs are now in our care. Ms Sutcliffe stated that a friend was meant to be looking after the dogs, but has not been formally interviewed or asked for an explanation for the conditions and breaches noted.

She has been informed she will be asked to attend a formal interview under caution, and this will be her opportunity to answer specific questions and explain what happened. Due to the severity of the welfare failings and number of breaches of the licence, it is intended to prepare a prosecution file for this incident.

5 Council's Policy and Legislation

The Council's Constitution states that "the Director for Communities and the Environment" in consultation with the Chair or Vice Chair of Licensing Committee can revoke a dog breeding licence under Section 15 of the Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 Part 3, Schedule 15 - Grounds for suspension, variation without consent or revocation of a license.

A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary, or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

A Local Authority can with immediate effect revoke a licence where poor welfare conditions are discovered, and it would otherwise benefit the welfare of the animals involved to be removed from the licensable activity.

6 Conclusion

The Director of Communities and Environment in consultation with the Vice Chair of Licensing Committee are asked to determine whether Emily Sutcliffe should have her Licence to Breed Dogs revoked with immediate effect.

Emily Sutcliffe, in connection with the licensable activity has failed to meet the needs of the dogs and puppies involved in the activity of breeding, thereby also breaching her license conditions. The request for revocation is due to Emily Sutcliffe's apparent disregard for her animal's welfare as we have reasonable grounds to believe that she was out of the country for 6 days, and from the observations outlined in this report it is clear she did not make sufficient and reliable provisions for the care and welfare of the dogs in her possession. The reason this should take immediate affect is to ensure she does not have time to restart the business immediately.

CONCLUSION OF IMPACT ASSESSMENT

(Including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

No significant impact. Ms Sutcliffe has the right of appeal if the licence is revoked

FINANCIAL IMPLICATIONS

Financial Services have not been consulted

SECTION 151 OFFICER'S COMMENTS

Section 151 officer has not been consulted

LEGAL IMPLICATIONS

These are detailed in the report in respect of the relevant Constitutional requirements.

BACKGROUND PAPERS

None

Contact Officer: Mark Woodhead

Telephone: 01524 582744

E-mail: mwoodhead@lancaster.gov.uk

Ref: MAW2

Urgent Matters Report - The Director for Communities and the Environment and the Vice Chair of Licensing Committee.

13th June 2022

Decision Notice – Ms Emily Sutcliffe

Section 15 of the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018 states A local Authority may, without any requirement of licence holders' consent, decide to suspend, vary or revoke a licence at any time on being satisfied that:

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

A Local Authority can with immediate effect revoke a licence where poor welfare conditions are discovered, and it would otherwise benefit the welfare of the animals involved to be removed from the licensable activity.

The Director for Communities and the Environment" in consultation with the Vice Chair of Licensing Committee considered the Revocation Notice report presented to them.

The Director for Communities and the Environment and the Vice Chair of Licensing Committee were advised that Emily Sutcliffe of 80 Coastal Road, Hest Bank, was licensed under the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018 and was last inspected on 20th August 2021, when a 2-year licence was issued.

The Director for Communities and the Environment and the Vice Chair of Licensing Committee were advised that Emily Sutcliffe, in connection with the licensable activity has failed to meet the needs of the dogs and puppies involved in the activity of breeding, thereby also breaching his license conditions.

There is an apparent disregard for his animal's welfare and there are reasonable grounds to believe that she was out of the country for 6 days. From the observations outlined in the report it is clear she did not make sufficient and reliable provisions for the care and welfare of the dogs in his possession. It was advised that the reason this should take immediate effect was to ensure she does not have time to restart the business immediately using his remaining dogs or buying more.

The Director for Communities and the Environment and the Vice Chair of Licensing Committee Decision.

A licence issued by the Council to a dog breeder is in effect the Council's seal of approval that the holder is a fit and proper person to breed dogs. The Director for Communities and the Environment and the Chair of Licensing Committee is satisfied on the information provided that Ms Emily Sutcliffe has not been complying with the conditions of their dog breeders licence, that they have been in breach of the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018, the licence conditions are not being complied with, there has been a breach of these Regulations and it is necessary to protect the welfare of an animal.

The Director for Communities and the Environment and the Vice Chair of Licensing Committee therefore decided to revoke with immediate effect the Dog Breeders licence that had been granted to Ms Emily Sutcliffe.

In accordance with the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018 there is a right of appeal to the “First-tier Tribunal. This period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

Signed.....

Councillor Guilding (Vice Chair of Licensing Committee)

Dated 13th June 2022.



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Contact: Mark Woodhead
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Website: www.lancaster.gov.uk



Ms Emily Sutcliffe
80 Coastal Road
Hest Bank
Lancaster

**Directorate for Communities
and the Environment**

Suzanne Lodge
**Director for Communities and
the Environment**
Morecambe Town Hall
Marine Road
MORECAMBE
LA4 5AF

13th June 2022

Dear Ms Sutcliffe,

**The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Section 18**

Licence Number LCC/052216
Ms Emily Sutcliffe
80 Coastal Road
Hest Bank
Lancaster.

NOTICE OF REVOCATION OF LICENCE

- On 13th June 2022 Lancaster City's Director for Communities and the Environment" in consultation with the Chair or Vice Chair of Licensing Committee made a decision to revoke your licence to breed dogs
- The Grounds on which your licence is revoked are set out in the Decision Notice enclosed.
- The revocation will take effect immediately.
- You can apply to a First-tier Tribunal within 28 days to appeal the Council's decision. Guidance on how to do this can be found online : <https://www.gov.uk/guidance/welfare-of-animals-appeal-to-a-tribunal>
- Because your licence has been revoked you can no longer carry on the licensable activity. A person who carries on a licensable activity without a licence commits an offence and is liable to imprisonment for up to 52 weeks, an unlimited fine or both. Following a conviction a Court may also disqualify a person from owning or keeping animals.

Yours faithfully,

Mark Woodhead
Community Health and Protection Officer

LICENSING COMMITTEE**Licensing of Pedicabs****30 June 2022****Report of Licensing Manager****PURPOSE OF REPORT**

At a meeting of Licensing Committee on 9 June 2022, members considered licensing pedicabs as hackney carriages; they agreed to the licensing of such vehicles in principle. Members requested further research into pedicabs and benchmarking from other licensing authorities. Additionally, they requested officers set out a plan for public/trade consultation to ascertain public opinion of use of pedicabs in the district.

This report is public.

RECOMMENDATION

- 1) That members note the contents of the report,
- 2) Approve the consultation proposals as set out in the report, modified or unmodified.

1.0 Background

- 1.1 At a meeting of the Licensing Committee on 9 June 2022 members considered an application to licence a pedicab as a hackney carriage vehicle, they agreed to the licensing of such vehicles in principle. It was acknowledged at the previous meeting by officers and members that the licensing of pedicabs is a complex matter with lots of factors to consider; with public safety being the paramount consideration.
- 1.2 Members of Licensing Committee requested research be presented at the next meeting and should include safety implications of the use of pedicabs as vehicles for public hire and benchmarking with other Licensing Authorities who have successfully licensed pedicabs as hackney carriages.
- 1.3 The business model presented by the applicant suggested use of the pedicab(s) along the pedestrianised area of the Promenade in Morecambe, between the Midland Hotel and Whinnysty Lane, Heysham (1.7miles) and the public highway between the Midland Hotel and Happy Mount Park (1.8miles).
- 1.4 Due to the number of users of the promenade, including cyclists, walkers, families with pushchairs/animal's members requested a consultation plan was set-out to obtain the views of the public on the operation of the vehicles along this route.

- 1.5 Additionally, as pedicabs must be licensed as a hackney carriage and Lancaster City Council currently limit the number of licences to 108, it was recommended that the vehicle proprietors of those licences must also be consulted on the potential impact on their business and the wider hackney carriage trade.

2.0 Report

- 2.1 As set out in the previous report, by law, pedicabs **must** be licensed as hackney carriage vehicles yet do not meet the current approved Lancaster City Council hackney carriage vehicle specification. Additionally, drivers are required to obtain a licence from the Licensing Authority to legally permit them to drive a hackney carriage vehicle.
- 2.2 The regulation of pedicabs does not easily fit Hackney Carriage or Private Hire legislation, rather Licensing Authorities set separate vehicle specification, driver application requirements and licence conditions to meet the needs of the business operators in their area.
- 2.3 Interestingly, an article published on the Institute of Licensing website suggested legislation may be introduced as the matter was raised during a Government Transport Committee meeting.

On 27 April 2022 Grant Shapps MP, Secretary of State at Department for Transport, made a commitment to introduce licensing legislation for pedicabs.

Giving evidence to the Transport Committee and responding to a question by Ben Bradshaw MP on the licensing, regulation, and safety of pedicabs, Mr Shapps said:

(Q. Related are pedicabs or rickshaws. We see a lot in London. They are not licensed or regulated, and there are real concerns about their safety. Are you able to commit to do something about that form of transport?)

"Excellent question. Yes, I am. We will be introducing in the next Session a law to control what I think is the wild west of pedicabs or rickshaws, particularly in London where there isn't legislation that accurately enables any type of proper licensing or control. I think it is high time. I know Parliament has expressed an interest, including through a series of Back-Bench Bills that, for one reason or another, or perhaps one person, have not proceeded through Parliament. We will do that on Government time in the transport Bill."

- 2.4 Members may wish to await the publication of legislation before setting local standards for vehicle and drivers of pedicabs, although it is not clear if this will be specific to London or be introduced Country wide, timescales were not discussed during the Transport Committee meeting.

Benchmarking

- 2.5 It is important when setting local policy that the practices and standards applied by neighbouring and comparable Licensing Authorities are benchmarked; it assists with pulling together the best parts of each to ensure the standards approved by Lancaster City Council meet local need. The operation of pedicabs in pedestrianised areas seems unique in comparison to other areas.

- 2.6 Through the Lancashire Licensing Officer Group (12 Local Authority Members) the Licensing Manager requested that successful implementation of local policies, standards or guidance be shared, similarly if any problems had occurred or if they had any knowledge of the safety of such vehicles for public hire use. No positive feedback was obtained.
- 2.7 In addition to Lancashire Licensing Authorities, York Council and South Lakeland District Council were approached to share their policies and standards as both were highlighted through internet searches that they had implemented a regime to support the licensing of pedicabs. Both Authorities duly shared that information requested yet commented that they have no pedicabs currently licenced or ongoing applications to determine. Those standards are attached at **Appendix A**.
- 2.8 Manchester City Council do not licence rickshaws and pedicabs and provide the following statement in respect of such vehicles on their website.
- We don't currently license pedicabs or rickshaws to operate as taxis or private hire in Manchester because they don't meet our minimum standards for things such as accessibility, driver training, and health and safety.*
- But we do monitor demand for different kinds of taxi-style transport in the city, and regularly review the types of licences we issue to operators.*
- 2.9 Pedicabs operating in Scotland (The City of Edinburgh Council and Glasgow City Council) are licensed as street traders. (Section 39 of the Civic Government (Scotland) Act 1982).

Safety Considerations

- 2.10 At the previous meeting of the Licensing Committee members raised questions regarding the safety of pedicabs for the carriage of passengers on the public highway. There is limited information available online regarding pedicab "accidents" or anything specific in relation to them being deemed unsafe, most articles and impact assessments viewed online talk of risk rather than safety implications of the vehicles. Permitting use of the pedicabs on the public highway would present more risk than restricting their use to pedestrianised areas. The route permitted by public realm as set out earlier in the report has been authorised for use as its width would permit users of the shared space to do so with limited risk to one another. (Determined by Public Realm Officers) It has also been identified as a quieter section of the Promenade.
- 2.11 There are many reports online of incidents, altercations between riders and passengers and excessive charging in London, but very little relevant outside of the Capital. One reported accident in Scotland involved a passenger being hospitalised after her scarf became entangled in a pedicab wheel and was dragged from her seat and caught up in the wheel.
- 2.12 It is thought many of the risks identified could be addressed via licence conditions. Eg, The rider must ensure all passengers remove any flowing scarves/clothing prior to undertaking a journey, maximum speed specified, seatbelt/bell requirements, testing and maintenance.

Consultation

- 2.13 Public consultation is required to establish the views of local people on the use of pedicabs along the promenade and public highway. Feedback will be sought via the Council website and social media platforms. Additionally, and periodically throughout the consultation, licensing staff will engage with users of the Promenade face to face to obtain their views. Licensed hackney carriage proprietors will also be contacted directly to measure their views and provide an opportunity to give feedback on proposals to permit licensing of pedicabs.
- 2.14 Attached at **Appendix B** is the suggested consultation content, it was felt that an open-ended request for feedback on proposals regarding pedicabs will provide more authentic responses from the public.

It is suggested that the consultation run for up to 4 weeks, From Friday 1st July 2022 to Monday 1st August 2022.

Consultation responses will be collated, and a further report brought to members for consideration.

3.0 Options Available to members:

- 1) That members note the contents of the report, and,
- 2) Approve the consultation proposals as set out in the report, modified or unmodified

4.0 Conclusion

- 4.1 Pedicabs must be licensed as hackney carriages, it has been identified through benchmarking and online research that there is no common approach to application standards /licensing requirements. With many Licensing Authorities shoehorning standards into the legislation and controlling the operation of pedicabs through licence conditions.
- 4.2 It is important that the views of the public, particularly regular users of the Promenade are taken into consideration when setting policy and standards. As the introduction of non-motorised hackney carriages may impact those currently licensed, all vehicle proprietors will be contacted and invited to share their views.
- 4.3 As there is no Licensing Committee in July, a 4-week consultation can be undertaken and Licensing staff seek out the views of the public, face to face along the Promenade. Hopefully with a view to providing meaningful feedback to the Licensing Committee.
- 4.4 It is intended that the consultation feedback be presented at the next Licensing Committee meeting (August).

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

FINANCIAL IMPLICATIONS

Financial Services have not been consulted.

LEGAL IMPLICATIONS

It is important that consultation is undertaken having regard to Government guidance on how consultation should be carried out. In 2000 the Government published its Code of Practice on consultation, the latest version of this is version 3 published in 2008 by the Department for Business, Enterprise, and Regulatory Reform. More recently in 2018 the Cabinet office published the Government Consultation principles.

BACKGROUND PAPERS

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Ref: JC/Pedicab2

- Capable of carrying a minimum of four and up to six passengers (dependent upon construction)
- In the opinion of the council appointed Inspector, safe for the use as a hackney carriage vehicle on the road.

16.4 Signage

Every carriage must display a plate to the rear which indicates a licence number and licence expiry date.

16.5 Conditions

Conditions relating to horse drawn carriages can be found in Appendix R.

16.6 Tariffs

The tariff for a non-motorised hackney carriage shall be reviewed at the same time as the tariff is reviewed for a motorised hackney carriage.

Each non-motorised hackney carriage shall display a copy of the current tariff table in such a position that it can be read by a customer.

17. Non-motorised hackney carriages: Pedicab hackney carriages

17.1 General

These conditions apply exclusively to pedicabs.

A pedicab hackney carriage vehicle licence will only be issued on a six monthly basis.

All applications received which fall outside of this policy will be referred to Licensing Regulatory Sub-Committee for determination and any additional costs incurred to be borne by the applicant.

17.2 Drivers of pedicabs

The pedicabs must be operated by a competent cyclist, holding a full valid DVLA driving licence for at least one year, and who has been trained to cycle the specified route. Drivers must be the holder of a current pedicab hackney carriage drivers' licence which has been issued by South Lakeland District Council.

All drivers will undergo an enhanced Disclosure and Barring Service check and statutory declaration as required by this council. The policy on relevance of convictions will be used



to assess whether an applicant is a fit and proper person to hold a hackney carriage drivers licence with this Authority.

Drivers will be required to meet DVLA group 2 medical standards.

17.3 Pedicab tariff

The tariff for a non-motorised hackney carriage shall be reviewed at the same time as the tariff is reviewed for a motorised hackney carriage.

Each non-motorised hackney carriage shall display a copy of the current tariff table in such a position that it can be read by a customer.

17.4 Seat belts

Separate seat belts shall be fitted to all seats in all licensed vehicles. They shall be readily accessible for use by all passengers and shall be maintained in good condition and a useable state of repair at all times.

The driver of a pedicab shall ensure that passengers are offered the safety/lap belt before commencing a journey. If the passenger is a child they must use the belt provided. All children under 11 years of age to be accompanied by an adult and all children must occupy a seat.

17.5 Alterations

No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of any authorised officer of the licensing authority.

For the avoidance of doubt alterations includes both additions to and the removal of any existing equipment in, or on, licensed vehicles.

17.6 Licence plates and badges

For all licensed vehicles the licence plate must be securely fixed to the rear of the pedicab. The internal hackney disc will be displayed within the seated area of the pedicab; however side plates are not required.

The licence plate/disc shall remain the property of the council and shall be returned to the South Lakeland District Council's licensing section, if the proprietor no longer holds a licence issued by the council, which is in force in respect of the vehicle (whether by reason of expiry or revocation). After the expiry date on any hackney carriage or private hire licence, that licence is no longer valid and any badge or vehicle plate must be returned to the council immediately. All licence plates must be returned before a new plate is issued.

The loss of, damage to or illegibility of a plate or badge shall be reported to the council as soon as the loss, damage, or illegibility becomes known and a duplicate will be issued at

the expense of the licence holder. The vehicle shall not be used for hire until the plate or badge has been replaced.

The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle (hiring or leasing the vehicle). If at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.

All applications received after the date of expiry will be treated as a grant and not a renewal, and the appropriate conditions and fees for a grant will then apply.

17.7 Advertising

Position and content of advertising must be inspected and written authorisation received from the licensing section before any advertising is placed on the vehicle.

The advertisements will be assessed against the following criteria:

- Non sexual
- Non discriminatory
- Not to cause public offence
- Not misleading
- Location does not distract from council vehicle signs
- Not to obscure vision of the driver

17.8 Vehicle damage/accidents

The proprietor of the vehicle shall report to the licensing section as soon as reasonably practicable, and in any case within seventy two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of the licensing authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used.

Accidents involving personal injury to passengers must be notified to the Police and Licensing section as soon as possible but in any case within forty eight hours.

17.9 Insurance

Every pedicab shall be covered by an insurance policy for public hire and covering third party liability in respect of physical injury or death, or damage to personal belongings. A minimum sum of £5 million cover is required.



On the expiry of the Insurance, a cover note or Certificate of Insurance renewing cover must be produced to the licensing section prior to or on the day of expiry of the previous certificate. Photocopies of the original or electronic copies are acceptable.

The licence holder shall notify the council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.

17.10 Notifications

The proprietor of a licence shall produce details of the drivers permitted to drive by him to the licensing authority.

The proprietor shall notify the council of any change in the list of drivers within seven days of the change.

The licence holder shall, within seven days notify the council in writing of any change of address and produce the vehicle licence to the licensing section so that the new address may be endorsed there.

17.11 Pedicab safety, inspections and legislation

A pedicab hackney carriage Vehicle licence will only be issued on an annual basis.

A proprietor of a pedicab will ensure that the vehicle testing standards adopted by the council are completed prior to the grant or renewal of a pedicab vehicle licence.

A pedicab vehicle will be subjected to an annual service, which must be conducted by a cycle dealership who is members of the Association of Cycle Traders. The examiner must be qualified to the Cytech level 3 standard.

On completion of the annual service the proprietor of the pedicab must forward the council's test sheet (Appendix U) to the licensing authority signed and stamped by the examiner/dealership. The form should indicate whether the vehicle meets the required standards.

All costs in respect of the vehicle test will be borne by the proprietor of the vehicle.

Should a pedicab fail to pass an inspection, the pedicab examiner must inform the licensing authority immediately upon which an authorized officer of the council will notify the proprietor that the licence has been suspended in writing.

An authorised officer, an officer nominated by the council or any police constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the council for the purpose of ascertaining its fitness.

The licence holder shall ensure that all pedicabs are maintained regularly and kept in a safe condition. A basic check must be carried out before each occasion it is used. The licence holder shall retain records of all maintenance work carried out on each pedicab.



Appendix T: Non-motorised vehicles: pedicabs driver and vehicle conditions

General conditions

1. Safety helmets must be made available to all passengers at all times
2. The pedicab must be fitted with an audible warning system
3. The proprietor of a licensed vehicle shall not convey or permit to be convey in such vehicle any greater number of persons than the number specified the license issued to that particular vehicle.
4. All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and Authorised officers of the council.
5. The proprietor or driver of such vehicle licensed by the council shall furnish the authorised officers, such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
6. The proprietor or driver of a vehicle licensed by the council shall provide assistance necessary for carrying out the functions of the appropriate legislation to an authorised office any person accompanying the authorised officer.
7. The authorised officer will show their authorisation if required.
8. The councils pedicab test sheet is attached to Appendix U.

Appendix U: Non-motorised vehicles – pedicabs: inspection forms

Pedicabs

Testing standard – appearance / safety / comfort / compliance with licence conditions
Six monthly safety / service to be completed by authorised cycle dealership to BS 6102 standard:

Cycle Dealership: -			ACT M/ship number -
Make:	Model:	Year of Manufacture:	PlateNo.HCV [Renewals Only]
Test Date:	Time:	Examiner	Cytech level 3: - Y/N
Name & Address of Proprietor: Telephone No:			
Result of Test: *PASS		*FAIL	
In the event of failure, please indicate reasons.			

PASS/FAIL
(√) (x)

1	Seat Belts	All seat belts must be securely fitted to the frame and be operational. Separate seat belts must be available for each passenger.	
2	Vehicle framework	The frame must not have any cracks or show signs of excessive corrosion. It shall be free from damage.	
3	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.	
4	Road Test	The vehicle must be capable of manoeuvring safety and 'handles' correctly without any undue drift or pull etc	
5	Other	Any item, defect or fault which in the opinion of the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.	

Additional checks to be completed on behalf of South Lakeland District Council

1	External Bodywork	The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.	
2	Seats and Upholstery	All seats, upholstery, trim must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges, which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean.	
3	Floor	The floor must be sound. If furnished with rubber mats they must be in a clean and undamaged condition. The floor coverings must not be so worn as to cause danger to passengers.	
4	Hood	The hood shall be intact, clean and free from holes, tears, stains or any other damage.	
5	Warning system	The pedicab must be fitted with an efficient audible warning system (bell or horn).	
6	General	Any item, defect or fault which in the opinion of the tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.	
7	Internal Plate Sticker *	The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers. (*Renewal only)	
8	Exterior Plate*	The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used. (*Renewal only)	
9	Pass	Fail	Accredited cycle shop stamp Signature of examiner

Immediately upon completion of the vehicle inspection, a copy of the report should be faxed to SLDC's Licensing Office (01539 740300). The original copy of this form should be forwarded by post to the Licensing Group, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4DQ.



Appendix 6

Pedicabs

Code of Conduct for Pedicab Riders

I (insert name) hereby certify that in the course of my activities as a pedicab rider will:

1. Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents.
2. Abide by the rules as set out in the Highway Code at all times.
3. At no time be under the influence of alcohol or any drugs, including prescription drugs, that may affect my judgement.
4. Ensure that my passengers are offered the safety belt or lap belt before all journeys.
5. Charge a standard fare for all journeys which will be for the hire of the vehicle (not per passenger) and agree that fare with passengers prior to embarking on a journey and not to charge or demand more.
6. Ensure that all items belonging to passengers are stowed away and that scarves, coats or any other items are safely contained within the pedicab.
7. Not solicit or tout for business.
8. Not overload the pedicab. I will only take passengers if they can be seated in the pedicab. A maximum of 2 passengers can be carried at any one time.
9. Be courteous and considerate to other road users, pedestrians, taxi drivers, the police and passengers at all times.
10. Not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings, e.g. theatres and licensed premises.
11. Wear my hackney carriage driver's badge (ID badge) at all times whilst working.
12. Carry out safety checks of brakes, steering, tyres, pedals, lights and the pedicab in general before the commencement of work each day.
13. Assist any other pedicab rider if they are experiencing difficulties or are in danger of assault.
14. Not become involved in racing of any kind.
15. Hand in any lost property to the Taxi Licensing Section within the prescribed time limit.
16. Ensure that my passengers arrive at their destination safely and that I will take particular care of the vulnerable.
17. Not smoke or use a mobile phone whilst riding or allow passengers to smoke during any journey.
18. Not ride in pedestrian areas or on the pavement.
19. Not take any action that might damage the reputation of the industry or licensing authority.
20. Report and document any accidents or incidents within 72 hours to the Taxi Licensing Section.

Code of Conduct for Pedicab Proprietors

I/we, the pedicab proprietor(s) (insert name(s)) hereby certify that I/we will manage my/our operation according to the following Code of Practice for Pedicabs Proprietors and therefore will:

1. Have in place third part public liability insurance (minimum of one million for any one event) and insurance to cover the use of the pedicab and pedicab riders to carry passengers for public hire/hire and reward covering all pedicabs owned by us and ridden by pedicab riders registered with us and licensed with City of York Council.
2. Ensure that all pedicab riders registered with us have signed the Code of Conduct for Pedicab Riders.
3. Have zero tolerance to the use of drugs and alcohol.
4. Ensure that all pedicab riders meet the standards as laid down by the City of York Council.
5. Ensure that all pedicab riders receive training in all aspects of pedicab riding.
6. Ensure that all pedicab riders pass a practical on-road test whilst carrying passengers.
7. Ensure that all vehicles are safe, legal and roadworthy (including lights and safety belts) and are specifically designed for carrying passengers.
8. Monitor street behaviour and have in place a disciplinary procedure clearly setting out the criteria under which a pedicab rider will be penalised or dismissed.
9. In the event of the dismissal of a pedicab rider, to inform the Council and all other pedicab proprietors within the authority.
10. Ensure that all pedicabs are maintained regularly and kept in a safe condition and to keep records of all maintenance carried out on each vehicle.
11. Keep operational records to ensure that you can identify which pedicab rider was on which pedicab at any one time and to pass that information to the licensing authority if so requested.
12. Take steps to protect the reputation of the pedicab industry at all times.
13. Document all incidents and accidents and report them to the licensing authority within 72 hours.
14. Ensure that all vehicles and riders can be identified as being part of our business.

Hackney Carriage Pedicab Vehicle Licence Conditions

1. The pedicab must comply with the requirements of the Pedal Cycle (Construction and Use) Regulations 1983 and the Pedal Cycle (Safety) Regulations 2003.
2. The pedicab will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
3. The pedicab must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
4. The steering wheel when turned to full lock will not affect the stability of the pedicab when turning.
5. Tyres must comply with the following requirements:
 - tread pattern clearly visible over the whole tread area
 - no exposed cords
 - the load ratings of all tyres must be suitable for a pedicab when fully loaded.
6. Any electrical installations to the pedicab must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
7. A pedicab must not exceed 1250mm in width (excluding rear view mirror) or 2650mm in length.
8. There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror is also permitted.
9. The outer edge of the floor of the passenger compartment should not exceed 38cm above ground level when the vehicle is unladen and should be fitted with non-slip high visibility yellow markings. The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility yellow markings.
10. Any canopy or roof, when fitted, must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered.
11. The rear seat dimensions must be adequate to accommodate one or two adults passengers based on a width of 450mm per passenger and shall be forward facing.
12. Visibility from the passenger compartment must not be restricted by the design of the pedicab. If the canopy or roof restricts vision then clear panels should be fitted to aid vision.
13. Every pedicab licensed by the authority shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle and must bear an EC or BSI mark.
14. The rider's controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be

such that it restricts access or egress to the passenger compartment.

15. Fares will be subject to a minimum charge of £3 and will be agreed with any passenger at the commencement of the journey and drivers will not be allowed to charge or demand more monies at the end of that journey. A written receipt will be given to each paying passenger and a copy kept by the licensed rider/proprietor. A chart explaining the fares shall be displayed in full view of any passengers.
16. The Certificate of insurance and interior identification plate must be displayed within the view of any passengers and should remain so when roof or canopy is lowered.
17. All pedicabs shall be required to be fitted with any audible warning instrument (bell) complying with the Pedal Cycles (Safety) Regulations 2003.
18. Pedicabs and all their fittings must be maintained to standards that meet these conditions of licence throughout the validity of the licence. They must be kept clean and in good order at all times and will be subject to tests and inspections. Any pedicab found to be not properly maintained will have its licence suspended until such time as it is re-presented for inspection having had the defect(s) rectified. All testing will be carried out by the CYTECH qualified technicians.
19. Suitable advertisements may be allowed on the exterior or interior of pedicabs subject to the approval/guidelines of the licensing authority. In addition they may display signs or notices which indicate professional skills or qualifications of the driver which enhance the pedicab service to the public.
20. The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire resistant material to BS 5852 Part 1, 1979 or equivalent.
21. The pedicab shall be of a design which has the rider to the front and passengers seated to the rear.
22. Pedicabs licensed by this authority will only operate within the Unitary Authority boundary.
23. Pedicab riders must adhere to the pedestrian area entry times which also includes the access only times.
24. Pedicabs are only allowed to pick up (rank) at the ranks on Tower Street, Piccadilly and the rearmost part of Duncombe Place rank and any other as directed by the licensing authority.
25. Each pedicab shall be licensed to carry no more than 2 passengers at any one time.
26. The licensed vehicle shall not display any other signs or notices except those detailed above or approved by the Council.
27. The licensed vehicle shall be a licensed hackney carriage pedicab of any other Council.
28. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the

licensed vehicle.

29. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
30. The Council's Taxi Licensing Section shall be notified within 72 hours of the following:
 - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers,
 - b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a hackney carriage pedicab.
31. The licence proprietor of hackney carriage pedicab shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
32. Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.
33. Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.

Public Consultation– Pedicabs

Lancaster City Council are considering the licensing of pedicabs. (Sometimes referred to as rickshaws) Pedicabs are small three wheeled vehicles with a seat, pedals, and handlebars for the operator and usually a hooded cab for passengers.



This will allow Lancaster City Council to set minimum standards for the rider and vehicle, including DBS requirements, rider competency, medical fitness, safety requirements and standards, testing, and maintenance.

Pedicabs are being considered for licensing and be permitted to operate along the pedestrianised area of the Promenade in Morecambe between the Midland Hotel and Whinnysty Lane, Heysham. Pedicabs may also be permitted for use of the public highway between the Midland Hotel and Happy Mount Park.

Insert paragraph for trade consultation **It is widely recognised that pedicabs do not fit neatly into hackney carriage legislation, therefore a separate policy, including specification and conditions for riders and vehicles will be produced to support the current licensed hackney carriage trade, this may include an alternative non-motorised fare tariff.

Why your views matter

We would like to hear your views on the licensing of pedicabs, the feedback received as part of the consultation will be used to shape the Councils future policies and procedures.

Please email licensing@lancaster.gov.uk with the subject heading, consultation response to provide your views.

What happens next

The results of this consultation will be presented to members of the Licensing Committee for their consideration.