



**Committee:** LICENSING COMMITTEE

**Date:** THURSDAY, 4 JUNE 2020

**Venue:** THIS WILL BE A VIRTUAL MEETING

**Time:** 2.00 P.M.

## A G E N D A

1. **Apologies for Absence**
2. **Appointment of Vice-Chair**
3. **Minutes**

Minutes of meeting held on 25 February 2020 (previously circulated).

4. **Items of Urgent Business authorised by the Chair**
5. **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

6. **Chairs of Licensing Sub-Committees** (Pages 4 - 5)  
Report of the Licensing Manager
7. **HIGHWAYS ACT 1980 STREET CAFE LICENCE - CAPPUVINO, 60 CHURCH STREET, LANCASTER** (Pages 6 - 36)  
Report of the Licensing Enforcement Officer

8. **Reporting of Urgent Business - UB110 Driver Training** (Pages 37 - 43)

Report of the Licensing Manager

9. **Reporting of Urgent Business - UB 120 Use of Screens/partitions** (Pages 44 - 58)

Report of the Licensing Manager

Exclusion of the Press and Public

10. **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.

11. **Reporting of Urgent Business - UB111** (Pages 59 - 66)

Report of the Licensing Manager

12. **Reporting of Urgent Business UB112** (Pages 67 - 80)

Report of the Licensing Manager

## **ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Colin Hartley (Chair), Richard Austen-Baker, Mandy Bannon, Roger Dennison, Merv Evans, Kevin Frea, Mike Greenall, Mel Guilding, Abi Mills and Jean Parr

**(ii) Queries regarding this Agenda**

Please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk).

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

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

KIERAN KEANE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Wednesday 27 May, 2020.

**LICENSING COMMITTEE****Chairs of Licensing Sub-Committees  
4 June 2020****Report of the Licensing Manager****PURPOSE OF REPORT**

To enable the Committee to make arrangements for the chairing of Licensing Sub-Committees during the forthcoming municipal year.

**This report is public.**

**Recommendation**

That the Committee appoints, for the municipal year 2020/21, the Chair of the Licensing Committee and three further Councillors, who are members of the Licensing Committee, to act as Chairs of the ad hoc Sub-Committees established to hear individual applications under the Licensing Act 2003 and the Gambling Act 2005.

**1.0 Introduction**

- 1.1 The procedure for establishing sub-committees to deal with hearings under the Licensing Act 2003 was agreed at the former Licensing Act Committee's meeting on the 14th February 2005.
- 1.2 Each Sub-Committee must comprise three members of the Licensing Committee. The Sub-Committees are convened by the Democratic Services Manager, as and when required, from the Licensing Committee's ten members.

**2.0 Proposal Details**

- 2.1 The Committee is requested to appoint the Chair of the Licensing Committee and three further Councillors, who are members of the Licensing Committee, to act as Chairs of the ad hoc Sub-Committees.

**3.0 Details of Consultation**

- 3.1 None

**4.0 Options and Options Analysis (including risk assessment)**

- 4.1 There is a need for the Licensing Committee to appoint Sub-Committee Chairs to chair the ad hoc Licensing Sub-Committee hearings.

**5.0 Conclusion**

- 5.1 The Committee is recommended to appoint its Chair and three further Councillors, who are members of the Licensing Committee, to act as Chairs of the ad hoc Sub-Committee hearings.

**CONCLUSION OF IMPACT ASSESSMENT**

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

None.

**FINANCIAL IMPLICATIONS**

The Independent Remuneration Panel (IRP) has made provision for special responsibility allowances of £443.70 to be paid to each Sub-Committee Chair, in addition to the special responsibility allowance that is paid to the Chair of the Committee, and the budgetary provision reflects this. The fact that a Councillor is only entitled to receive one special responsibility allowance means that it is impossible to estimate the actual budget cost in advance, and generally gives leeway within the budgetary provision.

**LEGAL IMPLICATIONS**

The proposal is in accordance with the provisions of the Licensing Act 2003, which provides for the establishment of one or more Sub-Committees consisting of three members of the Committee, but makes no further provision as to how this should be arranged.

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

**S151 OFFICER'S COMMENTS**

None.

**MONITORING OFFICER'S COMMENTS**

None.

**BACKGROUND PAPERS**

None

**Contact Officer:** Jenette Hicks

**Telephone:** 01524 582732

**E-mail:** [jhicks@lancaster.gov.uk](mailto:jhicks@lancaster.gov.uk)

**Ref:** JH

**LICENSING COMMITTEE**

**HIGHWAYS ACT 1980**

**STREET CAFE LICENCE – CAPPUVINO, 60 CHURCH STREET, LANCASTER**

**REQUEST FOR VARIATION OF STANDARD CONDITIONS IN RELATION TO PERMITTED TIMES AND ALCOHOL CONSUMPTION WITHOUT A TABLE MEAL**

**4<sup>th</sup> June 2020**

**Report of Licensing Enforcement Officer**

**PURPOSE OF REPORT**

An application for a Street Cafe Licence licence has been received from Mr Miguel Binetti. Along with his application the applicant has requested a variation of the standard licence condition which allows the street cafe to operate between the hours of 10am and 8pm, to allow him to operate from 8.30am to 9pm. Additionally, he requested a waiver to the conditions that all alcohol consumption must be taken with a table meal and consumed in polycarbonate glasses.

**The report is public**

**RECOMMENDATIONS**

The Committee is requested to determine in the light of the representations made, whether to allow the applicant’s request for a variation of the standard licence condition in relation to the following

- permitted times of operation for the street cafe licence to allow him to operate from 8.30am to 9pm instead of the standard 10am to 8pm.
- To facilitate alcohol consumption without patrons having a table meal
- To allow the use of standard glasses rather than those made of polycarbonate plastic.

**1.0 Introduction**

1.1 The Council grants permissions for Street Cafe Licences under Section 115E of the Highways Act 1980. Under Section 115F of the same Act, a District Council may attach to the grant of a licence under this section such conditions as they may think are fit and appropriate. Attached at **Appendix 1** is the application and supporting documentation

1.2 For the purpose of the above, the Council has established conditions attached to the grant of a Street Cafe Licence with alcohol consumption. A copy of the full conditions attached to the grant of a street café licence is attached at **Appendix 2**

1.3 In relation to this application condition No.4 states:-

The use of the Licensed Area shall cease before 20.00 hours each day and shall not commence prior to 10.00 hours.

1.3.1 The purpose of this condition is to keep the areas clear of obstruction to allow vehicular access for service vehicles and to allow street cleansing before the commencement of operation of the cafe where necessary.

1.3.2 In relation to this application conditions No. 30 & 31 states:-

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

Where intoxicating liquor is permitted to be consumed in the licensed area this may only be served and consumed when accompanying a substantial meal. This does not include bar snacks such as crisps and nuts. All patrons consuming intoxicating liquor must be seated at a table within the licensed area, there will be no parallel drinking allowed whatsoever.

The purpose of these conditions are to uphold the crime and disorder licensing objective which are supported by Lancashire Constabulary's Local Licensing Officer.

1.4 The applicant submitted a representation in support of his application where he believes the style of management of Cappuvino together with the demographic of the client base and staff training are sufficient to negate the standard conditions. It is acknowledged that with regard to the earlier opening time of 08:30 hours this is specifically for the sale of quality coffees to the breakfast market with no presence of alcohol and accordingly the Council would offer no objection. The representation is attached at **Appendix 3**.

1.5 The Council's Licensing Manager, Mrs Jenette Hicks, has submitted a representation against the waiver of the night-time standard cessation hour of 20:00 from the perspective of public nuisance and public safety. She contends the premises is located in the busiest street in the City with regards to the night-time economy with heavy footfall of patrons between licensed premises at either end of Church Street and to have tables and chairs outside until 9pm would impact on these licensing objectives. Further, any consumption of alcohol in a street café area is far better controlled when it is ancillary to a table meal rather than as an addition to the existing indoor licensed area. A copy of this representation is attached as **Appendix 4**.

1.6 A further representation against this application was received from PC 2338 Andrew Taylor of Lancashire Constabulary who is concerned that to allow tables and chairs on the highway in this particular location after 20:00 hours could lead to an escalation of

crime and disorder in that in certain circumstances they could be used as weapons by passers-by. Furthermore, the use of polycarbonate glasses offsets any likelihood of injuries that could occur if ordinary glass was knocked over, deliberately or otherwise, and left out on this busy street. A copy of the Police representation is attached at **Appendix 5.**

- 1.7 As part of the application process Lancashire County Council's Highways Department together with the City Council's Planning and Street Cleansing Departments have been consulted. At the time of writing no representations have been received from either of these Authorities.
- 1.8 Mr Binetti has been invited to attend the meeting to make representations in support of his request.

**2.0 Conclusion**

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for variation of the standard licence conditions, nos 4 30 and 31 and to allow the Street Cafe at Cappuvino, 60 Church Street, Lancaster, to operate from 8.30am to 9pm inclusive and without the requirement for patrons consuming alcohol there to be from polycarbonate glasses and with a table meal. In making the decision members, can grant or refuse the variation in relation to each of the standard conditions.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
<b>FINANCIAL IMPLICATIONS</b>	
Financial Services have not been consulted as there are no financial implications.	
<b>LEGAL IMPLICATIONS</b>	
There is no right of appeal against imposition of a condition attached to a Street Cafe licence.	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> David Eglin <b>Telephone:</b> 01524 582387 <b>E-mail:</b> deglin@lancaster.gov.uk <b>Ref:</b>
None	



## LANCASTER CITY COUNCIL

## FOR OFFICE USE

Application No...

Date...

Fee Paid...

Receipt No...

Application for a Licence to use the Highway for a Street Café  
Highways Act 1980 Section 115C-E

Please read the notes and answer all the following questions

## Question 1

Your Name and Address

MIGUEL BINETTI, CAPPUINO,  
60 CHURCH STREET,  
LANCASTER  
Postcode LA1 1LH  
Tel. No. 07904 837475

## Question 2

Name and address of any person acting for you

PETER CHARNLEY  
MIGHTY HOUSE  
83 BOWERHAM ROAD,  
LANCASTER, LA1 4AB  
Mob: 07894 876671

## Question 3

Describe the proposed location for the street café and address if different from the address in Q1 above.

OUTSIDE THE FRONT OF CAPPUINO BAR AND COFFEE ROASTERS AND PARTIALLY  
IN FRONT OF SIDE OFFICES OF NORTHWEST BANK.

## Question 4

Please state the main proposed materials (for example: furniture, umbrellas, boundary markers, colour, type, styles) and show them on your detailed layout plan.

ALUMINIUM TABLES AND CHAIRS. COMPOSITE WOODEN PLANTERS TO  
FORM THE PERIMETER - SEE ILLUSTRATIONS ATTACHED

## Question 5

Do you intend to alter any of the building and/or building frontage to accommodate the proposal? If YES, please show details of the alterations on your plan.

YES/NO

## Question 6

Are there any lighting columns, litter bins, road signs, public seating, trees, etc. on the site within the boundary of the area proposed for the street café?

If YES, please show them on your plan.

YES/NO

## Question 7

Is proper sanitary accommodation available within the building to be used to service the Street café?

YES/NO

**Question 8**

Is it intended to seek a licence to serve alcohol within the street café area?  
If YES, please answer Q9 below.

YES/ NO

**Question 9**

What range of drinks (alcoholic and non-alcoholic) is it intended will be served within the street café area?

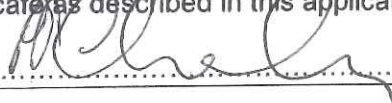
Give details below. BEER, WINE, SPIRITS, COFFEE AND HOT AND COLD DRINKS

The applicant should be aware that the granting of a licence does not permit the sale of alcohol within the outdoor café area. Separate licensing arrangements apply for the sale of alcohol and the applicant should check the conditions on the Premises Licence or consult the Licensing Authority.

**Question 10**

Please read and sign the following statement.

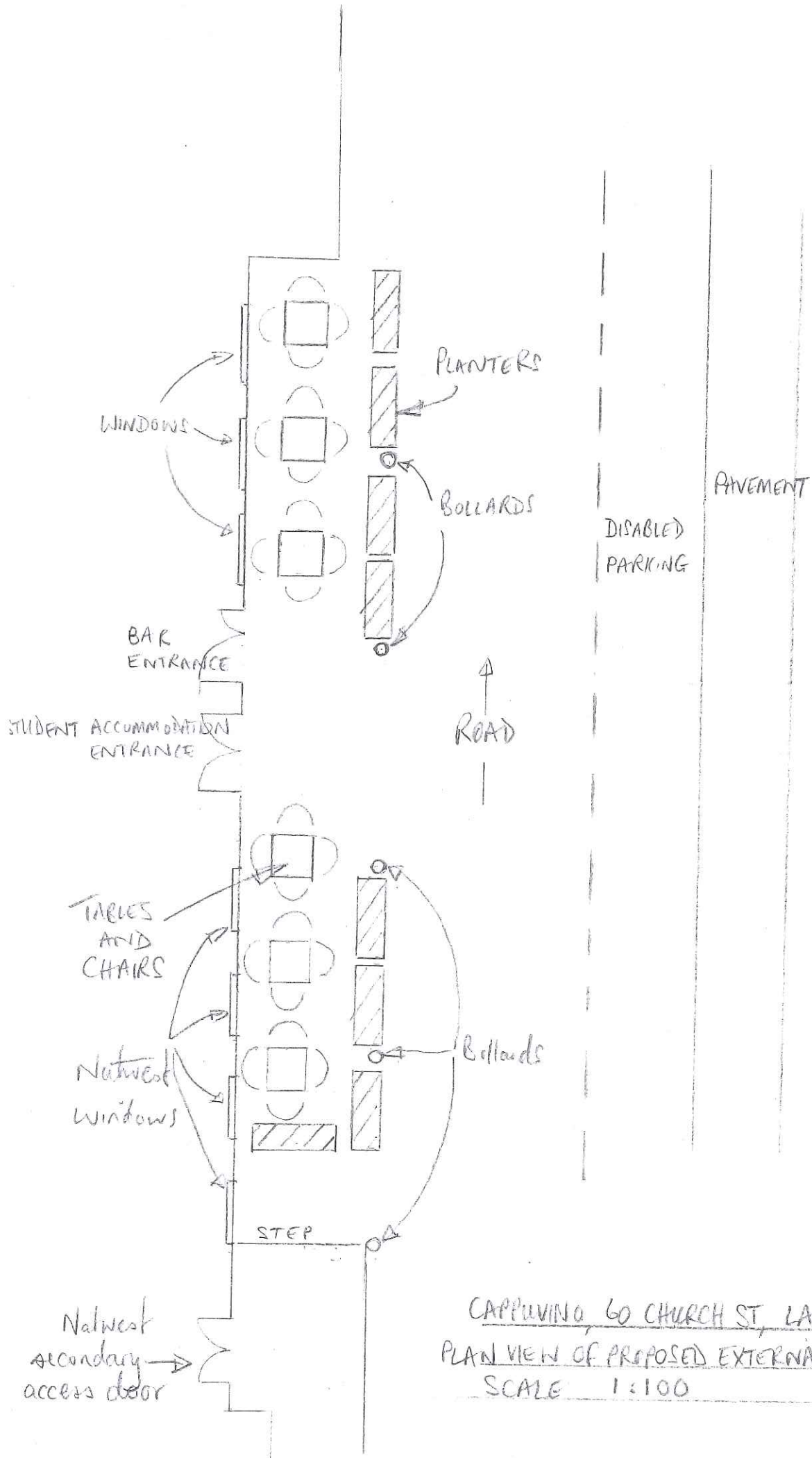
I wish to apply for a licence to use the highway fronting the above named property for the purpose of a street café as described in this application and the accompanying plans and enclose the required fee.

Signed: 

Date: 22/4/2020

M. Bratti

22/4/2020



Cappuvino Management Details

Owner Director: Peter Charnley

Email: [peter.chnrley@mighthyouse.co.uk](mailto:peter.chnrley@mighthyouse.co.uk)

Phone: 01524 548888

Mob: 07894 876671

Bar Manager: Miguel Binetti

Email: [miguel.binetti@mighthyouse.co.uk](mailto:miguel.binetti@mighthyouse.co.uk)

Phone: 07904 837475

PA to The Director: Sarah Bater

Email: [sarah.bater@mighthyouse.co.uk](mailto:sarah.bater@mighthyouse.co.uk)

Phone: 01524 548888

Please could any questions about this application be directed to Peter Charnley.

Thankyou

email or mobile may be the best form of communication

Paid £158.00 over the phone 29/4/2020



## CAPPUVINO

Lunchtime at Cappuvino 12 pm – 6 pm

<b>Seasonal Soup of the Day</b> - Freshly prepared in-house and served with Lovingly Artisan bread & fresh butter (G.F. option available)	£4.95
<b>Vegetarian Chilli</b> - Slow cooked mixed bean & mixed pepper chilli, crunchy tortilla chips with zesty sour cream	£7.95

**Cappuvino Signature Panini Series- Carefully Crafted In-House**

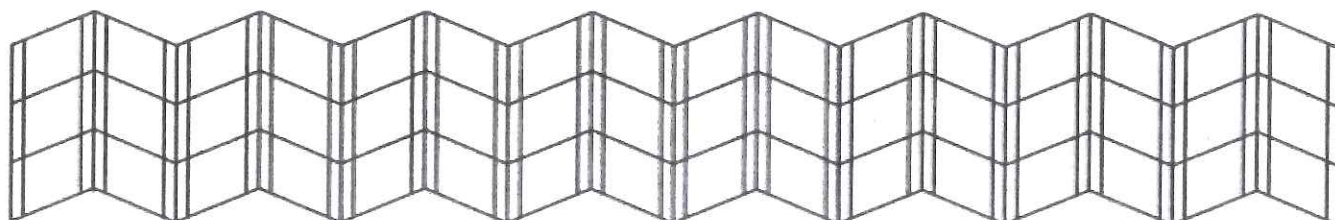
All served on financier bread with freshly prepared in-house 'slaw &amp; fresh pickles

<b>Classic Caprese</b> - Beef tomato, basil, mozzarella & olive oil	£6.95
<b>Lancashire Ploughman's</b> - Ham, vintage cheddar, chutney, apple & pickled onion	£7.50
<b>The King of Cheese</b> – Cappuvino's version of the ultimate cheese toastie	£6.95
<b>Mediterranean Chicken Melt</b> - Spiced chicken strips, tomato salsa & melted mozzarella	£7.50
<b>Classic New Yorker</b> - Pastrami, sauerkraut, Emmental & gherkin	£8.00
<b>The Italian</b> – Mushroom, spinach, marinated tofu & balsamic glaze	£5.95
<b>Tuna Crunch</b> – Tuna mayonnaise, red onion & olives	£6.95

**Sharing Boards**

All served with toasted bread, house 'slaw &amp; pickles. G.F. &amp; vegan bread available

<b>Ploughman's</b> – Vintage cheddar, ham, apple, pork pie & chutney	£10.95
<b>Continental</b> – Pastrami, Emmental, sauerkraut, olives, marinated halloumi	£11.95
<b>Classic</b> – A selection of local market cheese, olives, chutney & bread <i>OR</i> crackers	£11.95
<b>VegMeze</b> – Served tapas style, falafel, hummus, fennel 'slaw, cumin-roasted peppers, sun-blushed tomatoes	£12.95



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## Description

The Girola has an aluminium frame and a teak wooden slatted seat and back.

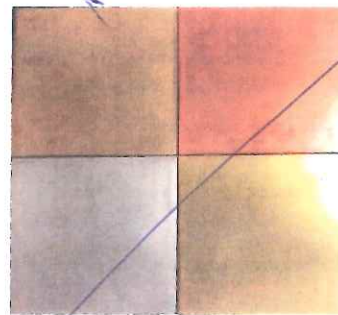
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AREA 140 BENCH

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(<https://contractfurnitureuk.com/product/girola-high-stool/>)

GIROLA HIGH STOOL

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(<https://contractfurnitureuk.com/product/floe-square-dining-table/>)

*\* Style of table*

FLOE SQUARE DINING TABLE

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Style of chair

Q zoom (https://contractfurnitureuk.com/wp-content/uploads/2019/05/product-image-27085-hr-1-e155851263209.jpg)



### GIROLA TEAK ARMCHAIR

The Girola has an aluminium frame and a teak wooden slatted seat and back.

CLICK HERE TO INSTANTLY ENQUIRE ABOUT THIS PRODUCT

Add to Moodboard (/product/girola-teak-armchair/?add\_to\_wishlist=239976)

Add to quote

SKU: SAT2513 Categories: Aluminium (https://contractfurnitureuk.com/product-category/material/metal/aluminium/), Metal (https://contractfurnitureuk.com/product-category/material/metal/), Outdoor chairs (https://contractfurnitureuk.com/product-category/outdoor-furniture-accessories/outdoor-chairs/), Outdoor furniture & accessories (https://contractfurnitureuk.com/product-category/outdoor-furniture-accessories/), Teak (https://contractfurnitureuk.com/product-category/material/wood/teak/), Wood (https://contractfurnitureuk.com/product-category/material/wood/)

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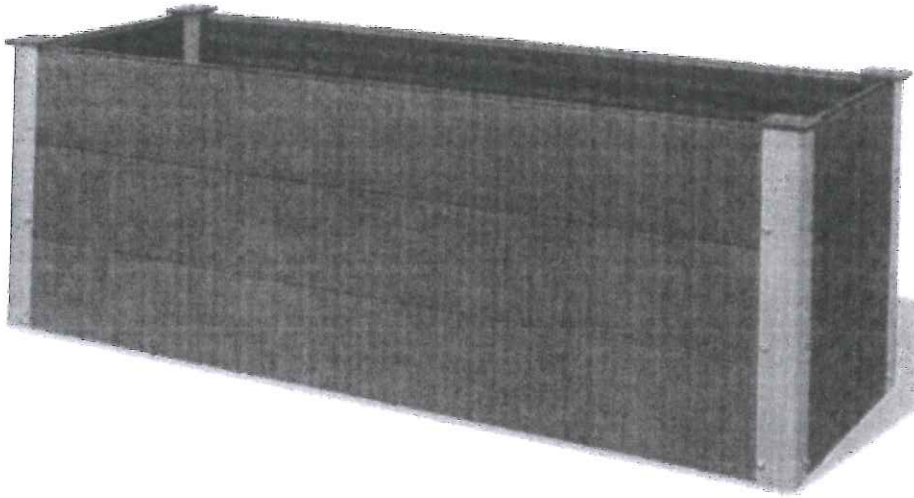
Continue

Cappuccino Bar and Coffee Roaster, 60 Church Street, Lancaster,  
LA1 5LH



/// Tables and chairs  
/// would be placed in  
/// these areas.





Grey composite planters.

Approximate dimensions

Length 1500 mm

Width 500 mm

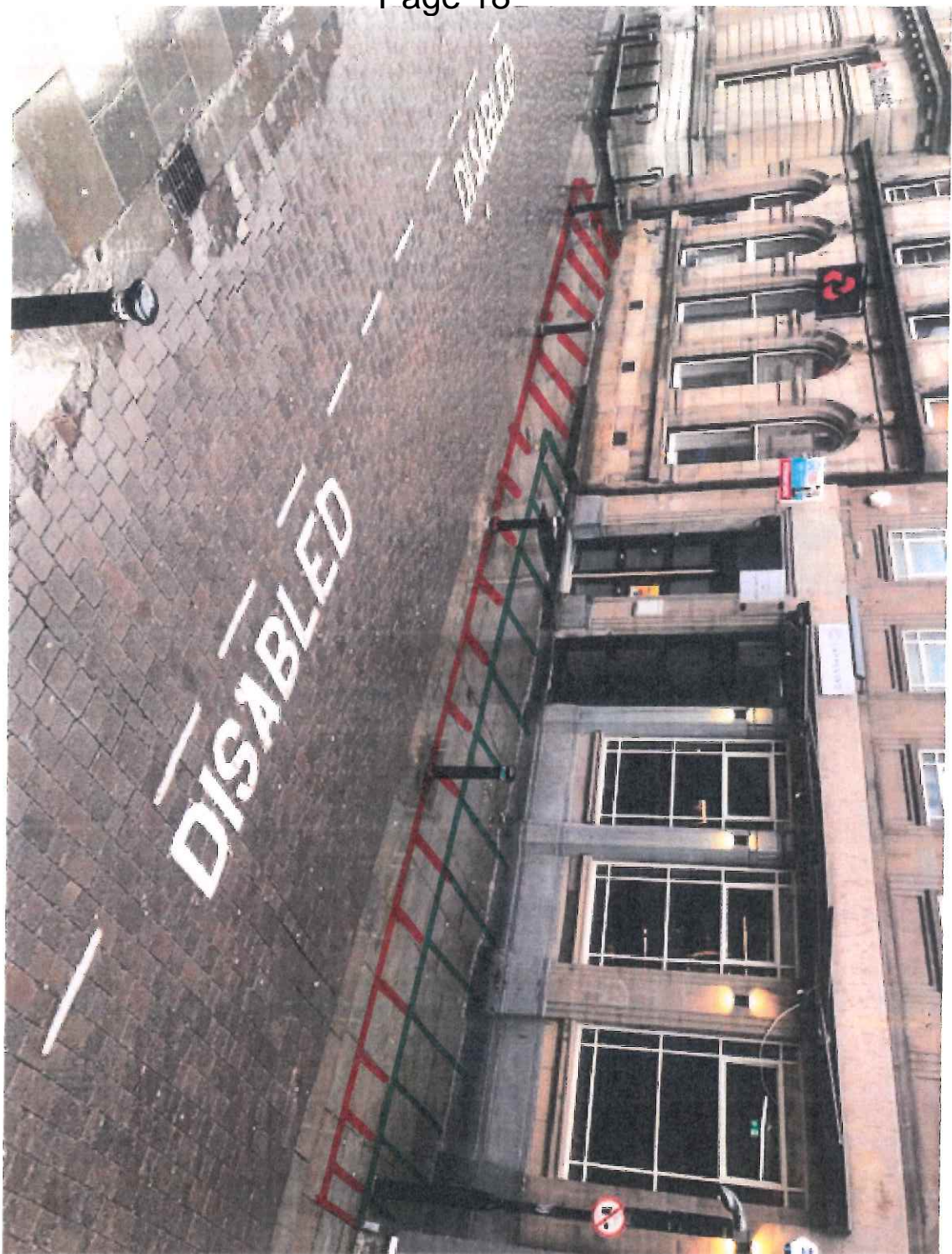
Height 1000 mm.

filled with top soil and planted with

5 L Phormium and 4 3L Lavenders  
in each planter.

150 x 100 x 54

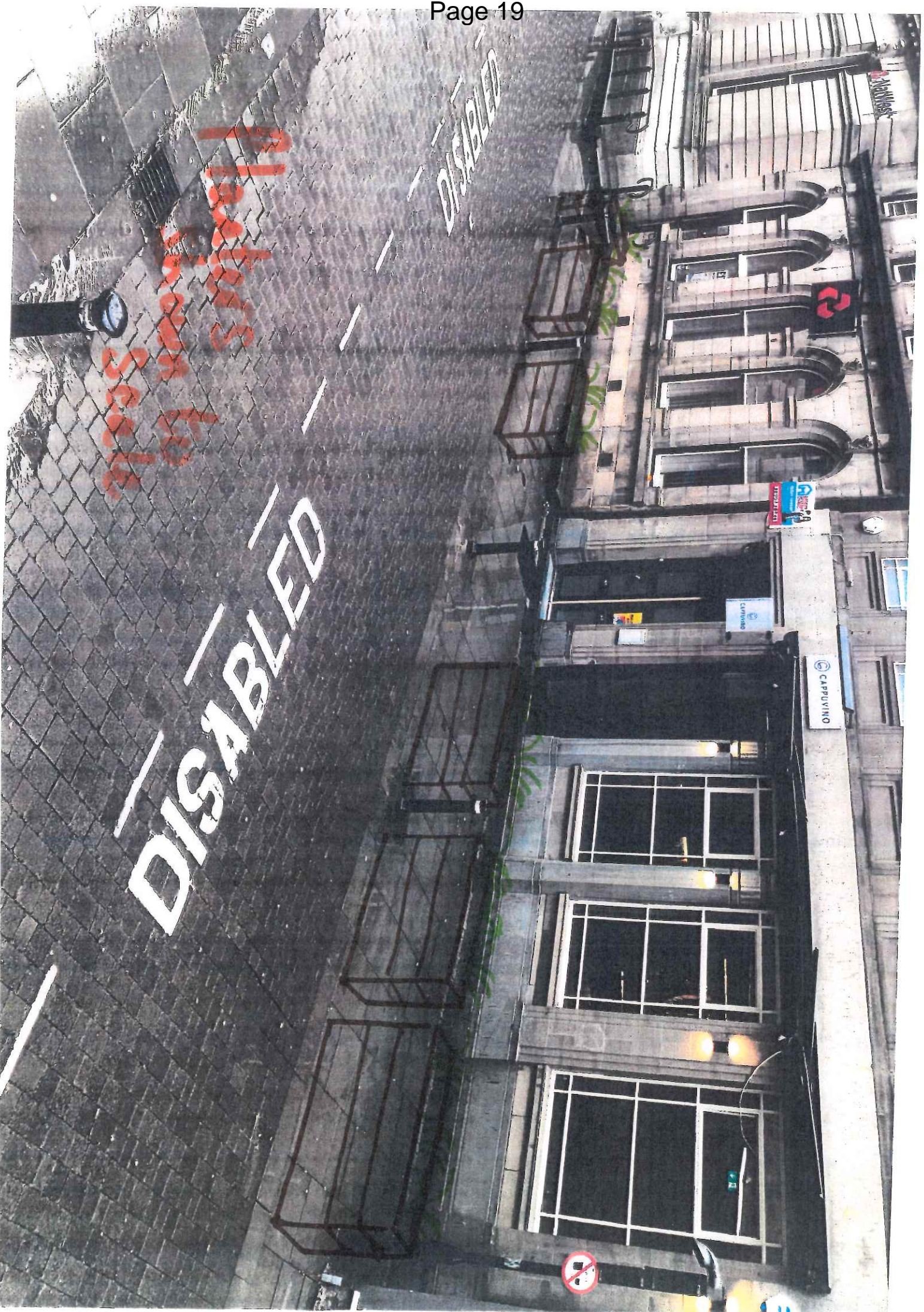
Cappuccino, 60 Church Street, Lancaster, LA1 1LT.



/// Land within ownership of Cappuccino Bar

/// Land belonging to the Council.

- The planters would sit between the bollards and not project beyond them.
- Nabwest Bank have no objection to the paved area in front of the bank being used for tables for the bar.



11/11/2011

DISABLED

DISABLED

CAPPUVINO

LETTERE



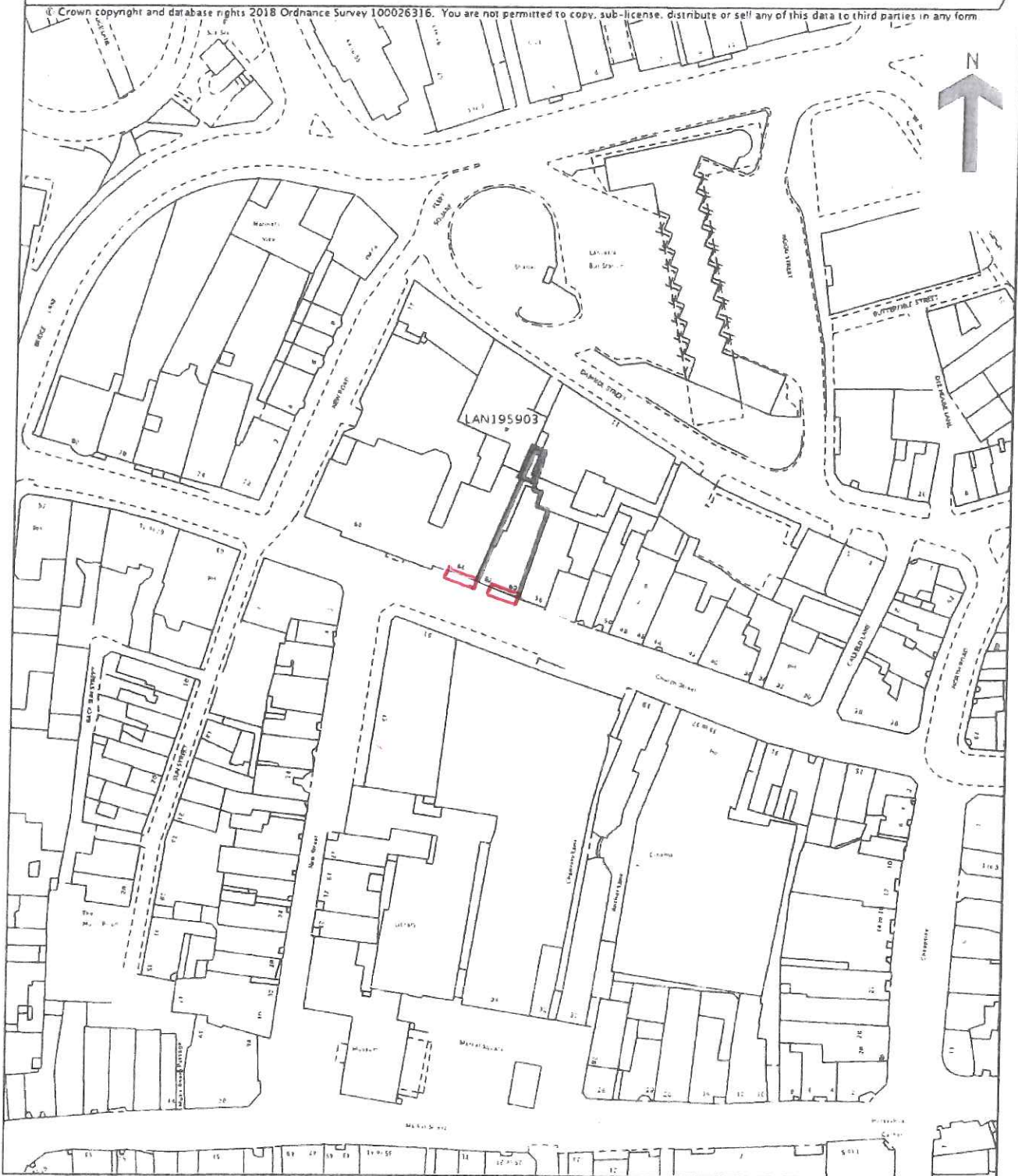
Cappuccino bar, 60 Church Street, Lancaster, LA1 1LH

HM Land Registry  
Official copy of  
title plan

Title number **LA797365**  
Ordnance Survey map reference **SD4761NE**  
Scale **1:1250**  
Administrative area **Lancashire : Lancaster**



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Red area is the proposed outdoor seating area.

Agents Name: Policyfast

Reference/Policy Number: BMTLS40941

Property Reference: 80500

Date: 1st November 2019

**Cafe Statement of Fact****IMPORTANT INFORMATION**

You, as the Proposer/Insured, have a duty to make a fair presentation of the risk to us.

This Statement of Fact is a record of the information you have provided, or which has been provided on your behalf as part of your presentation of the risk. We use the information provided to decide whether or not to insure you and, if so, on what terms and for what premium.

Your answers should be based on everything known to you, following a reasonable search of all sources of relevant information available to you (including information held by third parties, such as agents, service providers or anyone insured by the policy).

Your knowledge includes that of anyone responsible for arranging this insurance and, if the Proposer/Insured is not an individual, includes the knowledge of any member of its senior management (i.e. anyone who plays a significant role in making decisions about how the business is to be managed or organised).

Your policy terms require you to inform us as soon as reasonably practicable if any of the information you have provided changes materially during the currency of the policy.

**If you breach your duty of fair presentation or fail to inform us of material changes your policy may be invalidated and/or we may refuse to pay any claim in whole or in part. Please review your policy for further details of the consequences of such a breach or a failure to inform us of material changes.**

If you are uncertain of the meaning of any of the questions or statements, please clarify these with your insurance adviser.

<b>Proposer</b>	Cappuvino Bar & Coffe Roasters		
<b>Joint Insured</b>			
<b>Notice of Interest</b>			
<b>Correspondence Address</b>	60 Church Street Lancaster LA1 1LH	<b>Risk Address</b>	60 Church Street Lancaster LA1 1LH

<b>Business/Trade</b>	Cafe
<b>Location</b>	High Street
<b>Date Started Trading</b>	31 Oct 2019
<b>Date Started Trading at current premises</b>	31 Oct 2019
<b>Construction of Walls</b>	Brick Built 100%,
<b>Construction of Roof</b>	Tile 100%,
<b>Flat Roof Description</b>	N/A
<b>Flat roof percentage</b>	0 %
<b>Number of years since the roof was last re-laid</b>	N/A
<b>Has the property or any in the vicinity been affected by flooding. If Yes the following details have been provided</b>	No N/A
<b>Has the property or any adjacent property suffered from or shown any visible signs of damage from subsidence, landslip or ground heave. If Yes the following details have been provided</b>	No
<b>Do you or any members of staff live on the premises</b>	No
<b>Are the premises let in any part to DSS, student or asylum seeker tenants. If Yes the following details have been provided</b>	No
<b>Do you have paying guests</b>	No
<b>How many letting rooms do you have</b>	0
<b>Type of resident you let the room to</b>	
<b>Opening Hours</b>	Business Hours
<b>Are the premises open after 1am</b>	No
<b>Is there live entertainment at the premises</b>	No
<b>Frequency of live entertainment</b>	
<b>Type of live entertainment</b>	N/A
<b>Number of doormen</b>	N/A
<b>Do you have a children's playground</b>	No
<b>Type of children's playground</b>	
<b>Is the playground fully supervised</b>	N/A
<b>Do you charge an entrance fee</b>	N/A

City Underwriters Ltd is an Appointed Representative of Policyfast Ltd which is authorised and regulated by the Financial Conduct Authority.

Marlow House, 3rd Floor, 1A Lloyd's Avenue, London, EC3N 3AA

Freephone: 0800 3081 044 Email: caterers@policyfast.co.uk

Registered in England No: 05909640

Please note that correspondence should not be directed to the above address, but must always go through the broker who arranged this insurance.

Agents Name: Policyfast

Reference/Policy Number: BMTLS40941

Property Reference: 80500

Date: 1st November 2019

Do you carry out any deep fat frying	N/A
Installation Date	
Frying Range Age	
Basket Only or Range	No
What Food Standards Agency hygiene rating has been accredited?	Awaiting Inspection
Does the property have shutters, grilles or window bars	No
Is the property protected by an alarm	No
If Yes the following details have been provided	No details provided
Do the premises have adequate emergency fire escapes	N/A

**Material Circumstances**

The cover shown in the standard cover column is automatically included in the policy, if you have requested a different sum insured this will show in the sum insured required column.

Section	Standard Cover	Sum Insured Required
Business interruption	£500,000	£500,000
Book Debts	£10,000	£10,000
Legal Expenses	£100,000	£100,000
Glass and Signs	£10,000	£10,000
<b>Money:</b>		
During business hours, in transit or in bank night safe	£5,000	£5,000
In safe out of business hours	£2,500	£2,500
Out of safe out of business hours	£250	£250
PA Assault	£25,000/£100 per week	
Goods in transit	£1,000	£1,000
Deterioration of Stock	£2,000	£2,000
Loss of Licence	£100,000	£100,000
Employer's Liability Limit of Indemnity	£10,000,000	£10,000,000
Public/Products Liability Limit of Indemnity	£2,000,000	£2,000,000

**Information applicable to policies with Employers Liability**

Subsidiary and Trading as name	Parent or Child Company	Exempt from ERN tax Code?	ERN (Employee PAYE reference)
Cappuvino Bar & Coffe Roasters	Parent	No	tbc

City Underwriters Ltd is an Appointed Representative of Policyfast Ltd which is authorised and regulated by the Financial Conduct Authority.

Marlow House, 3rd Floor, 1A Lloyd's Avenue, London, EC3N 3AA

Freephone: 0800 3081 044 Email: caterers@policyfast.co.uk

Registered in England No: 05909640

Please note that correspondence should not be directed to the above address, but must always go through the broker who arranged this insurance.

Agents Name: Policyfast

Reference/Policy Number: BMTLS40941

Property Reference: 80500

Date: 1st November 2019

All claims within the last 5 years are detailed. This includes any incidents which have, or could have, resulted in a claim, whether insured or not. If you are unsure whether an incident is relevant it should be disclosed to the insurer for consideration.

Claims			
Date of Claim	Type of Claim	Amount Paid/Outstanding	Settled

Declaration
<p>Our quotation is based upon information you have provided. You have told us:</p> <p>1. no individual involved in the business of the Proposer/Insured in a capacity listed in (a) to (e) below, being:</p> <ul style="list-style-type: none"> <li>a) a director;</li> <li>b) a business partner;</li> <li>c) a family member;</li> <li>d) an individual providing working capital or loan guarantees to this business; and</li> <li>e) anyone else who plays a significant role in making decisions about how the Proposer/Insured is to be managed or organised;</li> </ul> <p>whether in relation to the business of the Proposer/Insured or any previous business or any other business in which you or they have been involved in any of the capacities listed in (a) to (e) above or in a personal capacity:</p> <ul style="list-style-type: none"> <li>(i) have never been declared bankrupt;</li> <li>(ii) have never been disqualified from being a company director;</li> <li>(iii) have never had any County Court Judgment(s) (CCJ) or Sheriffs Court Decrees entered against you or them, or been involved in a company against which such judgments have been entered;</li> <li>(iv) have never been a director or officer of a company which has been, declared insolvent or had a receiver or liquidator appointed or entered into arrangements with creditors in accordance with The Insolvency Act 1986, or had an Individual Voluntary Arrangement (IVA);</li> <li>(v) have never been party to, or involved in a company which was party to, a Company Voluntary Arrangement (CVA);</li> <li>(vi) have never been convicted or have any prosecution pending or been given an official police caution in respect of any criminal offence other than motoring offences and any offences which are spent under the Rehabilitation of Offenders Act 1974, or been involved in a company subject to such a conviction, prosecution or caution;</li> <li>(vii) have never been subject to a recovery action or fines exceeding £25,000 by HM Revenue &amp; Customs, or been involved in a company subject to such a recovery action or fines;</li> <li>(viii) have never been charged with or convicted of, or been involved in a company charged with or convicted of, a breach of the Health and Safety at Work Act or other legislation relating to employee safety and safe working practices, or been served with, or been involved with a company served with, an improvement order or a prohibition notice under such legislation.</li> </ul> <p>2. The following minimum security is in place:</p> <ul style="list-style-type: none"> <li>a) 5 Lever Mortice Deadlocks on all external doors</li> <li>b) Key operated window locks or solid steel bars, grilles, locked gates, shutters, expanded metal or weld mesh on all accessible windows.</li> </ul> <p>3. If you have a Deep Fat Frying Range it is less than 15 years old or, if older, then not more than 30 years old but having been fully reconditioned within the last 15 years</p>

Covers Required & Sums Insured	Sum Insured
Buildings including landlords fixtures & fittings	£0
Do you wish to include cover for Subsidence	No
Tenants Improvements & decorations	£0
Wines & Spirits	£8000
Cigarettes, Cigars & Tobacco	£0
Stock in trade (excluding licensed stock)	£5000
All other contents not more specifically described above	£150000
Rent Receivable	£0
Gross Profit	£0

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Registered in England No. 05909640

Please note that correspondence should not be directed to the above address, but must always go through the broker who arranged this insurance.

**Agents Name: Policyfast**

**Reference/Policy Number: BMTLS40941**

**Property Reference: 80500**

**Date: 1st November 2019**

## Your Personal Information Notice

DTW 1991 Underwriting Limited on behalf of Syndicate 1991 at Lloyd's are the Subscribing Insurers in this policy.

### The basics

We collect and use relevant information about you to provide you with your insurance cover or the insurance cover that benefits you and to meet our legal obligations.

This information includes personal data such as your name, address, contact details and other information that we collect about you in connection with the insurance cover from which you benefit. This information may also include more sensitive data such as information about your health and any criminal convictions.

In certain circumstances, we may need your consent to process certain information about you and this is explained in our privacy policy. Where we need your consent, we will ask you for it specifically. You do not have to give your consent, and you may withdraw your consent at any time. However, if you do not provide your consent, or you withdraw your consent, this may affect our ability to provide the insurance cover from which you benefit. It may also prevent us from providing cover for you or handling your claims.

For the purpose of providing insurance and handling claims or complaints your information may be shared with, and used by, a number of third parties in the insurance sector. For example, advisers, agents, brokers (when making applications), insurers, reinsurers, loss adjusters (if you claim), sub-contractors, compulsory insurance databases, regulators, law enforcement agencies, fraud and crime prevention agencies. We will only disclose your personal information in connection with the insurance coverage that we provide and to the extent required or permitted by law.

### If you provide other people's details to us

Where you provide us or your insurance adviser with information about other people, you must make them aware that you are doing so. Where possible, you should also provide them with this notice.

### If you would like more information

For more information about how we use your personal information, please see our privacy policy, which is available on our website ([www.dtw1991.com/privacy-notice](http://www.dtw1991.com/privacy-notice)) and in other formats upon request. Additional information on how the insurance market uses data is provided by the Lloyd's Market Association ("LMA") in their Insurance Market Core Uses Information Notice.

### Contacting us and your rights

You have rights in relation to the information we hold about you, including the right to access your information. If you wish to exercise your rights, discuss how we use your information or request a copy of our full privacy notice(s) you should contact the insurance adviser who provided you with your insurance in the first instance, or directly with us by contacting:

The Data Protection Officer  
Coverys Managing Agency Limited  
One Creechurch Place  
London  
EC3A 5AF  
+44 20 7977 0800  
[Data.protection@coverys.co.uk](mailto:Data.protection@coverys.co.uk)

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Marlow House, 3rd Floor, 1A Lloyd's Avenue, London, EC3N 3AA  
Freephone: 0800 3081 044 Email: [caterers@policyfast.co.uk](mailto:caterers@policyfast.co.uk)  
Registered in England No: 05909640

Please note that correspondence should not be directed to the above address, but must always go through the broker who arranged this insurance.



**Cappuvino, 60 Church Street, Lancaster, LA1 1LH - application for pavement licence. 1<sup>st</sup> April 2020**

Information and operational statement in respect of management of proposed outside seating area.

The designated area outside will have up to 20 seats with 5 small tables allowing customers to sit and eat and drink in a designated area which is surrounded by planters similar to how outside seating areas are delineated in bars in bigger cities. Below is an example photo:



Church Street needs footfall to help generate more business during the day and the addition of the planters and outside seating area will enhance the appearance and make the street more vibrant and attractive for the benefit of all local businesses. Enhancing Church Streets attractiveness should draw customers down New Street from Market Street which is another street which has declined in recent years.

Cappuvino is a coffee specialist and we are expanding our food menu when we reopen following the Corona Virus closure so that we provide a more extensive food menu very much focused on lunches and early evenings and suited to both business people, tourists and shoppers. The menu shown was our fixed menu up to 20<sup>th</sup> March 2020 and was supplemented by daily specials.

Operationally we will have a member of staff who floats and waits on tables during busier periods and customers have the option to order at the bar and have their food and drink brought to them. Where additional items are purchased at the tables, we have PDQ machines available for floating staff to carry with them and take instant payments made by bank cards.

The staff will be required to constantly monitor tables outside as we also anticipate some customers may prefer table service for orders when they first arrive as well and we intend on operating this service.

At night when the Cappuvino closes, the tables and chairs will be brought inside.

*Natwest email*

Peter Charnley &lt;peter.chnley@mighthouse.co.uk&gt;

---

**Pavement licence**

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**Green, Steve (Corporate & Commercial Coverage, CPB)** <stephen.d.green@natwest.com>  
To: Peter Charnley <peter.chnley@mighthouse.co.uk>

28 April 2020 at 22:26

Peter

This matter remains between our property people and local branch manager but that's great that you've allowed two metres in front of the step to our access as that's exactly what I had suggested in my internal note to my colleagues I thought might be appropriate.

If the Council is happy with the proposal (and provides in principle agreement) then I have confirmation from our property people that they are happy to formally consider the proposal which I had suggested should include the two metre area below the step and, possibly, some form of physical barrier too to avoid any risk of encroachment into that area. Please can you provide a copy of the licence agreement/consent when available and I will revert to our property team for approval. Hopefully.

*2 meters has been allowed.  
in the proposal*

As you know, the final decision doesn't rest with me but so far so good.

[Quoted text hidden]

[Quoted text hidden]

## Appendix 2

### Conditions Attached to the Street Café Licence

#### **General**

- 1.0 The Licence will have effect for 12 months, unless surrendered or revoked.
- 2.0 The issue of a License does not give, or imply any permission to supply intoxicating liquor in the street.
- 3.0 The Licence shall be displayed in the window of the premises to which it relates.
- 4.0 The use of the Licensed Area shall cease before 20.00 hours each day and shall not commence prior to 08.00.
- 5.0 The Licensed Area shall be vacated immediately if requested by the Council, Lancashire County Council as Highway Authority, Lancashire Constabulary or other emergency service, statutory undertaker etc. without any liability for compensation, refund of application fee, or damage arising.
- 6.0 The Council reserve the right to request the clearing of the licensed area if required for special one-off events for public safety
- 7.0 The Licence shall be rendered invalid, should the Licensee cease to own the premises or cease employment.
- 8.0 The Licensee shall indemnify the Council and shall produce to the Council's Licensing Manager for inspection a policy of insurance indemnifying himself and the Council against any injury or damage to any person or property and against any claim liability expense or damage arising by reason or in consequence of the permission granted. The policy shall provide cover of not less than £2,000,000 in respect of any one accident or series of accidents arising from one incident unlimited during the period of the insurance.
- 9.0 Where the Council has received representation from the Lancashire Constabulary or an authorised officer of the Council, and believes that any breaches of conditions are serious enough in nature to warrant it, and could lead to public disorder, or effect public safety, revocation or suspension of the permission may take immediate effect.
- 10.0 Upon expiry or revocation of the permission the Licensee shall remove any structures from the highway and reinstate the highway to its former state and condition and in default thereof, the Council will be empowered to carry out such work of reinstatement and recover the expense in so doing from the Licensee.

#### **Operational**

- 11.0 For streets with footways and carriageways, the maximum width of any licensed area shall not exceed one third of the usable width of the footpath. A minimum unobstructed footpath width of 1.8 metres must be provided for safe and convenient pedestrian movement. This distance being, measured from

the edge of the licensed area to any significant amount of street furniture (such as lamp posts, bollards, parking meters etc). Where there is a heavy pedestrian flow additional footpath space may be required.

- 12.0 For pedestrianised streets a minimum width of 1.8 meters or two thirds of the total width of the public highway, whichever is the greater, must remain free and unobstructed to facilitate pedestrian movement. This figure may be increased where there is a heavy pedestrian flow. The unobstructed route shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street.
- 13.0 A clear direct pathway of at least 1.2 metres wide shall be maintained to allow entry and exit from building premises.
- 14.0 Only the Licensed Area shall be used for trading.
- 15.0 Where tables and chairs are proposed directly outside a shop front, a well designed and constructed physical barrier or roped area of approximately 0.8 metres in height is required to designate the area and to guide persons with sight disability around the use. Such barriers must not be permanently fixed to the ground and must be of a style, design and type to be agreed by the Council (Head of Regeneration and Policy). The barriers should produce a colour contrast to be agreed by the Council's Access Officer.
- 16.0 Only tables, chairs and umbrellas associated with tables shall be placed within the Licensed Area. No other furniture other than receptacles shall be placed within this area.
- 17.0 Tables and chairs shall be durable and suitable for outside use. No damaged furniture should be used.
- 18.0 The design of all chairs, tables, umbrellas, etc. shall be subject to the approval of the Council's Head of Regeneration and Policy and such street furniture together with associated outdoor and pavement areas including an area of 1 metre around the Licensed Area must be regularly cleansed and floor debris and other' waste immediately removed to the satisfaction of the Council's Head of Environmental Services.
- 19.0 Tables, chairs and umbrellas shall not be positioned so as to obstruct sight lines for drivers of vehicles at junctions.
- 20.0 No canopy or umbrella shall be lower than two metres in height and shall be adequately secured.
- 21.0 All street cafe furniture, including barriers shall be removed at the end of trading each day, or at the end of the approved trading hours as defined by the Licence, whichever is the earliest.
- 22.0 Suitable storage for street café furniture shall be identified by the applicant at the time of application for a license.
- 23.0 There must be adequate provision made for the collection and containment of litter and, where directed, the Licensee must provide suitable litter bins.

- 24.0 The Licensee will ensure that the designated area is maintained in a clean and tidy condition. The Licensee shall also take appropriate precautions to prevent the immediate highway from becoming littered as a result of trading activities.
- 25.0 The Licensee shall at all times when the pavement cafe is in operation make available for customers toilets and hand washing facilities, to wheelchair accessible standards where it is practicable and reasonable to do so.
- 26.0 The Licensee will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or tenants of adjoining premises.
- 27.0 No speakers or playing of music shall be permitted.
- 28.0 No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage.
- 29.0 No tables and chairs (street furniture) to be placed so as to cause an obstruction or nuisance to any Charter Market stall holder.  
N.B. This may mean that a Street Café Licence can not be used whilst the market is taking place.

### **Alcohol licenses only**

- 30.0 Where intoxicating liquor is permitted to be served or consumed in the licensed area polycarbonate glasses must be used at all times.
- 31.0 Where intoxicating liquor is permitted to be consumed in the Licensed Area this may only be served and consumed when accompanying a substantial meal. This does not include bar snacks such as crisps, nuts etc. All patrons consuming intoxicating liquor must be seated at a table within the licensed area, there will be no parallel drinking whatsoever.

### **Guidance**

- 32.0 The Council's Head of Governance acts for the Council in all matters unless otherwise stated
- 33.0 Since at most locations, problems with pigeon or starling droppings are likely, umbrellas or retractable canopies may need to be provided with the tables. Advice on canopy design should be sought from the Council's Head of Regeneration and Policy to ensure they meet the Councils' requirements.
- 34.0 Planning permission must be obtained for the change of use of the highway for a pavement café and for any structural alterations to the building or its appearance. This includes the fitting of electrical signs and canopies.



## **Cappuvino, 60 Church Street, Lancaster**

### **Request for variations to the restrictions on use of street café:**

1. We would like to be able to serve alcohol without the need for it to be accompanied by a meal
2. We would like customers to be able to use the external area for drinking non alcoholic drinks from 8.30am until 10am and to allow customers to drink alcohol until 9pm rather than 8pm.
3. We would like to serve drinks in glasses.

### **Background:**

Cappuvino is a European style quality bar and coffee roaster with a strong emphasis on wine that provides a refined experience. As such many of our customers tend to be in the 30 plus age group with couples and families being a strong element of our customer base. Our sales mix since we opened in October last year is:

Draft beer: 15%

Cocktails (Mostly specialist and often bespoke): 22%

Wine: 14%

Hot drinks: 24%

Food and other: 20%

Cakes: 6%

We only started selling food in January and were expanding our menu just prior to lock down.

The focus is on quality and a little bit of luxury and as such we are not the venue of choice for heavy/binge drinkers. During the day (week days and weekends) we attract many customers who come for a glass of wine or coffee and cake.

### **Rational for requesting the variations to the street café restrictions:**

Food is not our primary offer and as such limiting the use of the external area to those who are eating substantial meals will prohibit most of our customers from using this area.

An external seating area with hardly any customers using it would be a bad advert – people judge a venue based on how busy it is - and so we would be penalised if drinking was limited to be with meals.

Many customers simply come for a quick drink and it would be damaging to our trade and public image to tell people they can't sit outside – we would lose business to the likes of the Corner House opposite who have an outside seating area on the frontage where people can drink without consuming food. Similarly people would visit the Sun to drink as they have substantial beer garden.

With the significant investment in the bar and the style of operation, we believe we are a credit to Lancaster and tourists visiting Lancaster would benefit from being able to visit Cappuvino and enjoy a drink on the terrace outside.

We are an upmarket bar and provide a more refined experience and as such our target market tends to be respectful and far less likely to exhibit anti-social behaviour than customers of some other establishments that price to sell volume. We do not have offers on drinks that are going to attract those looking to consume as much alcohol as possible for as little money as possible.

We would have a member of staff floating on the trading floor with a PDQ machine (there are 2 of these in use at present). Our intention would be to apply for an extension of our licence to cover this external area so we can take orders and payment from people sat outside.

We accept that those using the external area must be seated and we will explain to customers that they can't drink outside unless they have a seat.

We have a very strong following for coffee which we believe will grow. We have been opening at 8.15am to provide coffee to those working in town and others. We have tried hard to break in to this early morning market but have found many people are creatures of habit and continue to go to the national chain coffee shops. We believe we need to offer this outside seating area to attract customers.

We need more street presence throughout the day – for 10 years, bars have traded unsuccessfully from 60 Church Street, it has a slightly recessed frontage and less visible when walking up Church Street to the castle. People walk straight past to get coffee from other venues as we don't look like a coffee shop in the early hours.

Church Street businesses would benefit from the street being more buoyant and the street needs more reasons for customers to visit it. This in turn would help New Street's foot fall – another street that has declined in foot fall in recent years.

Because of the style of operation and through good management, we believe that we can demonstrate these variations will have a positive impact on customers experiences and the vibrancy of the area.



**Representation from Licensing****Appendix 4****Cappuvino Street café licence application**

An application for a street café licence has been applied for in respect of the premises Cappavino, 60 Church Street, Lancaster . The applicant Mr Miguel Binetti has requested an exemption from compliance with three of the standard licence conditions routinely applied to all street café licences and detailed on the street café licence application form in that he would like.

- permitted times of operation for the street cafe licence to allow him to operate from 8.30am to 9pm instead of the standard 10am to 8pm.
- To facilitate alcohol consumption without patrons having a table meal
- To allow the use of standard glasses rather than those made of polycarbonate plastic.

Historically Lancaster city centre streets have been designated an alcohol free zone, a number of street café licences have been granted to premises that do not sell alcohol, further a small number of licences have been granted to premises where alcohol is sold subject to the standard licence conditions referred to above. Street café licences by their very name give an indication that the focus is on both food and drink, the aspiration of street cafes is to enhance the ambiance of an area and offer an additional and varied food and drink experience.

The provision of food is seen as a fundamental requirement to a street café, the granting of a street café licence is giving the applicant a licence to utilise the public highway. In the case of cappuvino the applicant has requested permission to be allowed to serve alcohol without the need for provision of a meal. This request is not supported by licensing officers, the requirement for a meal to be served is to support the “street café” ambiance. Without such a requirement the street café could become a “beer garden” on one of the main thoroughfares of the city centre. It is widely acknowledged that Church Street has in recent times been the main centre of night-time economy in Lancaster with patrons frequenting premises at the both ends with substantial footfall between The Sun Inn & The Cornerhouse at the North side with Vue Cinema, Mint Café Bar, The Study Room & Crafty Scholar towards Lower Church Street along with the long standing taxi rank on North Road.

It is acknowledged that within the vicinity of these premises there are other establishments with outside customer areas which are predominantly drinks led, for example The Cornerhouse. These premises are not subject to street café licences granted by the Council , they are businesses that have chosen to utilise outside drinking areas within the curtilage of their own premises. There are also further premises located on Church Street that are in possession of a Street Café licence where the consumption of alcohol is facilitated with a table meal such as Bella Italia and Crafty Scholar where these conditions are attached to their licence and have not impacted on the licensing objectives in being so.

A further exemption is requested to facilitate extended operating hours of the street café. Officers have no objection to the extension of morning trading hours 8.30 -10am for the provision of food and non alcoholic beverages. Licensing officers do object to the request for an extension of the closure of the street café facilitates from 8pm to 9pm. The 8pm curfew is applied to close street cafes prior to the start of the late night economy, street cafes could encourage the congregation of large groups of people and the associated noise that such

groups can cause. Furthermore for the purposes of safety it is deemed appropriate for the area to be cleared, and furniture removed before the onset of the late night economy, so as to prevent any of the furnishings being used as weapons during the late night economy.

Licensing officers would object to the use of glass at street cafes. The applicant acknowledges that the premises are used by families. Glass is less durable than polycarbonate or crockery. Wine/ cocktail glasses can easily be blown or knocked over creating an obvious risk of injury. In addition in unfortunate circumstances glass can be used as a weapon and even if the premises clientele may not conduct themselves in such a manner, a person walking pass the street café may grab a glass to use as a weapon as they pass by.

The conditions attached to the grant of a street café licence (ie an express permission granted by the Council to use the public highway) are in place to support the licensing objectives associated with the Licensing Act 2003 in particular

- Public safety
- The prevention of Public nuisance
- Prevention of Crime and Disorder

**CAPPUVINO****Appendix 5**

**From:** Taylor, Andrew <Andrew.Taylor2@lancashire.pnn.police.uk>  
**Sent:** 11 May 2020 15:24  
**To:** Hicks, Jenette <jhicks@lancaster.gov.uk>; Eglin, David <DEglin@lancaster.gov.uk>  
**Cc:** Crawshaw, Heather <Heather.Crawshaw@lancashire.pnn.police.uk>  
**Subject:** RE: Cappuvino

Hi Jenette,

In relation to Cappuvino and the application for a Street Café Licence I have read the requests from the owner of the Bar regarding removing some of the conditions and I wish to respond as follows:

From a Police point of view we would need to ensure the conditions for no glass in the Street Café area, any alcohol with a substantial meal (not snacks) and the licence cease at 2000 hours and all Street furniture from the outside area taken inside, are all on the licence.

The reasons for this are as follows:

1. Any glass in an outside area could be used by any person as a weapon following an altercation. Not just from patrons in the outside area but someone passing. Glass can cause life changing injuries to a victim of a glassing and Police work closely with Public Health England to prevent such assaults occurring. Toughened, plastic or polycarb vessels would be required in any Street Café area.
2. Police work hard to prevent any street drinking in the Lancaster area. This is as a result of alcohol related crimes and disorder. Having patrons drinking in an outside area can in itself cause a problem as this can encourage patrons to spend all evening sitting outside drinking. By having the substantial meal this prevents this as it encourages a more social atmosphere.
3. Having the Street Café area cease at 2000 hours means this gives the venue time to clear up going into the night-time economy. Having the chairs and tables cleared away for the evening is key to preventing any of these items being used as weapons.

In summary there are a small minority of the public who purposely go out on a night out in Lancaster and commit crime and disorder usually on a cocktail of drink and drugs. Whilst Police appreciate the applicant is wanting to attract couples and families and create a European style bar unfortunately this is England and not everyone behaves in the correct manner. Some of these people are in their 30s plus and it is hard to identify a trouble maker. This is why the conditions laid out by the council on the licence should be adhered to as once an incident has occurred it is then too late. Having these conditions on a licence and venues adhering to them prevents Crime and Disorder. Police support the Council in their required conditions for any new application for a Street Café Licence and in particular the need for these conditions on the licence for Cappuvino as explained above.

Kind regards  
Andrew

**Constable 2338 Andrew Taylor**  
Licensing Officer  
Lancaster Police Station



**External T:** 01524 596631  
**Internal T:** 302338

**Mobile:** 07816214595



## Report to Licensing Committee

### Decision taken in respect of hackney carriage/ private Hire driver training requirements

4 June 2020

### Report of Licensing Manager

#### PURPOSE OF REPORT

The report is for information, to notify the committee of an urgent decision taken by the Chief Executive in consultation with the Chair of Committee in respect of hackney carriage/ private hire driver training requirements.

#### RECOMMENDATIONS

1. That the report is noted.

#### 1.0 Introduction

1.1 The report attached as **Appendix 1** is a report prepared for the Licensing Committee scheduled to take place on 19 March 2020. The meeting was cancelled due to Government guidance issued at that time. The report was seeking an amendment to driver training requirements.in particular

- That as a result of Btec awarding body deciding to withdraw the Btec level 2 taxi driver qualification. An alternative equivalent qualification from another awarding body ie City and Guilds be substituted as a requirement for new hackney carriage/ private hire driver applicants
- That a revised format for the driver knowledge test be approved
- That new driver applicants who have achieved a level 2 qualification with an identical unit content as the City and Guilds qualification be exempted from retaking those modules. No exemption was to be given in respect of the driver knowledge test or Lancaster Child Sexual exploitation requirements

#### 2.0 Decision/ Action Taken

2.1 On 19 March the Chief Executive in consultation with the Chair of the Licensing Committee considered the documents attached at **Appendix 1**. The decision was that the recommendations contained within that report were approved

2.2 The matter was considered as urgent for the following reason: the imminent cessation of the Btec qualification meant that a replacement approved training course needed to facilitate hackney carriages/ private hire driver applicants completing the driver

application process. The next Committee meeting ie this meeting was scheduled to take place after the Btec qualification had been withdrawn and after the scheduled training course expected to commence at the beginning of May. Delaying a person ability to complete a driver application process could be seen as a welfare issue for that individual and was therefore considered as an urgent matter

- 2.3 The subsequent decision to go into lockdown on 23 March, may give rise to question the urgency of the decision taken on 19 March. However the Government’s decision to move to lockdown was taken several days after this decision was made.

### **3.0 Council Policy and Legislation**

- 3.1 Part 2 section 7 page 50 of the Council Constitution outlines how matters of urgency can be dealt with and gives the following delegations to 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

- 3.2 Furthermore the constitution requires that a report be prepared for the next Committee meeting recording the urgent circumstances which made the action necessary and detailing the action taken

### **4.0 Conclusion**

- 4.1 The detail as to the relevant considerations in the decision making are attached in **Appendix 1** namely the report considered by the Chief Executive in consultation with the Chair of Committee. This report is for information, but also provides transparency regarding the decision-making process.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b>  As set out in original report
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<b>FINANCIAL IMPLICATIONS</b>  As set out in original report
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**LEGAL IMPLICATIONS**

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

**BACKGROUND PAPERS**

None

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**LICENSING COMMITTEE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976**

**DRIVER TRAINING REQUIREMENTS**

**19 March 2020**

**Report of the Licensing Manager**

**PURPOSE OF REPORT**

To request the Committee to amend the requirements applied to new private hire/ hackney carriage driver applicants in respect of training relating to Level 2 Certification "In the Introduction to the role of the Professional Taxi and Private Hire Driver"

To request the Committee, approve the revised format of the taxi driver knowledge test

**The report is public**

**RECOMMENDATIONS**

- i. The Committee are requested to approve an amendment to the Hackney Carriage and Private Hire Driver application process to remove the following requirement-

**Applicants to achieve the BTEC Level 2 Certificate "In the Introduction to the role of the Professional Taxi and Private Hire driver with Lancaster and Morecambe College (LMC) as part of the licence application**

**And with effect from 4 May 2020 replace with**

**Applicants to achieve the City and Guilds Level 2 Certificate "In the Introduction to the role of the Professional Taxi and Private Hire driver with Lancaster and Morecambe College (LMC) as part of the licence application**

- ii. That new driver applicants who have achieved a level 2 certificate from a recognised awarding body with an identical unit content as that detailed in section 2.1 of this report be exempted from the requirement to retake the units. No exemption will be given in respect of the driver knowledge test or the Lancaster Child Sexual Exploitation requirements
- iii. The Committee approve the proposed revised format for the taxi driver knowledge test



## 1.0 Background

- 1.1 At its meeting on 22 March 2018 the Committee approved proposals to introduce new training arrangements for all new applicants for hackney carriage and private hire drivers' licences. With effect from 24 April 2018 new driver applicants were required to satisfactorily complete the Btec Level 2 Certificate in the Introduction to the role of the Professional Taxi and Private Hire driver at Lancaster and Morecambe College.
- 1.2 At the same meeting the Committee also approved that the Lancaster City Council taxi driver knowledge test and Child Sexual Exploitation be delivered in parallel to the Btec qualification at the Lancaster and Morecambe College
- 1.3 In March 2018 Lancaster and Morecambe College gave a commitment that the costs for the training would be a one off cost to the applicant of £225 and that this fee would be maintained for a 3 year period subject to annual inflationary increases only.
- 1.4 In February 2020 Licensing officers were contacted by tutors at Lancaster and Morecambe College to advise that the awarding body of the Btec level 2 qualification were discontinuing the qualification at a national level. The last Btec training course will be delivered at the college week commencing 28 April 2020. The reason for the discontinuation is unclear but may have been linked to adverse publicity associated with the provision of training by some training providers. There has been no concerns raised regarding the delivery of the Btec course at The Lancaster and Morecambe College

## 2. Report

- 2.1 Working in partnership with the College, Licensing Officers have identified that an alternative awarding body i.e. City and Guilds deliver a level 2 qualification with an identical title and content. The content of the current and proposed level 2 training course is as follows

Unit title	Btec Unit number	City and Guilds Unit number
Health and safety in the taxi and private hire work environment	1	201
Road safety when driving passengers in a taxi or private hire vehicle	2	202
Professional customer service in the taxi and private hire industry	3	203
Taxi and private hire vehicle maintenance and safety inspections	4	204
The regulatory framework of the taxi and private hire industry	5	205
Taxi and private hire services for passengers who require assistance	6	206
Routes and fares in the taxi and private hire vehicle industries	7	207
Transporting of parcels, luggage and other items in the taxi and private hire industries	8	208
Transporting of children and young persons by taxi or private hire vehicle	9	209

- 2.2 College tutors and officers are satisfied that the City and Guilds qualification is of an equivalent standard to the Btec and that the course content remains valid and relevant to knowledge required to work as a licensed hackney carriage / private hire driver.
- 2.3 There is no proposal for licensed drivers who have completed the Btec level 2 course, to undertake the City and Guilds level 2 qualification. The training provision is being reviewed purely as a result of the discontinuation of the Btec qualification.
- 2.4 Lancaster and Morecambe College will continue to deliver the Lancaster City Council safeguarding/ Child Sexual Exploitation training in parallel to the driver knowledge test and the Btec/ City and Guilds qualification.
- 2.5 The Committee have in recent months considered a licensed driver application where the applicant had passed the taxi driver knowledge test but had subsequently been unable to demonstrate any topographical knowledge of the Lancaster district.

At least 2 other applicants have demonstrated similar patterns of behaviour. As a result of the shortcomings identified officers have been working in conjunction with the college to redesign the format of taxi driver knowledge test.

The topographical questions are being redesigned but to an equivalent level as the original questions. It is proposed that the redesigned format will generate individual test papers from a pool of randomly generated questions, no two question papers will be identical.

In addition it is proposed that each taxi driver knowledge test will include a set of mandatory questions in relation to key elements of taxi licensing, including plying for hire, carriage of assistance dogs, safe carriage of customers travelling in wheelchairs, responsibility to report convictions / accidents etc.

It is proposed that applicants would be required to correctly answer all the mandatory questions in order to pass the knowledge test. Topographical questions would require a pass mark of 80%.

### **3.0 Council Policy and Legislation**

- 3.1 Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that a Council shall not grant a licence unless satisfied that the applicant is a "fit and proper person" to hold a private hire/ hackney carriage drivers licence.
- 3.2 The requirement that new applicants for a hackney carriage / private hire drivers licence undertake a recognised qualification and demonstrate satisfactory topographical and licensing knowledge form part of the Councils criteria used to determine an applicant's suitability to hold a hackney carriage/ private hire drivers licence.

### **4.0 Options**

- 4.1 Options available to members are:

- 1) To approve with effect from 4 May 2020 an amendment to the hackney carriage/ private hire driver application process, to require new driver applicants to satisfactorily complete a City and Guilds level 2 qualification in the Introduction to the role of the Professional Taxi and Private Hire driver with Lancaster and Morecambe College (LMC) as part of the licence application process.
- 2) To remove the level 2 training requirement in respect of an Introduction to the role of the Professional Taxi and Private Hire driver, from the new driver application process.
- 3) To approve the revised format of the Lancaster City Council taxi driver knowledge test.
- 4) To remove the requirement for new driver applicants to satisfactorily complete the Lancaster City Council taxi driver knowledge test.

**5.0 Officer Comments**

- 5.1 Hackney carriage and private hire drivers licensed by the Council are considered as having the Councils seal of approval. It is important that the Council only licences those persons who are “fit and proper” to hold such licences. It is reasonable to expect licensed drivers to be able to demonstrate that they understand the licensing rules and regulations that are in place and that they have a reasonable topographical knowledge of the area in which the majority of their work will be undertaken (knowledge test).  
 The professional qualification seeks to provide taxi drivers with the necessary skills and knowledge to equip them to carry out their role to a high standard including safety of their passengers, themselves and at times vulnerable members of the public.  
 To reduce training and knowledge test standards would be to devalue the role.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b>                  (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None, the policy for new applicants would apply equally to all parties</p>	
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>Financial Services have not been consulted, as there are no financial implications to the Council and no change in financial implications for applicants</p>	
<p><b>LEGAL IMPLICATIONS</b></p> <p>Any person who fails to meet the application standard and has a hackney carriage / private hire drivers licence application refused has a right of appeal to the Magistrates Court within 21 days of the decision to refuse to grant of the licence.</p>	
<p><b>BACKGROUND PAPERS</b>                  Report to Licensing Regulatory Committee                  22 March 2018 – New driver training – change of provider</p>	<p><b>Contact Officer:</b> Jenette Hicks  <b>Telephone:</b> 01524 582732  <b>E-mail:</b> <a href="mailto:jhicks@lancaster.gov.uk">jhicks@lancaster.gov.uk</a>  <b>Ref:</b> JH</p>

## Report to Licensing Committee

### Use of screens/partitions in licensed hackney carriage/ private hire vehicles

4 June 2020

### Report of Licensing Manager

#### PURPOSE OF REPORT

The report is for information, to notify the committee of an urgent consideration and approval of a position statement regarding the installation and use of screens/ partitions in licensed hackney carriage and private hire vehicles.

#### RECOMMENDATIONS

1. That the report is noted.

#### 1.0 Introduction

- 1.1 The report attached as **Appendix 1** provides the background to the request for the Chief Executive in consultation with Chair of Licensing Committee to consider and approve a position statement in respect of the installation and use of screens/ partitions in licensed hackney carriages and private hire vehicles. The matter was deemed to require urgent consideration.

#### 2.0 Decision/ Action Taken

- 2.1 On 19 May the Chief Executive in consultation with the Chair of the Licensing Committee considered the documents attached at **Appendix 1,1A and 1B**. The decision was that the position statement shown at **Appendix 1 A** be approved with a minor amendment to the wording of the liability statement

- 2.2 The amended wording is as follows

**The Council will not accept liability in circumstances in which a screen/partition causes injury to a passenger or driver, including the failure of the screen/partition to prevent an infection.**

2.3 On 20 May the agreed position statement was published on the Councils website and forwarded to the three large private hire operators and a representative of the hackney carriage trade.

2.4 The matter was considered as urgent for the following reason: The Council had received a number of enquiries from taxi drivers, the public and manufacturers/ installers of partition screens. The majority of enquires were based on the installation of partition/ screens in taxis, allegedly offering increased protection to taxi drivers / customers. Some taxi drivers are keen to return to work and the Council was reluctant to delay return to work based on the timescales involved in a Licensing Committee decision namely that the next committee wasn't scheduled to meet until 4 June. It was considered that the Councils position in respect to taxi screens/ partitions was something that required an urgent decision

### 3.0 Council Policy and Legislation

3.1 Part 2 section 7 page 50 of the Council Constitution outlines how matters of urgency can be dealt with and gives the following delegations to 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

3.2 Furthermore the constitution requires that a report be prepared for the next Committee meeting recording the urgent circumstances which made the action necessary and detailing the action taken

### 4.0 Conclusion

4.1 The detail as to the relevant considerations in the decision making are attached in **Appendix 1,1A and 1B** namely the report considered by the Chief Executive in consultation with the Chair of Committee. This report is for information, but also provides transparency regarding the decision-making process.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b></p> <p>As set out in the original report.</p>
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**FINANCIAL IMPLICATIONS**

As set out in the original report.

**LEGAL IMPLICATIONS**

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

**BACKGROUND PAPERS**

None

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## **URGENT BUSINESS**

### **Use of Screens/Partitions in Licensed Hackney Carriage/ Private Hire Vehicles**

#### **Report of Licensing Manager**

##### **PURPOSE OF REPORT**

The report is to seek urgent consideration and approval of a position statement regarding the installation and use of screens/ partitions in licensed hackney carriage and private hire vehicles

##### **RECOMMENDATIONS**

- 1. That the report is given urgent consideration by the Chair of the Licensing Committee and the Chief Executive and that the position statement attached at Appendix A is approved with immediate effect.**
- 2. That, in accordance with the Councils constitution, the decision of the Chair of Licensing Committee and the Chief Executive is reported to the next meeting of the Councils Licensing Committee.**

##### **1.0 Introduction**

- 1.1** In March 2020 the Department for Transport indicated that hackney carriage and private hire drivers were not generally to be considered as Critical Workers. Those undertaking home to school transport or the transport of extremely vulnerable people may be considered Critical Workers on a case-by-case basis. More recently Government advice has changed and people who cannot work from home are being encouraged to return to work if it is safe to do so.
- 1.2** Over recent weeks, the licensing team have received a number of enquiries regarding Council policy on the installation and use of screens/ partitions in licensed vehicles. Officers are aware that screen/ partition products have been available for a number of years, these tend to be constructed of a hard plastic type material and are affixed to the vehicle in a permanent/ semi-permanent manner. These products have been primarily designed to protect drivers from physical threats, violence and injury.
- 1.3** Over recent weeks a number of companies have developed new screen/ partition products to offer driver/ passenger protection from the threat of corona virus. The timescales involved mean that products may not have undergone mass testing or type approval. As drivers begin to return to work, the Licensing team have received a

number of enquiries from drivers, passengers and manufacturers regarding the installation and use of such products.

- 1.4 The Licensing team has looked to see if national guidance is available on the use of these type of products. A question has been posed on the Institute Of Licensing forum, but no commonality of approach has been achieved. A letter has also been received from the National Private Hire and Taxi Association a copy of which is attached at Appendix B. It is unclear as to the scientific evidence available to support some of the information in the letter from the NPHTA, it does however provide an overview of association's position on this matter. A letter dated the 13 May 2020 from the Department for Transport made it clear that the use of screens/ partitions in licensed vehicles is a matter for Local Authorities.

## **2.0 Proposal Details**

- 2.1 It is proposed that the council issues the position statement attached at Appendix A. The position statement facilitates the use of appropriate screens / partitions but makes it clear that explicit approval is not given by the Council and that the Council does not accept liability. The bullet points provided within the statement are guidance as to the relevant considerations that should be made before any decision is made to install a screen/ partition.
- 2.2 The position statement makes it clear that in the event of any relevant advice or guidance being issued the Council reserves the right to amend its position / stance on this matter.

## **3.0 Council Policy and Legislation**

- 3.1 The Council does not have a formal policy in relation to the installation of screens/ partitions in licensed vehicles. The introduction of any such policy would normally be subject to appropriate consultation. The position statement is not regarded as a formal policy, it does not prevent or mandate the use of screens/ partitions, but seeks to provide general guidance as to relevant matters that's should be considered by drivers, vehicle owners and installers.
- 3.2 The position statement makes it clear how complaints about screens/ partitions will be investigated. If a screen/ partition is deemed to be unsuitable for use, the legislation does provide the council with mechanisms to address this and also provides the vehicle owners with rights of appeal.
- 3,3 Legislation allows authorised officers of a council to suspend a vehicle licence using powers under section 60 and section 68 of the Local Government (miscellaneous provisions ) Act 1976. In addition section 60 of the above mentioned act allows a local authority to revoke a vehicle licence. In the case of any action taken under section 60 of the Act a licence holder has the right of appeal to the Magistrates Court

## **4.0 Conclusion**

- 5.1 Nationally there appears to be a growth in the number of companies providing a wide range of screens/ partitions for use in private hire and hackney carriage vehicles, the growth in the market has been driven by the coronavirus pandemic. There is a lack of information regarding the effectiveness of the screens to prevent the spread of the



virus, but officers consider that this in itself cannot be a reason for the council to prevent the installation of screens/ partitions. The rapid growth in the number and type of screens being produced means that it is not feasible for the Council to quickly produce a list of approved models/ products. The guidance within the proposed position statement aims to assist the trade in making an informed decision regarding the suitability and appropriateness of an individual product for an individual vehicle.

**CONCLUSION OF IMPACT ASSESSMENT**

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

**FINANCIAL IMPLICATIONS**

There is no direct financial cost to the council.

From information provided to officers it appears that the cost of these screens vary from less than a £100 to several hundred pounds

**LEGAL IMPLICATIONS**

These are detailed in the report in respect of how concerns re the safety/ suitability of individual installations will be dealt with and licence holders rights of appeal against any sanctions imposed by authorised officers of the Council

**BACKGROUND PAPERS**

None

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**Lancaster City Council**

**Position statement**

**Use of safety screens/ partitions in licensed vehicles  
(hackney carriages and private hire)**

Safety screens in licensed vehicles have been available for a number of years, these generally tend to be hard plastic screens and should already have safety certification to the relevant EU standard and or third party independent safety product documentation. These products had generally been developed to protect drivers from threats, attacks and injury from passengers.

The coronavirus pandemic has brought additional concerns regarding driver and passenger safety, namely the potential for droplet contamination by the virus. Several new screens/ partition products have very quickly appeared on the market as a response to concerns.

In terms of screens partitions designed as a result of the pandemic there is often a lack of information about safety testing or certification (both in terms of the individual product and or its ability to prevent/ reduce transmission of the virus ) and therefore the Council does not have full or adequate information to make an informed decision re approval of such products.

**The decision to install a safety screen/ partition during the current pandemic will be a matter for the vehicle owner/ driver and supplier to consider. Consideration should be given to the guidance detailed below**

**The Council will not accept liability in circumstances in which a screen/partition causes injury to a passenger or driver**

If you wish to install a screen or partition, please consider the following guidance

The screen / partition should:

- Not interfere with or compromise any operating or safety features in the vehicle ( including airbags, handbrake, gearstick) or the vehicle type approval
- Not be made of materials that will increase the fire risk in the vehicle
- Be transparent enough so as not to interfere with the safe use of the vehicle. And to enable the driver and passengers to see each other , and remain clear of scratches, clouding or stickers which would impede the drivers or passengers visibility
- Be adequately and safely secured and not interfere with the safety including access and egress of the driver or passengers or become easily detached during normal use
- Be adequately disinfected between bookings and at the start and end of the working day

Vehicle Owners/ drivers should:

- Inform insurers about the intention to fit such a device and ensure their insurance will not be invalidated as a result
- Fit/ install screens at your own responsibility and in accordance with the manufacturers specifications and recommendations
- Understand that this may be a temporary measure and that authorised officers of the Council reserve the right to require their removal with reasonable notice
- Be aware depending on the type fitted ( full front/back partition or driver only) the front passenger seat in the vehicle may be unusable
- Be aware that the Council will be sympathetic to drivers who choose not to carry the maximum number of passengers that the licence permits , where the reason for refusal is based on social distancing or other pandemic requirements

The Licensing team will respond to complaints from passengers, drivers or vehicle owners regarding the safety of individual products. Where the licensing officer has any concerns, they will speak to the vehicle owner and may require the removal of the screen / partition or other appropriate action . Any such request will be confirmed in writing together with the reasons for the request. The consequences of failure to comply with the request may result in a formal review of the vehicle licence, and or suspension/ revocation of the vehicle licence.

There is currently no Government guidance in relation to the use of screens/partitions in licensed vehicles, a letter from the Department for Transport dated the 13 May 2020 makes it clear that they currently consider this to be a matter for Local Authorities. The City Council is aware that the Local Government Association is contacting Local Authorities in an attempt to try and support some uniformity of approach regarding this matter.

The City Council will have due regard to any relevant information that may be published in the future and may amend its position accordingly.

It remains a licensed driver/ vehicle owners' decision as to whether to work as a licensed driver during the pandemic. Any person who choses to work should have full regard to published guidance. Specific updates regarding local taxi information is available at <http://www.lancaster.gov.uk/sites/business/licences-and-permissions/taxi-and-private-hire>

18 May 2020

To all licensing authorities:

**Appendix 1B**



Dear Colleagues

REF: **Protection screens in licensed saloon taxis and PHVs**

We are writing to all licensing authorities across the United Kingdom at this unprecedented time in history, to appeal to your sense of urgency in respect of the protection of the public in each of your districts, as that is the only way in which we can make representations which encourage the protection and safety of the public throughout the UK – which includes licensed private hire and taxi drivers, whose health and safety is being compromised to an alarming extent during the current spread of Covid-19.

When the Government eventually opens up the country by releasing the current lockdown, it is proposed that this will be a gradual process, and you know very well that this will not solve the country's problems overnight. The truth is that the after-effects of the lockdown, and the virus itself, are destined to last for many months. Public transport will be curtailed; bus, underground and train schedules, taxi and private hire services and the relative uptake of each service will be reduced, and millions of people will require transport back to work, back to school, back to get together with their families.

That is where our industry comes in: we are well and truly the fourth emergency service, as has already been proven over the past weeks. However, there are thousands of drivers who make up this industry who are extremely vulnerable; they need your support and protection urgently. We believe the installation of a protection screen between the front and back compartment of the vehicle, of similar standards to that seen in a purpose built hackney carriage combined with the wearing of PPE facemasks, and observing the extensive cleaning protocols, offers the best possible form of protection. This approach will also boost the public's confidence in making use of those services again.

We are contacting you at this time because the NPHTA feels sufficiently strongly about this issue that, in conjunction with the national trade newspaper ***Private Hire and Taxi Monthly (PHTM)***, we are mounting a campaign staunchly in favour of the installation of as many protection screens into licensed saloon PHVs and taxis, and licensed minibuses, as is possible to help lower the transmission of the virus, to protect passengers and drivers alike – provided of course that the screens are fit for purpose.

We preface this campaign by acknowledging that the decision of each licensed driver to carry on working during the lockdown is entirely their choice. However, that choice has been taken out of a lot of their hands: they must continue to work in order to feed their family, and not lose their home from non-payment of rent, mortgage and all the other overheads facing an industry whose members are mainly self-employed. Since the government support schemes have fallen very short of being applicable to the majority of trade members, as regulators you shoulder a burden of responsibility to protect and support those you regulate.

Further, as you will read within the pages of PHTM, literally hundreds of drivers have been specially trained and have adjusted the type of work they undertake in order to provide

backup transport for the NHS and other healthcare workers, even patients, thereby alleviating pressure from ambulance drivers and paramedics who can then turn their focus to the front line more efficiently. This is proving once again that, in more ways than one, our drivers are definitively the fourth emergency service.

As you all know, purpose-built hackney carriages (black cabs) and hackney conversions have a partition between the front and rear compartment as standard specification. For that reason many passengers may feel safer and more confident using those vehicles during the current Covid-19 lockdown and social distancing requirements.

But what about private hire? – and indeed, what about the thousands of saloon hackney carriages that are licensed outside the big towns and cities? In recent weeks several manufacturers have devised a partition screen dividing the front seats from the rear compartment of these vehicles, with a view to reducing the transmission of droplets from coughs and sneezes which are the main source of the spread of this dreadful virus.

There is no doubt as to the efficacy and positive reasons for installing a protection screen in a PHV. However, we are fully aware that there are many doubts being voiced from all quarters. With this in mind we thought it prudent to set out those points and try to answer them as factually as possible based on the research we have carried out.

This is particularly relevant for yourselves as licensing authorities, as you have the mounting responsibility of having to consider whether or not to approve the installation of this type of product in the vehicles you license; or indeed if there is any legal basis to refuse. So this is indeed a balancing act between authorising safety measures, and being accused of allowing added risks to be installed into a vehicle. We understand this fully. On that basis we set out various questions and points that have arisen on this issue:

- **What are these screens made of?**

There is a range of materials being used, with varying degrees of success and protection. We understand that the most reliable for providing both strength and flexibility is polycarbonate; there are also screens made from polypropylene and other forms of plastic or vinyl sheeting. You may have seen some of the more inferior products, which resemble cling film or a shower curtain and would offer little or no protection; in fact may pose a suffocation risk.

- **How are the screens fastened to the vehicle?**

Again, this varies widely depending on the manufacturer... or indeed a home-made creation. Anything from rivets to gaffer tape to staples have been utilised, and send shivers down the spine of those who view such creations. As far as we can see, the best type of screen is mounted onto a frame and then inserted into the vehicle with the frame fitting into the B-post site.

- **The screen isn't airtight; therefore it won't provide proper protection.**

It has been documented from every medical/health source worldwide that the Covid-19 coronavirus itself is not airborne; it is transmitted via droplets projected by a cough or sneeze onto hard surfaces – or indeed onto people. A properly constructed and fitted protection screen will provide every bit as much protection as the partition in a purpose-built taxi – which is not airtight either.

Further, there is no evidence as to whether travelling in a purpose-built taxi is safer than travelling in PHVs or specific models thereof, so if a purpose-built taxi is entitled – indeed, mandated in many cases – to have a partition screen, then we

see no reason why licensed saloon drivers should not be afforded the same rights to the same level of protection.

- **It is claimed that the air con/heating systems in vehicles will spread the virus and no screen would protect passengers from that.**

Again, this contention is weak on the basis that the virus is not airborne; it is conveyed via droplets which can only be projected via the trajectory of a sneeze or cough – or direct contact. Droplets cannot pass through windows or any other solid surface; furthermore, the opening of a taxi/PHV window has to be sensible under any circumstance, as it would provide more than adequate ventilation and fresh air circulation.

- **The screen must be transparent; both driver and passenger must be able to see each other clearly. There may be safeguarding issues.**

The properly manufactured units provide total, clear transparency over the front seats through the screen, and – because it is not a totally sealed unit – there is no difficulty in each hearing the other. In fact it protects additionally by blocking possible transmission of the virus whilst speaking.

Safeguarding? Surely such a protection product would be beneficial to safeguarding issues, as it presents a barrier between the driver and the passenger if there was any doubt as to the driver's character or intentions. Furthermore, to allude to any safeguarding implications by the presence of a partition screen would open up possible questions as to the validity of the same screens as installed in purpose-built hackney carriage vehicles.

- **What happens during a collision? Will the screen obstruct the side airbags?**

This is where recognised and documented crash testing and risk assessment comes into play. The product we have viewed has undergone all these procedures, and the eight-point risk assessment concludes that the protection screen does not compromise the curtain airbags. That is why the installation of this particular product is bespoke, to account for the variation of airbag locations across various makes and models of vehicle.

- **What if the vehicle is upended in a crash; will the screen shatter?**

Again, the product must be tested for durability and flexibility from all aspects. The product mentioned above was tested to the point of being folded over virtually in half with weight on top, and it neither cracked nor shattered but came back to its original shape. This is the kind of testing you must insist has been carried out on any of these products.

Following dialogue with senior government and licensing authority officials, it is clear that any such product must satisfy acceptable levels of Health and Safety requirements. Badly fitted, inappropriately constructed units, or products made using unsafe materials, could have a catastrophic impact in the event of a vehicle being involved in a road traffic accident and would therefore be unlikely to be approved.

- **We cannot consider authorising any vehicle to go ahead with such installations without first approving the protection screen being installed.**

Most local authorities would require that any such devices received approval prior to installation and they were subsequently notified, so that an inspection could take

place as soon as is practical to verify suitability of installation. However, it is worth noting that in this matter, the consideration of installing such screens would invariably be into existing licensed vehicles; this means that it is more about providing consent or authorising the product and installation, as opposed to actually issuing any new licence.

The NPHTA's view is that it must be verified that such products have gained approval by their local authority. If not, then ask the installer or manufacturer to send in the required documentation including risk assessment and material/installation specifications in order to gain approval before going ahead with the installation. The vehicle will most likely need to be inspected for verification once the installation is complete in order for the vehicle records to be updated accordingly.

The message here is strong and clear: authorisation must be simple, easy and quick; this is about public protection and safety and therefore simply must be expedited with as little delay as possible.

- **Surely the installation of a protection screen would be deemed to be a modification of the vehicle, and therefore would invalidate the insurance.**

This is dependent on the method of installation of the screen; however, for the most part – and certainly those that are properly installed – the screen is strictly temporary in nature and would only be considered to be an intentional modification to the vehicle in much the same way as the installation of a taximeter, CCTV, or a PDA, none of which materially affect the structure of the vehicle. So far, certain screens have been approved by both Equity Red Star, and Markerstudy – one of the UK's largest underwriters.

Obviously any vehicle proprietor wishing to have one of these screens installed should notify their insurance company. We would urge underwriters to seriously consider the implications of refusing such approval: What possible reason could they put forward for preventing such a vital element of protection.

- **It has been suggested that licensing authorities will have to relicense any vehicle in which the protection screen has been installed, to reflect the reduction in the number of passengers carried.**

Frankly we have gleaned opinion from many licensing officers – many of whom quite honestly are in favour of the screens – and they concur that there is no reason to have to go to the trouble and expense of relicensing such a vehicle. The number of seats the vehicle is licensed to transport is the **maximum**; the driver may carry less than that number at any time, and most of the time does just that.

Even after the lockdown is released – even slightly – we believe that most drivers would not encourage front-seat passengers; nor would those passengers wish to ride in the front. In the grand scheme of things, any driver or vehicle owner wishing to install such a device, at their own expense, is highly unlikely to allow a passenger in the front anyway, so issuing a temporary reduced-capacity licence would be a waste of officer time, effort and money.

- **What about minibuses that undertake school contracts? We know of very few, if any, such vehicles that currently screen off the drivers; a lot of parents will understandably be very wary of their children being transported certainly in the near future and potentially for quite some time to come without some, if not several, forms of protection.**

Again, this is another serious consideration over the period during and after the lockdown release and the re-opening of schools nationwide. The fact is that there are many vehicles that are designated exclusively for home-to-school contracts which do not have a partition or separation between the driver and passengers. It is hoped and should be encouraged and supported, that these vehicle owners will consider the installation of a partition screen to regain the confidence of the parents whose children they carry. In fact we have it in writing from one County Council that they will not allow their local school contract suppliers to recommence transport unless they have all the protective elements in place: partition screens, PPE face masks, and a full cleaning regime for vehicles and drivers.

- **We are waiting for guidance from central Government on this issue.**

We will reproduce a comment from one licensing officer here, from a recent licensing forum: "If we have to wait for Government guidance on this for Covid-19... we might get it by Covid-49!" The NPHTA has had considerable dialogue on the installation of such "sneeze guard screens" with senior government and licensing authority officials and at the time of release of this information on April 29nd 2020, they believe that through dialogue and research the position is as follows:

There are no taxi and PHV specific guidelines beyond the standard social distancing guidance currently issued by government. Therefore there is no actual guidance on which to base a refusal to allow such screens to be installed. Currently there is no specific guidance whatever available in respect of the installation – or viability – of protection screens in licensed saloon vehicles.

We believe serious consideration should be given to the inherent right of self-protection, as set out in the European Court of Human Rights, Article 2. *"[The Court] considered that [regulations] must govern the licensing, setting up, operation, security and supervision of the activity and must make it compulsory for all those concerned to take practical measures to ensure the effective protection of citizens whose lives might be endangered by the inherent risks."... "In the context of environmental disasters over which States have no control, the obligation of the State to take preventive operational measures comes down to adopting measures to reinforce the State's capacity to deal with the unexpected and violent nature of such natural phenomena."*

*... "and that an issue may arise under Article 2 where it is shown that the authorities of a Contracting State have put an individual's life at risk through the denial of the health care which they have undertaken to make available to the population generally."*

We would go as far as to say that local authorities adhere to the Regulator's Code, specifically that "regulators must be seen to promote, endorse and encourage the growth and development of local businesses." This most certainly includes the many transport providers whom you license within your district.

- **This represents a lot of time, trouble and expense for the vehicle owner to go to, just to protect themselves on a temporary basis.**

As stated at the beginning of this letter, the overall recovery of the UK's economy, and the gradual releasing of the lockdown, is going to take a lot of time. There are going to be large numbers of members of the public who are desperate, and who will stoop to criminal acts to get what money they can to live; this of course could include attacks on drivers. We firmly believe that the presence of a substantial, well



installed protection screen will at least discourage such attacks on a large scale – as well as building public confidence in private hire and indeed saloon hackney carriage transport once again.

**On a final note:**

We must make it abundantly clear to you all that neither the National Private Hire and Taxi Association, nor Private Hire and Taxi Monthly, has any commercial connections whatever with any of the manufacturers of protection screens for saloon vehicles. We just fervently believe that this product – whoever supplies the approved, tested version – is a crucial ‘tool of the trade’ for those owner/drivers who are willing to continue transporting passengers under these trying circumstances.

It is their choice as to whether they wish to invest in the screens; the price range is from around £75 to £500 for polycarbonate versions, depending on the level of testing and finishing. If these individuals are willing to make that sort of investment, they must be serious about protecting their passengers – and of course themselves. With this in mind, surely it must be seen as a positive move, and something the trade and local authorities could work well together to achieve, in the interest of public safety.

It is also of high importance to make clear that there are many other industry stakeholders who are behind this campaign in favour of saloon protection screens including Unite the Union, the GMB, the National Taxi Association, UPHD, and quite a few local trade associations nationwide.

**We understand that some licensing authorities are hesitant to commit to approval of any of these protection screen products. We need to hear from you directly, as to what your objections are, so that we may provide further information that is specific to your query or point.**

**All we can do is to present the facts herein as we have obtained them through extensive and qualified research, and ask that licensing officers around the country exercise due diligence, sensitivity and care when considering the future of this industry.**

**It is hoped that eventually the general public will be transportable by taxi and PHV once again in a more normal fashion and volume. The only way this can happen is by boosting the confidence they have in entering and using all types of licensed vehicles; we must be seen to do anything within our power to achieve this. Your responsibilities in respect of public safety must always prevail. That includes your licensed drivers as well.**

**Thank you for listening. Above all, stay safe and well.**



**Please direct any feedback or replies to:**

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