



*Castle House
Great North Road
Newark
NG24 1BY*

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www.newark-sherwooddc.gov.uk

Tuesday, 13 September 2022

**Chairman: Councillor Mrs R Crowe
Vice-Chairman: Councillor I Walker**

Members of the Committee:

**Councillor L Brazier
Councillor Mrs B Brooks
Councillor S Carlton
Councillor M Cope
Councillor P Harris
Councillor R Jackson
Councillor Mrs S Michael**

**Councillor S Saddington
Councillor T Thompson
Councillor K Walker
Councillor R White
Councillor T Wildgust
Councillor Mrs Y Woodhead**

MEETING: General Purposes Committee

DATE: Thursday, 22 September 2022 at 6.00 pm

**VENUE: Castle House, Great North Road, Newark,
 NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Helen Brandham on helen.brandham@newark-sherwooddc.gov.uk 01636 655248.

AGENDA

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1. Apologies for Absence	
2. Declarations of Interests from Members and Officers	
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None

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PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

None

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **General Purposes Committee** held in Castle House, Great North Road, Newark NG24 1BY on Thursday, 23 June 2022 at 6.00 pm.

PRESENT Councillor Mrs R Crowe (Chairman)
 Councillor I Walker (Vice-Chairman)

Councillor L Brazier, Councillor Mrs B Brooks, Councillor S Carlton,
Councillor M Cope, Councillor R Jackson, Councillor Mrs S Michael,
Councillor S Saddington, Councillor T Thompson, Councillor K Walker,
Councillor R White, Councillor T Wildgust and Councillor
Mrs Y Woodhead

APOLOGIES FOR Councillor P Harris (Committee Member)
ABSENCE:

1 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

2 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

3 MINUTES OF THE MEETING HELD ON 10 MARCH 2022

AGREED that the Minutes of the meeting held 10 March 2022 were a correct record and signed by the Chairman.

4 GENERAL PURPOSES FORWARD PLAN

The Committee considered the Forward Plan from 1 July 2022 to 30 June 2023, noting the Review of Taxi Fares scheduled to come before Committee on 15 September 2022.

The Chairman advised that Officers had been contacted numerous times by taxi drivers, requesting that the issue of fares be looked at as a matter of urgency, given the rapidly increasing cost of fuel and cost of living. The Chairman sought Committee's approval for delegated authority to authorise such changes, if found to be necessary.

AGREED (unanimously) that:

- (a) the Forward Plan be noted; and

- (b) the Review of Taxi Fares begin with immediate effect, with the Chairman of the Committee being given delegated authority, following appropriate consultation, to make any changes to the fare structure as necessary.

5 REVIEW OF AMBULANCE VEHICLE AGE POLICY

The Committee considered the report presented by the Senior Licensing Officer which recommended that the age policy for Private Hire Ambulance Vehicles be amended in line with the vehicle age policy for Hackney Carriage and Private Hire Vehicles.

The report set out the specification that a vehicle must meet in order to be considered for licensing with one of the criteria being its age. The policy sought to strike a balance between the replacement of a vehicle and having a modern taxi fleet within the district. A note of the existing policy, agreed in 2016, was provided together with the newly adopted age policy for Hackney Carriage and Private Hire Vehicles.

Following representations received by two Private Hire Ambulance operators, Members were asked to consider whether the amendment should also be extended to ambulances.

In considering the report, Members agreed that the condition of the vehicle should be the deciding factor and not its age, noting that if it had passed its MOT and was up to the standard required for use as a Private Hire Ambulance the vehicle should be licensed.

AGREED (unanimously) that the Vehicle Age Policy in relation to Private Hire Ambulance Vehicles be amended as follows:

- (a) all vehicles must be under 9 years of age on first registration and not over 15 years of age on renewal;
- (b) vehicles over 6 years of age that fail the licensing vehicle test on structural damage or major mechanical issue will not be licensed; and
- (c) a purpose built wheelchair accessible vehicle must be under 9 years of age when first licensed and not over 15 years of age on renewal.

6 KIRKGATE TAXI RANK

The Committee considered the report presented by the Senior Licensing Officer which sought to provide Members with information on whether to amend or remove the taxi rank on Kirkgate, Newark.

The report set out the number of ranks in operation within the town centre and provided statistical information taken from the recent survey of taxi users and trade as to what ranks they used the most. It was noted that the results for the Kirkgate rank were skewed due to its use as a taxi rank being suspended during the pandemic through to the present day.

Members considered the report, noting that the rank provided a useful space for market shoppers, allowing them to park for 30 minutes. They added that its permanent removal as a taxi rank would allow this to continue and would assist with returning footfall to the town which was much needed following the drop in trade due to the pandemic.

It was noted that should Committee recommend the removal of the site as a taxi rank, a period of consultation would be required. In response to how long this may take, the Assistant Director - Legal & Democratic Services advised that a note would be circulated to Members of the Committee with the information.

AGREED (unanimously) that:

- (a) the taxi rank on Kirkgate, Newark be removed;
- (b) a consultation exercise be undertaken to seek views on the proposed removal; and
- (c) a report setting out the results of the consultation be reported back to Committee prior to any final decision.

7 REVIEW OF PSPO ALCOHOL CONTROLS IN NEWARK

The Committee considered the report presented by the Senior Licensing Officer which sought a review of controls for drinking in public places in Newark.

The report set out the background to the making of the Public Space Protection Order (PSPO) and the powers of any authorised officer to enforce that. Details of the review and consultation were reported together with the number of incidents which had occurred since it was approved in June 2019.

In considering the report Members queried whether any incidents had progressed through to prosecution. Officers advised that they were not aware of any.

In relation to whether there were any repeat offenders, Officers advised that there were some who were known to the Community Protection Officers who worked with them in the community.

It was noted that this would be the final time which the PSPOs could be extended and that in three years' time, they would need to be formally renewed.

AGREED (unanimously) that:

- (a) the renewal of the Public Space Protection Order for drinking alcohol in public spaces be confirmed for a further three years;
- (b) the terms of the PSPO to be as follows:

- (i) An authorised Officer of the Council or Police may ask a person who is consuming or appears to be consuming alcohol in an area covered by the PSPO and that person is causing or is likely to cause anti-social behaviour to cease drinking the alcohol and dispose of the alcohol, or surrender the alcohol to the Officer, or immediately leave the area covered by the PSPO; and
- (ii) the fixed penalty level for all Public Space Protection Orders be set at £100.00 reduced to £75.00 if payment is made within 14 days.

8 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Senior Licensing Officer into the activity and performance of the Licensing Team which included details of current ongoing enforcement issues.

Information contained within the report related to the number of applications for grants and renewals of licences for Hackney Carriage; Private Hire; and Ambulance Drivers together with those for Hackney Carriage and Private Hire Vehicles. A note of ongoing enforcement activity was also listed with information as to what action had been taken to-date.

AGREED (unanimously) that the report be noted.

Meeting closed at 6.29 pm.

Chairman

Forward Plan of the General Purposes Committee Decisions from 1 October 2022 to 30 September 2023

This document records some of the items that will be submitted to the General Purposes Committee over the course of the next twelve months.

These committee meetings are open to the press and public.

Agenda papers for General Purposes Committee meetings are published on the Council's website 5 days before the meeting <http://www.newark-sherwooddc.gov.uk/agendas/>. Any items marked confidential or exempt will not be available for public inspection.

Meeting Date	Subject for Decision and Brief Description	Contact Officer Details
01.12.22	Update on Consultation in relation to Kirkgate	alan.batty@newark-sherwooddc.gov.uk
01.12.22	Implementation of the Taxi & Private Hire Vehicle (Safeguarding & Road Safety) Act 2022	alan.batty@newark-sherwooddc.gov.uk
01.12.22	Taxi & Private Hire Vehicle Licensing: Best Practice Guidance for Licensing Authorities in England	alan.batty@newark-sherwooddc.gov.uk
01.12.22	National Taxi Statistics	alan.batty@newark-sherwooddc.gov.uk



Report to: General Purposes Committee Meeting – 22 September 2022
 Director Lead: Matthew Finch, Director – Communities & Environment
 Lead Officer: Alan Batty, Business Manager – Public Protection, Extn. 5467

Report Summary	
Report Title	Urgent Review of Taxi Fares
Purpose of Report	To update Members of the taxi fare review carried out and for consideration of the results of the consultation on the proposed fare increase.
Recommendations	That Members consider the options set out in the report and identify the preferred option.
Reason for Recommendation	To ensure that the benefits of the increase were passed on to the trade as soon as possible.

1.0 Background

1.1 At the meeting of the General Purposes Committee in June 2022 it was agreed that:

the Review of Taxi Fares begin with immediate effect, with the Chairman of the Committee being given delegated authority, following appropriate consultation, to make any changes to the fare structure as necessary.

1.2 Officers prepared a number of options for consideration. These were drawn from a number of options proposed by the trade and from Officers. The Chairman and Vice Chairman met with officers and were briefed on the options available when it was agreed that an appropriate increase would be a simple addition of £1.00 to the flag. The flag is the basic cost that is represented on the taximeter prior to the journey commencing. It is currently £2.90 so the increase would take this to £3.90. All other tariffs for subsequent distance would remain unchanged. The current fares (without the increase) are shown as **Appendix One**.

1.3 Taximeters are required to be reset whenever a fare change is made and the approximate cost of this is £25.00 per meter. It was agreed that in order to provide additional assistance to the trade this cost would be met by the Council from its existing budget.

- 1.4 As required by legislation the proposed fare changes have now been advertised to allow representations to be made. Set out below are the comments received.
- 1.5 Clearly the majority of the comments are not supportive of the proposed change, with a larger increase in fares being preferred.

2.0 Proposal/Options Considered

- 2.1 There are a number of options now available to Members.

Option 1 – ratify the increase as agreed

Option 2 – amend the increase to take account of the consultation comments received. This would then need to be readvertised and any further comments taken into account at the conclusion of the consultation period.

Option 3 – make no amendments to the current tariff

- 2.2 It was envisaged that the fare increase process would be completed without any undue delay to ensure that the benefits of the increase were passed on to the trade as soon as possible. Unfortunately, this may not now be the case.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations, officers have considered a range of potential implications.

3.2 Financial Implications

The cost of the taximeter adjustments will be met from the existing budget A10814 45227

Background Papers and Published Documents

NSDC Taxi Policy



NEWARK AND SHERWOOD
DISTRICT COUNCIL

HACKNEY CARRIAGE
FARES

FARES FOR DISTANCE & TIME:-

The fares listed below include VAT.

1. STANDARD RATE (Tariff 1)

For the first 500 metres or 5 minutes 30 seconds or uncompleted part thereof (or a combination of parts of distance and time) **£2.90**

For each subsequent 95 metres or 30 seconds or uncompleted part thereof (or a combination of distance or time) up to 1609 metres **12p**

For each subsequent 92 metres or 30 seconds or uncompleted part thereof (or combination of distance or time) above that distance **11p**

2. WAITING TIME

For each period of 30 seconds, or uncompleted part thereof. **11p**

3. EXTRA CHARGES

(a) For hirings begun between 11.00pm and 6.00am, and on National Public Holidays (excepting (b) below) and between 6.00am and 11.00pm on Sunday the fare will be calculated at the Tariff 2 rate of **1½ times the Standard Tariff 1 Mileage Rate**

(b) For hirings begun between 6.00pm on 24th December and 6.00am on 27th December and between 6.00pm on 31st December and 6.00am on 2nd January, the fare will be calculated at the Tariff 3 rate of **Double Fare**



NEWARK AND SHERWOOD
DISTRICT COUNCIL

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APPENDIX

4. DISCRETIONARY CHARGES

£5.00

(a) Booking Charge 50p per mile up to a maximum of

(To be charged only where the journey does not involve a direct return trip with 'dead mileage' one way, ie. - where it is necessary to drive from the owner/drivers home Town or Village of business to pick up location and then on to a destination leaving a return trip involving further 'dead mileage').

(b) Soiling Charge, minimum of **£50.00**

(c) **The following additional tariffs shall only apply to those vehicles licensed to carry 5 or more persons, excluding the driver:-**

(i) Between 6.01am and 10.59pm when carrying 5 or more passengers, the fare will be calculated at the Tariff 2 rate of **1½ times the Standard Tariff 1 mileage rate**

(ii) When carrying 5 or more passengers for hirings begun between 11.00pm and 6.00am, and on National Public Holidays (excepting (iii) below) and between 6.00am and 11:00pm on Sunday the fare will be calculated at the Tariff 3 rate of **2 times the Standard Tariff 1 mileage rate**

(iii) When carrying 5 or more passengers for hirings begun between 6.00pm on 24th December and 6.00am on 27th December and between 6.00pm on 31st December and 6.00am on 2nd January, the fare will be calculated at the Tariff 4 rate of **2¼ times the Standard Tariff 1 mileage rate**

November 2019

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(To be charged only where the journey does not involve a direct return trip with 'dead mileage' one way, ie. - where it is necessary to drive from the owner/drivers home Town or Village of business to pick up location and then on to a destination leaving a return trip involving further 'dead mileage').

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November 2019



Report to: General Purposes Committee Meeting – 22 September 2022
 Director Lead: Matthew Finch, Director – Communities & Environment
 Lead Officer: Alan Batty, Business Manager – Public Protection, Extn. 5467

Report Summary	
Report Title	Hackney Carriage Livery in Newark & Sherwood
Purpose of Report	To review the current specification for the livery of Hackney carriage vehicle and to set out options for Members to consider.
Recommendations	No changes are made to the livery of Hackney Carriages or Private Hire Vehicles.
Reason for Recommendation	Any new requirement would have cost implications in addition to the strains currently being experienced by the taxi trade.

1.0 Background

- 1.1 Controls on the style and appearance of any material appearing on a Hackney Carriage (HC) or Private Hire Vehicle (PHV) are contained within the Council’s Taxi Policy. The last review of this Policy was undertaken in 2021 and agreed by Members.
- 1.2 Appendix 11 of the Taxi Policy sets out the vehicle specification requirements and it is here that the controls on advertising and signage can be found. Detailed below are the sections that set out the controls.

18.0 Advertisements

- 18.1 Any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law.
- 18.2 No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.
- 18.3 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community. The Council retains the right to require advertising to be removed from vehicles.

21.0 Taxi Signage

21.1 A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.

21.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose must not include the word "Taxi" or "Cab" in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words which shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire

1.3 There is an additional control contained within the hackney carriage and private hire vehicle licence conditions, which states:

A private hire vehicle shall NOT carry any roof sign.

1.4 As can be seen from the above there is no attempt within these controls to impose a consistent or uniform appearance to the vehicles. Many of the companies operating have their own distinctive livery and use this to ensure that loyal customers can identify their vehicles.

1.5 It is important that there is a clear distinction between Hackney Carriages and Private Hire Vehicles to ensure that the plying for hire ability given to HCs is maintained.

2.0 Proposal/Options Considered

2.1 The controls of the appearance of the taxi fleet in Newark & Sherwood have served the Council well. There is little evidence to show that the public cannot differentiate between HCs and PHVs.

2.2 There is an option to impose a requirement on PHVs that indicates that these need to be pre booked. A number of Councils impose a condition that states that all PHVs have a sign/sticker stating: 'This vehicle must be pre booked'. However, there are a large number of executive vehicles on the NSDC fleet that are exempt from the livery requirements set out above so the implementation of any new requirement would be of limited use.

2.3 If Members are minded to impose any new requirement the cost of the new requirement should be considered, particularly in light of the strains currently being experienced by the taxi trade.

2.4 Taking into account the above Officers would propose that there are no changes to the livery of HCs and PHVs.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations, Officers have considered a range of potential implications and have concluded there are no implications for the Council from this report

Background Papers and Published Documents

NSDC Taxi Policy



Report to: General Purposes Committee Meeting – 22 September 2022
 Director Lead: Matthew Finch, Director – Communities & Environment
 Lead Officer: Alan Batty, Business Manager – Public Protection, Extn. 5467

Report Summary	
Report Title	Update on Pavement Licences and Review of Fees
Purpose of Report	To set out the current position with regard Pavement Licences issued under the Business and Planning Act and to review the current fees of these licences.
Recommendations	That Members: a) note the temporary extension of the pavement licence regime until 30 September 2023. b) further note the Government’s policy proposal that the regime will become permanent subject to parliamentary approval; and c) Members agree that the fee remains unchanged.
Reason for Recommendations	To ensure Members are aware of the latest position in relation to the pavement licence regime.

1.0 Background

- 1.1 In 2020 the Business & Planning Act 2020 was enacted to support business with arrangements to trade effectively during the controls imposed as part of the combatting of the coronavirus. The Act included provision for a new legal framework for issuing pavement licences, which enabled food and drink businesses to put removable furniture on the pavement adjacent to their premises in order to sell or serve food and drink, or for people to sit at to consume food and drink. The framework was designed to complement the existing framework for pavement licensing set out in the Highways Act 1980.
- 1.2 It should be remembered that the new regime did not replace that already in existence and premises are still able to apply to the county council for a licence under the old but still extant scheme.
- 1.3 When the regime was first initiated a set of conditions was agreed. They are attached as **Appendix 1**.

- 1.4 Initially the provisions relating to the new powers for pavement licences were only to be in existence until September 2021. These were extended in 2021 by the Government for a further 12 months to September 2022.
- 1.5 In July 2022 the Business & Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 were enacted and the regulations extend temporary pavement licence provisions to 30 September 2023. All current pavement licences will expire on 30 September 2022. There is no official renewal process within the regulations so new applications will be required to be submitted.
- 1.6 There are currently 3 pavement licenses being used in the Newark & Sherwood district.
- 1.7 The current fee for a licence is £50 for a new application and £25.00 for a subsequent application for the same premises.
- 1.8 Following the Queen’s Speech announced earlier this year, the Government has made a commitment to make the provision of pavement licences, in England and Wales, under the Business & Planning Act permanent.
- 1.9 The Levelling Up & Regeneration Bill sets out the framework for the new regime. The key points are:
 - Two-year licences
 - Application fee of £500 for new applications
 - Renewal fee of £350
 - Increased enforcement powers
 - Removal of the dual licensing system

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 As Members can see from the figures set out in paragraph 1.6, the number of pavement licenses issued by the district council is low. The major drawback with the current regime is that there are no powers that the district council can use to enforce the requirement to have a valid licence.
- 2.2 The licence fees currently charged are set out in paragraph 1.7. The cost-of-living crisis is not only impacting on households but on local businesses as well. In view of this and the likelihood of a new regime being introduced in the not-too-distant future it is proposed that no changes are made to the current fees.
- 2.3 Therefore it is proposed that the fees for Pavement licences are set at

New licence application	£50
Renewal of licence	£25
- 2.4 It is also proposed that there are no amendments made to the conditions attached to a licence. These are attached as **Appendix 1**.
- 2.5 The Pavement Licence regime will support the following Community Plan objective.

Reduce crime and anti-social behaviour and increase feelings of safety in our communities: The proposed control will provide an enforcement tool to control drink related ASB.

3.0 Implications

3.1 In writing this report and in putting forward recommendations, officers have considered a range of potential implications.

Financial Implications – Under the current temporary regime the income from pavement licenses is not considered significant. When the new permanent regime is enacted the implications on the budget will be reviewed.

Background Papers and Published Documents

Business & Planning Act 2020
Levelling Up & Regeneration Bill

BUSINESS & PLANNING ACT 2020
PAVEMENT LICENCE STANDARD CONDITIONS

Each application will be treated on its own merits. Newark & Sherwood District Council (the Council) reserves the right to refuse applications or to apply such conditions as it thinks fit. Applicants should be aware that it will be necessary to display a notice of application for 7 days starting on the day after the application is served on the Council.

1. **Sole Purpose of the Licence:** A Pavement Licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food and drink supplied from, or in connection with the use of the premises.
2. **Production of the Licence on Demand:** The Pavement Licence shall be displayed in the window of the premises to which it relates. Any failure to do so may result in an Authorised Officer requiring the removal of the items from the highway.
3. **Site Constraints:** Any street furniture placed within the permitted area of the Pavement Licence shall not obscure sight lines for any highway user, interfere with drainage, or, conflict with dropped crossings, etc.
4. **Defining the Pavement Licence Area:** The Council (or its Agent) may, if necessary, discreetly mark on the highway the extent of the Pavement Licence area to ensure its accurate location.
5. **Street Furniture:** The Pavement Licence permits the following items to be placed on the permitted area of the highway:
 - Counters or stalls for selling or serving food or drink
 - Tables, counters, or shelves on which food and drink can be place.
 - Chairs, benches or other forms of seating, and:
 - Umbrellas, barriers, heaters, and other articles used in connection with the outdoor consumption of food or drink
 - The furniture must be removableThe specification of all furniture must be approved by the Council or its Agent.
6. **Barriers:** A barrier approximately 1.0m high and incorporating a tapping rail not more than 150mm above the ground must be provided to guide persons safely around the Pavement Café. Barriers must not be permanently fixed to the ground within the public highway. Barriers must be designed to resist collapse or movement (e.g. by being blown over or accidentally stumbled into). The specification of barriers must be approved by the Council or its Agent. The barriers & seating should be arranged so as to prevent chairs or personal affects (e.g. shopping) escaping the area of the café and encroaching into the walked highway.
7. **Emergency Exits:** All emergency exits and routes from buildings must be kept clear.
8. **Hours of operation:** As stated on the Pavement Licence. However, the Council will generally only permit the licence to operate between 09.00 and 23.00.

- 9. Removal of Furniture:** All street furniture and all barriers must be removed from the highway at the end of the working day and shall not be stored within the highway.
- 10. Obstruction/Danger/Nuisance on the Highway:** The Licence Holder shall not cause any obstruction or danger to people using the highway. The Licence Holder is responsible for the conduct of people within the area of the Pavement Licence, allowing rowdy or unruly behaviour may lead to the revocation of the licence.
- 11. Noise/Nuisance Control:** Noise, disturbance, smells or litter which cause a nuisance to the owners or occupiers of any adjacent premises or to members of the public are not acceptable. Amplified music will not be permitted.
- 12. Surface of the Highway:** The Licence Holder shall not undertake any alterations to the highway surface.
- 13. Cleansing of the Area:** The Licence Holder will ensure that the area permitted by way of the Pavement Licence is maintained in a clean and tidy condition and they shall take all necessary precautions to prevent the highway from becoming littered as a result of their trading activities.
- 14. Liability Insurance / Indemnity:** The Licence Holder is required to indemnify the Council and its agents against all losses and claims for injuries (including death illness and disease) or damage to any person or property whatsoever, and, against all claims, demands, proceedings, damages, costs, charges and expenses whatsoever arising directly or indirectly out of the granting of this Licence. To this end, the applicant must obtain and maintain third party public liability insurance which offers indemnity to principle. The level of cover must be to a minimum value of £5,000,000 for any one incident. Evidence of valid insurance for the pavement café area must be made available when demanded by a duly authorised officer or agent of the Council. The Licence Holder will be required to produce proof of valid insurance to the Council, or its agent, on an annual basis.
- 15. Consumption of Alcohol:** The Pavement Licence does not give, or imply any permission to supply intoxicating liquor in the street, such consumption must not take place beyond the perimeter of the designated area of the Pavement Licence.
- 16. Advertising:** Advertising alcoholic or smoking products, or their manufacturers, will not be permitted on barriers or furniture associated with the Pavement Licence. Logos / legends on barriers etc. may only relate to the premises or business and will require the approval of the Council, or its Agent. No advertising shall be displayed that may cause offence or alarm to any person.
- 17. Suspension of Permission:** If so requested in an emergency by a Police Officer, Fire Brigade Officer, Ambulance Attendant or Statutory Undertaker, or by the Highway Authority for the purpose of maintaining the highway, the Licensee shall remove the permitted street furniture from the highway.
- 18. The Pavement Licence is non-transferable:** The Licence is not a transferable asset which might be sold with a change in ownership of the premises.

19. Enforcement: If a condition imposed on a licence (either by the local authority) or nationally is breached the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs. The authority may revoke a licence in the following circumstances:

1. *For breach of condition, (whether or not a remediation notice has been issued) or*
2. *Where:*
 - *There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;*
 - *the highway is being obstructed (other than by anything permitted by the licence);*
 - *there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;*
 - *it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or*
 - *the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.*
3. *The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. It is good practice for local authorities to give reasons where these powers are used.*

20. Unpublished Conditions: The Council may impose reasonable conditions whether or not they are published upfront. There is an expectation these will be supported by a clear justification for the need of a condition which is in addition to any published local conditions. Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation with justification for this.

National Conditions

21. Smoke-free seating condition

The licence holder must make reasonable provision for seating where smoking is not permitted.

22. No obstruction condition

The licence-holder must ensure that anything done in pursuant to the pavement licence, or any activity of other persons which is enabled by the pavement licence, must not have an effect on the following:

- (a) preventing traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,

- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.



Report to: General Purposes Committee Meeting – 22 September 2022

Business Manager Lead: Alan Batty – Public Protection

Lead Officer: Nicola Rowlands, Senior Licensing Officer – extn 5894

Report Summary	
Report Title	Update on Performance and Enforcement Matters
Purpose of Report	To provide Members of the Committee with details of the various activities undertaken by the Licensing Team in relation to Hackney Carriage/Private Hire Drivers, Private Ambulance Drivers together with House to House and Street Collections
Recommendation	That the report be noted.

1.0 Background

1.1 A new applicant for a Hackney Carriage/Private Hire Drivers or Private Ambulance Drivers Licence have to undergo various checks. These include a: Disclosure and Barring check; DVLA check; two references are required; Group II medical; and knowledge & ability tests.

1.2 This report covers the period from 1 April to 30 June 2022 inclusive and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

Application Type	New Applications Rec'd	Renewal of Applications Rec'd	Number Issued	Comments
Hackney Carriage/Private Hire Driver	6	12	16	2 pending
Ambulance Drivers	6	8	13	1 withdrawn
Hackney Carriage Vehicles	10	10		
Private Hire Vehicles	1	5		
Private Ambulance Vehicle Licence	0	9		

1.3 Street Collections

The Licensing authority has not received any applications for street collections for the reporting period of 1 April to 30 June 2022.

1.4 House to House Collections

The table below sets out the numbers of collections undertaken within the reporting period of 1 April to 30 June 2022 and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80 % of the collection that is returned to the charity.

Charity	Date	Total Amount Collected	% Returned to Charity
Children with Cancer UK	21.04.22	£65.88	85%
World Cancer Care	June 2022	£402.00	100%
Children with Cancer UK	17.06.22	46.65	85%

1.5 Enforcement Issues

Hackney Carriage/Private Hire Ongoing Enforcement Activity between 1 April to 30 June 2022

Location	Activity	Date Case Opened	Action Taken So Far
Newark	HC vehicle seen driving with rear plate displayed in back window	25.04.22	LEO spoke to the driver who has moved the plate to the correct place
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	PH vehicle inspection	25.04.22	All in order
Castle House	PH vehicle inspection	25.04.22	1x action now completed
Castle House	PH vehicle inspection	25.04.22	1x action now completed
Castle House	PH vehicle inspection	25.04.22	All in order
Castle House	HC vehicle inspection	25.04.22	1x action now completed
Castle House	HC vehicle inspection	25.04.22	All in order
Castle House	PH vehicle inspection	25.04.22	All in order
Newark	Complaint of black smoke from HC vehicle	28.04.22	LEO observed vehicle with no smoke. Spoke to the driver who explained there had been an issue with the vehicle but is now fixed.

Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
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Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	PH vehicle inspection	24.05.22	All in order
Castle House	PH vehicle inspection	24.05.22	All in order
Castle House	PH vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	PH vehicle inspection	24.05.22	1x action now completed
Northgate Railway Station, Newark	Complaint re Z Cars refusing fares/not showing when pre booked	30.05.22	Email to Wolverhampton City Council and DG Cars. Updated complainant and advised to use NSDC vehicles.
Thornton Close, Bilsthorpe	Complaint of ambulance vehicles parking on street/pavement	26.06.22	LEO spoke to complainant who explained that after communication with the Police there is now only 1 vehicle parking on the street, which is more acceptable. Agreed to contact LEO again if the problem returns.
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	HC vehicle inspection	24.05.22	All in order
Castle House	PH vehicle inspection	24.05.22	All in order
Castle House	PH vehicle inspection	24.05.22	All in order

2.0 Proposal/Options Considered

This report is intended to provide Members with a summary of the various activities undertaken by the Licensing Team in relation to Hackney Carriage/Private Hire Drivers, Private Hire Ambulance Drivers together with House to House and Street Collections.

3.0 Implications

There are no implications arising from this report

Background Papers and Published Documents

None