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22 June 2021

To: All Councillors

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend the meeting on **Wednesday, 30 June 2021 at 6.00 pm in the Committee Room, Town Hall, Matlock**

Yours sincerely

A handwritten signature in black ink, appearing to read "James McLaughlin". The signature is written in a cursive style.

James McLaughlin  
Director of Corporate & Customer Services

## **AGENDA**

### **1. APOLOGIES**

Please advise the Committee Team on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence.

### **2. PUBLIC PARTICIPATION**

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

### **3. MINUTES OF LAST MEETING**

15 April 2021

### **4. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

- 5. LICENSING ACT 2003, GAMBLING ACT 2005 & OTHER LICENSING ANNUAL REPORT** **3 - 8**
- To receive a report providing Members with a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Section during the last financial year, and the previous two financial-year periods, to allow comparisons to be made. This updates the annual report for 20/21 which was considered at the October 2020 meeting, as the July 2020 meeting was cancelled.
- 6. BUSINESS AND PLANNING ACT 2020 - UPDATE REPORT – TEMPORARY PAVEMENT LICENSING PROVISIONS** **9 - 12**
- To receive a report updating Members on the implementation of the provisions of the Business and Planning Act 2020, in respect of temporary pavement licenses and advises of the Government's plans to extend the licensing regime until 30 September 2022.
- The Committee's consideration is sought to put administrative arrangements in place for after the end of September this year, and to determine whether or not an application fee should be charged.
- 7. TAXI AND PRIVATE HIRE LICENSING – ANNUAL REPORT** **13 - 17**
- To receive a report providing Members with a summary of the work relating specifically to taxi and private hire licensing, undertaken by the Licensing Team during the last financial year. Particular attention is paid to actions taken following the implementation of the reviewed Taxi and private Hire Licensing Policy, in May 2018.
- The report also provides a brief overview of the progress made since the last meeting, in implementing the requirements of the Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport (DfT).

Members of the Committee: Councillors Jacqueline Allison, Paul Cruise, Graham Elliott, Claire Gamble, Alyson Hill, Stuart Lees, Tony Morley (Chairman); Michele Morley, Peter O'Brien, Andrew Statham (Vice Chairman), Colin Swindell, Steve Wain and Mark Wakeman.

LICENSING AND APPEALS COMMITTEE  
30<sup>TH</sup> JUNE 2021

Report of Director of Regulatory Services

## **LICENSING ACT 2003 AND GAMBLING ACT 2005 ANNUAL REPORT**

### **PURPOSE OF REPORT**

This report provides a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Team during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.

The Committee is provided with details of compliance and enforcement work carried out in partnership with other statutory authorities, which contributes to the Licensing Service Plan Actions.

### **RECOMMENDATIONS**

- 1) That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out the following number of planned compliance/enforcement visits in the District by 31 March 2022:
  - 20+ licensing awareness visits to premises licensed for alcohol sales, gambling (or scrap metal).
- 2) That the Licensing Team continues to contribute to the work of the Derbyshire Licensing Group (DGL), the Community Safety Partnership's VAL (Violence Alcohol and Licensing) Group; and continues to support initiatives promoted by the Institute of Licensing, and the Gambling Commission.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

An effective licensing regime contributes towards the District Council's Place objective, in terms of keeping the Derbyshire Dales clean, green and safe.

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## **1 BACKGROUND**

### 1.1 The Licensing Act 2003 ("the Act")

The Licensing Act 2003 established a single integrated scheme for licensing premises which are used for the sale or supply of alcohol, and/or to provide regulated entertainment and/or to provide late night refreshment.

- 1.2 Each year the District Council, (in its role as the Licensing Authority), maintains in the region of 450 premises licences and club premises certificates; 1,300 personal licences; and on average (each calendar year) acknowledges some 500+ temporary event notices (TENs). All of these authorisations permit one or more of the licensable activities needing to be regulated under the provisions of the Licensing Act 2003; (see para 1.1 above).
- 1.3 Under normal circumstances, the pattern is that each year a number of new premises licences are granted and a small number are surrendered, as businesses close down or move premises. New licences are granted and existing licences are also varied for a number of reasons; including the start-up of new businesses, a rise in the number of one-off events. eg: small music festivals, micro-breweries, themed/luxury bed and breakfast establishments, community shops in separate areas of existing licensed premises etc.
- 1.4 In 2020/21 however, there has been a slight decrease in the number of applications for Personal Licences and Premises Licences, and we have not received any applications for new gambling licences. The decrease is as a result of the Covid pandemic.
- 1.5 Ordinarily, numerous outdoor events and activities would have taken place in the Derbyshire Dales during the Summer of 2020 and Spring of 2021; but most of these have had to be postponed or cancelled as a result of the various lockdown restrictions.
- 1.6 The decrease in the number of Temporary Event Notices (TENs) given by event organisers to allow the sale of alcohol and provision of regulated entertainment at one-off, small events, such as weddings, carnivals. Summer Fetes, has been fairly significant. (See table in paragraph 1.12).
- 1.7 Whilst there was a decrease in the number of licensing applications received by the Licensing Team in the latter half of 2020 and early months of 2021, the Licensing Team and the Business Support Team (as first point of contact for Licensing and Environmental Health) have experienced an increase in the number of enquiries and complaints received in respect of licensed premises during the same period.
- 1.8 Many were requests for advice as a result of businesses attempting to diversify their offering, to ensure they could continue to trade – for example eating and drinking in outdoor areas. In some cases, whilst businesses were able to salvage some trade, there were instances which led to a rise in lack of social distancing measures and noise/nuisance complaints being received from local residents and other businesses.
- 1.9 At the end of July 2020 a new temporary type of licensing was introduced to support the food and drink business. Such businesses were able to apply for a temporary Pavement Licence under the provisions of the Business and Planning Act 2020 which came into effect on 22 July 2020. All of the pavement licences granted to date will expire on 30 September 2021.
- 1.10 A separate update report on Pavement Licences will be considered later on the Agenda for this meeting.

## 1.11

## Annual Progress Reports

The first annual progress report was presented to this Committee in 2007, and provided information about the numbers of alcohol, entertainment and late night refreshment licence applications determined with effect from November 2005. Since 2007 an annual progress report has been submitted for the Committee's information and consideration. The report is usually considered at the first meeting of the civic year.

- 1.12 The data for licences processed under the Licensing Act 2003 for the financial year 2020/2021 is as follows:

Licences	Number of Applications Processed		
	2018/2019	2019/2020	2020/2021
New Premises Licences/Club Premises	16	12	14
Transfers of Premises Licences/Club Premises Certificates	22	24	16
Variations (full)	7	10	3
Minor Variations	6	9	6
Variation of (DPS)	74	89	38
Removal of DPS Condition	1 + 1 withdrawn	0	0
New Personal Licences	42	61	40
Temporary Event Notices (TENs)	454	467	67
LATE Temporary Event Notices	125	173	28
Surrendered Premises Licences	9	14	11

**NB:** As a result of the Coronavirus Pandemic restrictions, only 67 Temporary Event Notices and 28 LATE Temporary Event Notices have been given to the Council between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2021, to allow the occasional sale of alcohol and/or provision of regulated entertainment.

## 1.13

## Applications for Minor Variations

Some Members of the Committee may recall that in October 2009, the Minor Variations application process was introduced. This allowed proprietors/operators to make small changes to their premises licences, as long as the proposed changes would not undermine the licensing objectives specified in "the Act".

Examples of permitted changes under this process include:

- Minor changes to the structure or layout of premises;
- Small adjustments to licensing hours;
- Conditions: removal of out-of-date, irrelevant or unenforceable conditions; or the volunteering of additional/revised conditions;
- Licensable activities: adding certain licensable activities.

1.14 When this procedure was introduced, the Government recommended that the decision making for Minor Variation applications should be delegated to officer level. There is also no provision for hearings to be held to determine these applications. If relevant objections are received the applications are refused.

1.15 The Director of Regulatory Services and the Licensing Manager are both delegated to determine applications for Minor Variations.

1.16 The Minor Variation applications determined by Officers under delegated powers between 1<sup>st</sup> April 2020 and 31<sup>st</sup> March 2021 were:

Premises	Variation
The Red Lion, Rutland Square, Bakewell, DE45 1BT.	To update the premises plan to reflect a change of internal layout.
Marks & Spencer Simply Foods, Units B2 And B3, Waterside Park, Waterside Road, Ashbourne, DE6 1DG.	To update the premises plan to reflect change of internal layout.
Barringtons, Station Road, Darley Dale, DE4 2EQ.	To update the premises plan to reflect change of location of the bar from one room to another.
Clifton Smith Church Hall, Cock Hill, Clifton, DE6 2GJ.	To remove outdated Public Entertainment conditions imposed on the licence by Derbyshire Dales District Council in 2005.
The Horns, 15 Victoria Square, Ashbourne, DE6 1GG.	To Update premises plan to reflect minor changes to internal layout.
Marks & Spencer, 4 Bakewell Road, Matlock, DE4 3AU.	To update plan to reflect changes to the interior layout - ie removal of the customer cafe area.

#### 1.17 Licensing and Appeals Sub-Committee Hearings

During 2020-2021, applications were received for 14 new premises licences and 3 major variations to existing premises licences.

Only two of these applications attracted representations (relevant objections), that could not be resolved by the Licensing Manager, and had to be referred to meetings of the Licensing and Appeals Sub-Committee, to be determined.

One of the applications was for a variation to an existing premises licence (Preston's Coffee Shop, Ashbourne) which was granted by the Committee with additional conditions to restrict the hours of the outside area. The other application was for a premises licence for a small annual music festival to take place at Pikehall near Newhaven (FemmeFest Festival). This was also granted by the Sub-Committee, but with additional restrictions, on the maximum capacity and other licence conditions regarding the playing of live and recorded music, to balance the needs of the business and those of the local residents.

#### 1.18 Working with Partners

The Licensing Team continues to work closely with other agencies with responsibility for dealing with applications for licensing eg through the Safer Derbyshire (Community Safety) Partnership VAL Group (**V**iolence, **A**lcohol and **L**icensing).

1.19 Meetings of the above groups since April 2020 have all been held virtually with at least one meeting of each Group taking place during the last year.

1.20 Since April 2020 all compliance visits to licensed premises usually carried out in person with the Police Licensing Officer and/or Trading Standards Officers had to be postponed until later in the year. However, as a result of a further period of lockdown in November, these visits have had to be postponed until later in 2021.

1.21 Telephone contact with licence-holders was maintained during the last year. Any compliance or enforcement issues were addressed with assistance from the Council's Environmental Health Team, dealing with complaints of lack of social distancing and other health and safety issues relating to the pandemic. Any Covid compliance action taken by the Licensing Team and Environmental Health Team is reported weekly to Government via the OPSS (Office for Product Safety and Standards).

## **2 THE GAMBLING ACT 2005**

### 2.1 The Gambling Act 2005 ("the Act")

Local licensing authorities have regulatory obligations under the Gambling Act 2005 for licensing gambling premises and issuing permits and permissions.

2.2 The Gambling Commission works closely with licensing authorities and other regulatory partners on joint initiatives and provides support through training, advice and publications.

2.3 The Commission has developed toolkits, application forms, returns forms, codes of practice, guidance, and a monthly Bulletin, to help Licensing Authorities carry out their regulatory responsibilities around gambling. It has recently updated its Guidance to Licensing Authorities publication.

### 2.4 Local Activity

The following premises in Derbyshire Dales are currently licensed under the 2005 Act:

- 1 Adult Gaming Centre (Matlock Bath)
- 3 Bookmakers (Betting Shops)
- 4 Family Entertainment Centres (Matlock Bath)
- 1 Occasional Use Notice (Pikehall Harness Racing)
- 160 (approx) Small Society Lotteries.

2.5 It has not been possible to carry out any compliance inspections of gambling premises since April 2020, because of Covid restrictions, although the current relaxations in place mean that it should be possible to visit all of the above licensed premises before the end of March 2022.

## **3 RISK ASSESSMENT**

### 3.1 Legal

It is the duty of the Council to licence and monitor gambling and licensable activities in the District. This report provides the Committee with information on how the Council is continuing to implement the Licensing Act 2003 and the Gambling Act 2005 in practical terms, albeit on a reduced scale since April 2020.

This report shows that practical steps are still being taken to make sure premises are complying with the relevant legislation and the risk to the Council of a legal challenge due to its licensing functions is relatively low. The legal risk is therefore assessed as being low.

### 3.2 Financial

The costs and income of administering the Licensing Act 2003 and the Gambling Act 2005 during the last 3 financial years, are shown in the following table:

Licensed Premises	2018/19 Actual	2019/20 Actual	2020/21 Actual	2021/2022 Original Budget
Direct Costs	85,915	107,134	101,625	88,328
Support Services	29,211	36,426	34,553	30,032
Total Income	121,189	129,187	100,607	118,605
Net Expenditure / (Income)	(6,063)	14,373	35,571	(245)

NB:

Support services are no longer allocated directly to services. From 2017/18 support service costs have been applied as a proportion of direct costs using a multiplier of 34% (based on 2016/17 actuals).

The financial risk arising directly from this report is assessed as low.

#### **4 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

#### **5 CONTACT INFORMATION**

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#### **6 BACKGROUND PAPERS**

Licensing Software M3/ASSURE records. RS/LN/ET/LA2003&GA2005/2005 onwards

#### **7 ATTACHMENTS**

None.

LICENSING AND APPEALS COMMITTEE  
30<sup>TH</sup> JUNE 2021

Report of Director of Regulatory Services

## **BUSINESS AND PLANNING ACT 2020 UPDATE REPORT – TEMPORARY PAVEMENT LICENSING PROVISIONS**

### **PURPOSE OF REPORT**

This report updates the Committee on the implementation of the provisions of the Business and Planning Act 2020, in respect of temporary pavement licences, and advises of the Government’s plans to extend the licensing regime until 30 September 2022.

Approval is sought to put administrative arrangements in place and to consider whether or not an application fee should be applied.

### **RECOMMENDATION(S)**

1. That administrative arrangements are put in place to extend the Pavement Licensing regime until 30 September 2022.
2. That an application fee for a pavement licence be determined by this Committee, for referral to the Governance and Resources Committee for consideration.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

An effective licensing regime contributes towards the District Council’s Place objective, in terms of keeping the Derbyshire Dales clean, green and safe.

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## **1 BACKGROUND**

### 1.1 July 2020 – Temporary Licensing Regime Introduced

In response to the coronavirus pandemic, sections 1-10 of the Business and Planning Act 2020 (“the 2020 Act”) made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority to place furniture such as tables and chairs on the area of highway/pavement adjacent to their premises (a “pavement licence”).

- 1.2 At a meeting of the full Council on 2<sup>nd</sup> July 2020, an urgent report was considered which explained the new licensing requirement for temporary pavement café licences, proposed by Government to assist businesses in the hospitality trade during the economic recovery.

- 1.3 The report set out a first draft of the processes that could be applied and recommended a scheme of delegation for the issuing and refusal of licences. Members were also advised that the application fee that could be charged had been capped at £100 by the Government.
- 1.4 At that time, Officers recommended that a complementary in-house licensing system should also be introduced to allow the use of Council-owned land for the same purpose as a pavement licence. Applications were invited for “Sitting-Out Licences” where appropriate. A similar consultation process to the one used for temporary pavement licences was implemented.
- 1.5 Applications for Licences
- Proprietors of food and drink businesses in the district were notified of the requirement to obtain a pavement licence if planning to use any outside area of the pavement/public highway. Publicity surrounding this requirement was advertised on the Council’s website and on the Gov.UK website.
- 1.6 Since July 2020, the Council has received 20 applications for Pavement Licences. Of those applications: 15 licences have been granted; 2 have been refused; and 3 are pending further documentation.
- 1.7 At the time of writing this report, approximately 10 applications are awaited from businesses where potentially a pavement licence may be required. These premises are located in Cromford, Darley Dale, Matlock, and Matlock Bath.
- 1.8 The proprietors of some of these premises have been placing tables and chairs on the pavement outside their business for many years, without the benefit of a Pavement Café Licence from Derbyshire County Council. Some have had a licence which has now expired, and those premises are in the process of applying for a temporary pavement licence from this Council. Premises that want a permanent licence, rather than a temporary one under the provisions of the Business and Planning Act 2020, are required to apply to Derbyshire County Council.
- 1.9 In addition to the pavement licence applications, the Council has received 11 applications for Sitting-Out Licences. These sought permission to use Council-owned land in Wirksworth, Cromford and Ashbourne.
- 1.10 The Council’s Estates and Facilities Team and the Legal Team have determined 9 applications for Sitting-Out Licences. All 9 have been granted, (one has since expired as the business has relocated and a licence is not required for the new premises); 2 applications to use the Market Place in Ashbourne are still pending, as some of the documentation is awaited.
- 1.11 June 2021 – Extension of Temporary Licensing Regime
- In March this year, guidance was received from Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities & Local Government, which encouraged local authorities to give as much support to the hospitality business as possible.

1.12 In his letter to Leaders of Councils, Mr Jenrick stated:

*“...We have made clear in the pavement licence guidance that we expect local authorities to grant licences for 12 months or more unless there are good reasons not to, such as plans for future changes in use of road space. Therefore, unless there are very good reasons, we would expect licences granted under these provisions to continue to apply into this summer so that businesses do not have to reapply or be charged a further application fee when they are able to re-open to serve customers outdoors.*

*These temporary provisions are currently due to expire on 30 September 2021, but to give further certainty to businesses I will be introducing secondary legislation to extend these provisions for a further 12 months, subject to Parliamentary approval. ...*

*... Given the continuing importance of the outdoors to reduce transmission of the virus, I strongly encourage you to plan for outdoor dining and make all necessary changes to local high streets, squares and the public realm so this is as convenient as possible for businesses and members of the public....”*

1.13 It was announced at the beginning of June 2021, that the Draft Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) (Regulations 2021) were awaiting debate in both Houses of Parliament. If and when the regulations come into force, the expiry date of the Pavement Licensing regime will be extended from 30 September 2021, to 30 September 2022.

1.14 Only pavement licence applications submitted after the date that the amended regulations are made will be granted to expire on 30 September 2022 – any granted before that date may require a further application to extend the life of the licence.

#### 1.15 Application Fee

In July 2020, the Government allowed a maximum application fee of £100 to be charged for Pavement Licences. At the July 2020 Council meeting it was agreed that the fee would be waived until September 2021, and if the scheme was extended, charging a fee could be re-visited.

1.16 The temporary pavement licence application process was designed to be a fast-track piece of light-touch bureaucracy. However, experience over the last year has shown that on occasion, determining an application may require a higher level of officer intervention, particularly where objections to the application are received from the authorities or public that have been consulted.

1.17 Officers request that an application fee is determined by this Committee, and that any fee determined is referred to a meeting of the Governance and Resources Committee for consideration and implementation before any new (or follow-on) licences are issued under the amended regulations, once they have been made.

## **2 RISK ASSESSMENT**

### 2.1 Legal

There is a legal framework which establishes the regulation of pavement licences is set out in the report. The legal risk is therefore assessed as being low.

## 2.2 Financial

Setting a fee for determining a Pavement Licence, would recover as much of the cost of administering the system as possible. The financial risk is therefore assessed as low.

### **3 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **4 CONTACT INFORMATION**

Eileen Tierney, Licensing Manager. Tel: 01629 761374.  
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Tim Braund, Director of Regulatory Services. Tel: 01629 761118.  
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### **5 BACKGROUND PAPERS**

None.

### **6 ATTACHMENTS**

None.

Report of the Director of Regulatory Services

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## **TAXI AND PRIVATE HIRE LICENSING ANNUAL PROGRESS REPORT**

### **PURPOSE OF REPORT**

This report provides the Committee with a summary of the work relating specifically to taxi and private hire licensing, undertaken by the Licensing Team during the last financial year, with a comparison to the previous 2 years.

A verbal update will be provided at the meeting on the progress made with implementing the national Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport (DfT).

### **RECOMMENDATION:**

- 1) That the report is noted; and an update report is submitted to the first meeting of each civic year.
- 2) That further reports in respect of progress made with implementing the national Statutory Taxi and Private Hire Vehicle Standards, are submitted to future meetings of the Committee as and when changes are required to the Council's current Taxi and Private Hire Licensing Policy.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

An effective licensing regime contributes towards the District Council's Place objective, in terms of keeping the Derbyshire Dales clean, green and safe.

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## **1 TAXI AND PRIVATE HIRE LICENSING POLICY**

### **1.1 Progress Report**

This is the 2<sup>nd</sup> annual progress report detailing taxi and private hire licensing activity, following implementation of the Council's revised Taxi and Private Hire Vehicle Policy in 2018.

- 1.2 The Committee will recall that the revised Policy was aimed at raising the existing standards and to introduce greater consistency in dealing with licence applications. All applications are still considered individually on their own merits; but this is done in accordance with the Policy. The Policy guides the decision makers; they may depart from it where appropriate, as long as when they do so, full reasons for doing so are given.

1.3 The revised Policy introduced mandatory requirements for Licensed Drivers, which included:

- Safeguarding Awareness Training with refresher training every 3 years;
- Mandatory Subscription to the DBS (Disclosure and Barring Service) On Line Update Service for checking for criminal records.
- Introduction of a Penalty Points Scheme for Licensed Drivers to ensure that drivers are treated fairly and proportionately when they breach licence conditions.
- Driver Knowledge Test – Applicants will be allowed 3 attempts at the Council’s Knowledge Test.

1.4 Local Licensing Activity

Applications processed and determined in **2018/2019**:

Application Type	Number of Applications Processed	
	2018/2019	
	New	Renewal
Hackney Carriage Vehicle Licence	33 (includes replacements)	73
Private Hire Vehicle Licence	3	19
Combined Hackney/PHV Driver Licence	5	69
Private Hire Operator Licence	1	4
Driver Knowledge Tests Attendance	38	n/a
Hackney Vehicle Suspension Notices	69	n/a
PHV Suspension Notices	9	n/a
Driver Licence Suspension Notices	4 pending satisfactory medical certificates	
Drivers attending Safeguarding Awareness Training Sessions	117 drivers (12 sessions)	n/a

Applications processed and determined in **2019/2020**:

Application Type	Number of Applications Processed	
	2019/2020	
	New	Renewal
Hackney Carriage Vehicle Licence	28 (Includes change of vehicle replacements)	75
Private Hire Vehicle Licence	4	18
Combined Hackney/PHV Driver Licence	7 (+1 refused)	26
Private Hire Operator Licence	0	1
Driver Knowledge Tests Attendance	14	n/a
Hackney Vehicle Suspension Notices	9	n/a
PHV Suspension Notices	0	n/a
Driver Licence Suspension Notices	1 pending satisfactory medical certificate	
Drivers attending Safeguarding Awareness Training Sessions	0	0

Applications processed and determined in **2020/2021**:

Application Type	Number of Applications Processed	
	2020/2021	
	New	Renewal
Hackney Carriage Vehicle Licence	30 (Includes change of vehicle replacements)	67
Private Hire Vehicle Licence	6	12
Private Hire (Contract Only) ***	7	0
Combined Hackney/PHV Driver Licence	3	9
Driver Knowledge Tests Attendance	26	0
Hackney Vehicle Suspension Notices	2	3
PHV Suspension Notices	33	n/a
Driver Licence Suspension Notices	1 pending satisfactory medical certificate	
Drivers attending Safeguarding Awareness Training Sessions	Training sessions suspended during the COVID pandemic.	

\*\*\* New category of PHV Licence introduced for SEN School and College Contract work only).

#### 1.5 Licensing and Appeals Sub-Committee – Taxi Hearings

During **2018-2019** A driver licensed by the Council was referred to a meeting of the Licensing and Appeals Sub-Committee, following a breach of the Taxi/PHV Driver Licence conditions. The licence was retained by the driver, who received a written warning.

During **2019-2020** An applicant for a Driver's Licence (Badge), was referred to a meeting of the Licensing and Appeals Sub-Committee, following receipt of a DVLA report which disclosed a number of driving points on the driving licence. The applicant was granted a combined Taxi/PHV Driver Licence with a warning in respect of any future driving offences.

An applicant for a Driver's Licence (Badge), was referred to a meeting of the Licensing and Appeals Sub-Committee, following receipt of the Driver's DBS (Criminal Record) and the DVLA report. The application was refused as the Committee did not consider the applicant a fit and proper person to hold a Taxi/PHV Driver's Licence.

During **2020-2021** there were no referrals to Sub-Committees.

#### 1.6 Support for Licensed Drivers - Covid Pandemic

During the year 2020-2021, many of our licensed taxi drivers were unable to work as people were encouraged to stay at home, and many businesses previously frequented by their passengers were closed during the lockdown(s).

1.7 In March 2021, the Council invited our licensed drivers and operators to apply for discretionary Additional Restrictions Grant (ARG) for small businesses. Some of our drivers, were eligible and were pleased to receive grant support. This included some of those drivers that live outside the Derbyshire Dales, but provide a daily, reliable, excellent service to the local communities in the Dales.

- 1.8 Supplies of face coverings (masks) were received from the Department for Transport for anyone in the public transport sector (including taxis and PHVs) to ensure that their passengers without face covering could be offered one before being transported. A small supply of these have been made available to our drivers. Not all drivers had taken up the offer at the time of writing the report, so a reminder email/text will be sent out.
- 1.9 Taxi Knowledge Tests have continued to take place – mainly virtually via ZOOM, but there has been the occasional test which has had to take place in person, whilst maintaining social distance and complying with the Council's Covid risk assessments
- 1.10 At the February 2021 meeting of the Governance and Resources Committee, members resolved not to increase the licence application fees for the taxi and private hire service for the financial year 2021/2022 . The previous year's budget contained an income surplus, and, in recognising that the pandemic had affected the trade significantly, it was recommended by Officers that the fees should be frozen to assist with business recovery.

## **2 IMPLEMENTATION OF DEPARTMENT for TRANSPORT (DFT) STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS**

- 2.1 At the April 2021 meeting, the Committee considered a report which informed Members of the progress made in implementing the recommendations of the statutory guidance/standards for taxi and private hire licensing, issued by the Secretary of State for Transport in July 2020. The Standards/Guidance had been issued under section 177(1) of the Policing and Crime Act 2017. Members were reminded that all Councils are expected to adopt these if their own Taxi Licensing Policy does not currently address the specific issues raised.
- 2.2 The report informed Members of the comparison made of the Council's current Taxi & Private Hire Licensing Policy standards, against the statutory guidance/standards published by the DfT in July 2020.
- 2.3 A verbal report will be given at the meeting informing the Committee of the progress made in implementing the recommendations from the last meeting.

## **3 RISK ASSESSMENT**

### **3.1 Legal**

The Council has an obligation to protect the public and safeguard vulnerable adults and children. A robust Taxi and Private Hire Licensing Policy with a proportionate enforcement regime will assist the Council in meeting its statutory obligations.

The legal risk is therefore low.

### **3.2 Financial**

The District Council Taxi Licensing service is not permitted to make a profit. The review of Licensing undertaken in 2016 recommended a series of 5% increases in taxi licensing fees over a period of 3 years, intended to enable the service to be cost neutral, with 2019/20 being the last year of these increases.

The costs and income of administering taxi and private hire licences during the last 3 financial years, are shown in the following table:

Taxi Licences	2018/19 Actual	2019/20 Actual	2020/21 Actual	2021/2022 Original Budget
Direct Costs	38,159	34,314	39,368	31,048
Support Services	12,974	11,667	13,385	10,556
Total Income	56,431	58,999	43,001	45,726
Net Expenditure / (Income)	(5,298)	(13,018)	9,752	(4,122)

NB: Support services are no longer allocated directly to services. From 2017/18 support service costs have been applied as a proportion of direct costs using a multiplier of 34% (based on 2016/17 actuals).

The financial risk arising directly from this report is assessed as low.

#### 4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

#### 5 CONTACT INFORMATION

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#### 6 BACKGROUND PAPERS

Description	Date / File
Records of applications stored in Licensing Software Systems – LalPac (archived) & M3 (NB: some licence types are currently paper format only)	RS/LN/M3/ASSURE LalPac From 2005 - on going
Department for Transport (DfT) Statutory Taxi & Private Hire Vehicle Standards – July 2020. <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf</a>	
DDDC Taxi and Private Hire Licensing Policy 2018 <a href="https://www.derbyshiredales.gov.uk/images/Taxi_Licensing_Policy_-_approved_by_Council_12-4-2018.pdf">https://www.derbyshiredales.gov.uk/images/Taxi_Licensing_Policy_-_approved_by_Council_12-4-2018.pdf</a>	

#### 7 ATTACHMENTS

None.