



Lewes District Council

To all Members of the Licensing Committee

A meeting of the **Licensing Committee** will be held in the **Ditchling Room, Southover House, Southover Road, Lewes Southover House, Southover Road, Lewes** on **Thursday, 09 February 2017** at **10:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

03/02/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes (page 4)**
To approve the Minutes of the meeting held on 8 December 2016 (copy previously circulated - attached herewith for information).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

- 5 Written Questions**
To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).
- 6 Determination of Operator's Licence Uber Britannia UK (page 10)**
To consider the Report of the Director of Service Delivery (Report No 35/17 herewith).
- 7 Street Trading in Lewes District (page 38)**
To consider the Report of the Director of Service Delivery (Report No 36/17 herewith).
- 8 Taxi Licensing Fees (page 46)**
To consider the Report of the Director of Service Delivery (Report No 37/17 herewith).
- 9 Residential Mobile Home Sites Licensing and Enforcement Policy (page 61)**
To consider the Report of the Director of Service Delivery (Report No 38/17 herewith).
- 10 Date of Next Meeting**
To note that the next meeting of the Licensing Committee will be called as necessary.

Exclusion of the Public and Press

To consider, under Section 100(A) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Appendix I, II, IV and V on this Agenda as there are likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 3 (ie information relating to any individual; any information which is likely to reveal the identity of an individual; and information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of Schedule 12A of the Act.

- 6 EXEMPT Appendix I to Report - Determination of Operator's Licence Uber Britannia UK**
- 6 EXEMPT Appendix II to Report - Determination of Operator's Licence Uber Britannia UK**
- 6 EXEMPT Appendix IV to Report - Determination of Operator's Licence Uber Britannia UK**
- 6 EXEMPT Appendix V to Report - Determination of Operator's Licence Uber Britannia UK**

For further information about items appearing on this Agenda, please contact Jen Norman at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

Distribution: Councillors S Adeniji (Chair), W Botting, B Bovington, M Chartier, P Gander, S Gauntlett, J Harrison-Hicks, I Linington, A Loraine and T Rowell

Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Thursday, 8 December 2016** at 10.00am

Present:

Councillor S Adeniji (Chair), P Gander, J Harrison-Hicks, I Linington, A Loraine and T Rowell

Officers Present:

E Hele, Environmental Health Service Manager
J Norman, Committee Officer
M Wilkinson, Solicitor

Also Present:

D Durham, Legal, Eastbourne Borough Council

	Minutes	Action
6	Committee Membership	
	<u>Resolved:</u>	
	6.1 That it be noted that Councillor Rowell had been appointed to the Licensing Committee for the remainder of the current municipal year.	
7	Minutes	
	The Minutes of the meeting held on 28 July 2016 were approved as a correct record and signed by the Chair.	
8	Apologies for Absence/Declaration of Substitute Members	
	Apologies for absence had been received from Councillors W Botting, B Bovington, M Chartier and S Gauntlett.	

9 Approval of Licensing Fees

The Committee considered Report No 165/16 which sought approval of the licensing fees and charges proposed to apply beginning 1 April 2017, as detailed within Appendix 1 of the Report.

The Environmental Health Service Manager explained to the Committee that if it approved the proposed fees, they would then be reported to Council for ratification. He referred to the table on page 8 of the Report, which summarised the estimated financial impact of the proposed fees. The table also showed the estimated financial impact of changes in usage levels experienced during the current year, which were expected to continue into 2017/2018.

The Environmental Health Service Manager referred to paragraph 3.3 when he reminded the Committee that the Taxi Licensing service operated on a self-financing, year-by-year basis. He explained that Street Trading and Scrap Metal Licensing operated on a similar basis, which meant that the Council had discretion to set fees for those services on a cost recovery basis with appropriate adjustments for any over or under spend from the previous year. The Environmental Health Service Manager highlighted that although the local authority can set the discretionary charges, it cannot profit as a result of the agreed upon charges.

The Environmental Health Service Manager referred to Appendix 1 on pages 11 to 18 of the Report, when he summarised the proposed licensing fees for the upcoming year. He highlighted several aspects of the Appendix and explained the reasons behind each of the proposed implementations and/or change in fees. These included:

- Increased knowledge test fees;
- Proposed change of address fee;
- The removal of some private hire operators;
- The introduction of an application fee; and
- The increased fee for an Animal Welfare License.

The Committee queried how many changes of address there had been during the previous year. The Environmental Health Service Manager agreed to find out the figure and report back to the Committee at a future meeting.

The Committee referred to the table on page 8 of the Report, when it queried why there was an increase in Taxi Licensing fees and not a reduction, when there was a £40k two year surplus reported. It was

EHSM

suggested by the Committee that the £40k surplus could be invested back into Taxi Licensing services, with the elimination of the proposed increase of fees listed in the Report.

The Environmental Health Service Manager explained that although there was a surplus, ways to reinvest the money were already being discussed. These included:

- Changing from metal license plates to paper inserts. Paper inserts were more cost effective than the current metal plates and were more environmentally friendly;
- Offsetting the cost of having CCTV cameras installed in taxi cars. This would increase passenger and driver safety; and
- Increased number of employees, including administration support and Environmental Health Officers. This would provide a greater level of support across Licensing.

The Committee queried why there was a £40k surplus when the Council could not profit as a result of the agreed upon discretionary charges. The Environmental Health Service Manager explained that the Council could not foresee the actual figures for the upcoming years, and that the figures presented each year were an estimate.

The Committee requested that, in future reports, the costs regarding licensing fees for the previous year be included. The Environmental Health Service Manager agreed that he would liaise with the Finance department to ensure that the information be made available in future reports.

EHSM

The Committee also requested that details of the £40k surplus and current costs and information regarding future expenditure plans be made available to the Committee at a future meeting. The Environmental Health Service Manager confirmed that he would liaise with the Finance department in order to provide the information requested by the Committee.

EHSM

Resolved:

- 9.1** That the advertisement of the new scale of fees for Taxi Licensing be authorised;
- 9.2** That the Environmental Health Service Manager be authorised to seek consultation responses in relation to Taxi Licensing fees;
- 9.3** That the Licensing Committee reconvenes to consider responses to the Taxi Licensing fees consultation; and
- 9.4** That the scale of licensing fees proposed within Appendix 1 of Report No 165/16 to apply from 1 April 2017 be approved, subject to the consultation on Taxi Licensing fees.

Recommended:

- 9.5** That the Licensing Committee recommend to Council that it formally ratifies the new Licensing fees as set out in Report No 165/16, with the exception of the licensing fees for Taxi Licensing.

10 Street Trading in Lewes District

The Committee considered Report No 166/16 which sought the Committee's approval to begin the process of un-designating all streets in the Lewes District as Consent Streets, with the exception of those named in paragraph 1 of the officers recommendations on page 19 of Report No 166/16.

The Environmental Health Service Manager referred to page 20 of the Report as he explained to the Committee that prior to 2014 there were only three consent streets in Lewes District: Newhaven Precinct, Lewes Precinct and Phoenix Causeway in Lewes. He detailed the process in which full Council had agreed Street Trading within Seaford would be subject to a delegation to Seaford Town Council.

The Environmental Health Service Manager brought the Committee's attention to paragraphs 3.1 to 3.5 on pages 20 to 21 of the Report, in which he highlighted the number of unforeseen consequences which were a result of the designation of all streets in the District as Consent Streets which included open spaces, enforcement issues, reputation and deregulation.

The Environmental Health Service Manager explained the procedure for designating a street as a Consent Street, as outlined in paragraphs 4.1 through 4.4 on page 21 of the Report. He further explained that a formal consultation with the Highways Department at East Sussex County Council and Sussex Police would be required. In addition, the Licensing team would formally consult with existing traders and a public notice would be published and comments sought on the proposals from the public and stakeholders.

The Environmental Health Service Manager highlighted paragraphs 6.1 to 8.1 on page 22 of the Report, as he informed the Committee of the legal and risk management implications, as well as the results of the equality screening which had been completed and found to have no negative impact and no significant implications regarding equality.

Resolved:

- 10.1** That the Environmental Health Service Manager be authorised to begin the process of un-designating streets within the Lewes District as Consent Streets with the exception of the following streets:
- i. Lewes Town - Cliffe Bridge, Lewes Pedestrian Precinct, High Street, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk;

- ii. Newhaven Town - Newhaven Pedestrian Precinct in Newhaven Town; and
- iii. Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine Parade, The Esplanade, and all streets 50 metres inland from Marine parade and the Esplanade.

10.2 That the wording of the resolution to be included within the Public Notices that the Council must publish be agreed as follows:

- i. That Lewes District Council resolves that as from (a date to be determined) the following streets -

Lewes Town:- Cliffe Bridge, Lewes Pedestrian Precinct, High Street, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk

Newhaven Town:- Newhaven Pedestrian Precinct in Newhaven Town

Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine Parade, The Esplanade, and all streets 50 metres inland from Marine parade and the Esplanade within Lewes District shall continue to be designated as Consent Streets pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. All other previously designated streets shall be undesignated; and

10.3 That the Licensing Committee reconvene at a future date to consider representations and to make a subsequent recommendation to full Council thereon.

11 Committee Training Requirements

The Committee considered Report No 167/16 which enabled members to identify any training needs for the coming year.

The Committee requested general licensing refresher training, in addition to refresher training in scrap metal licensing and the Licensing Act 2003.

Resolved:

- 11.1** That the Environmental Health Service Manager and the Solicitor be requested to liaise with the Civic and Member Services Officer to organise future licensing refresher training for members of the Committee.

EHSM/
Solicitor/
CMSO

The meeting ended at 11:10am.

S Adeniji
Chair

Agenda Item No: 6 **Report No:** 35/17
Report Title: Determination of Operator's Licence Uber Britannia UK
Report To: Licensing Committee **Date:** 9th February 2017
Cabinet Member:
Ward(s) Affected: ALL
Report By: Director of Service Delivery
Contact Officer(s)-
Name(s): Michael Moss
Post Title(s): Licensing Officer
E-mail(s): michael.moss@lewes.gov.uk
Tel No(s): 01273 471600

Purpose of Report:

This report has been brought to the attention of the Licensing Committee to determine whether **Uber Britannia UK** is a suitable company to hold a Private Hire Operators Licence under the Local Government (Miscellaneous Provisions) Act 1976; based on whether the individual(s) who manage Uber Britannia UK are fit and proper.

Uber UK is already operating within the UK having successfully been awarded a Private Hire Operators Licence in Manchester, Leeds, Birmingham, Bristol, Newcastle, Sheffield and Brighton.

An application for a one year Private Hire Operators Licence was submitted by Uber Britannia UK to Lewes District Council on 17th November 2016; exhibited as

Appendix I

On 5th December 2016 the Licensing Officer requested, under section 57 Local Government (Miscellaneous Provisions) Act 1976, further information from Uber Britannia UK; to establish a clear identity of the applicant and potential licence holder(s), to assist the Local Authority with their assessment of the application; exhibited as **Appendix II**

Officers Recommendation(s):

It is appropriate that this application is considered properly on its own merits. A decision was made by the delegated Officer, in consultation with the Chair of the Licensing Committee that it would be more appropriate for the decision on whether to grant a Private Hire Operator's licence to Uber to be made by members. This application is likely to cause concern to existing operators in the Lewes District as the ways in which Uber works are different from current practices.

Information

1 Information relating to the applicant: Uber Britannia UK

1.1 Background of Uber

Uber Technologies Inc. is an American international transportation network Company and its headquarters are in San Francisco, California. Uber Technologies Inc. develops markets and operates the Uber mobile app, which allows consumers with smartphones to submit a trip request which is then instantly routed to an Uber driver based on each of their GPS locations. Essentially it is an online booking service for private hire vehicles without the need for a centralised booking service.

The service is reported to be available in 56 countries and 200 cities Worldwide. **Uber BV** operates from Amsterdam, providing the technology for the app to be used in Europe and the UK.

1.2 Operating within the UK

Uber UK consists of different operating regions, these include:

- Uber London UK
- Uber Britannia UK
- Uber NIR
- Uber Scot

Uber were first established in the UK over 4 year ago under the company name **Uber London UK**. There was some controversy around their operations in London. Protests were made by Hackney Carriage drivers aggrieved by the way in which the fares charged to passengers using the Uber app which were generally cheaper than London's "Black Cabs."

The fares charged by Uber BV are calculated via GPS and in London it has been argued that this is basically the same as using a taximeter, in London, only licensed hackney carriages can use as a result of section 11 of the Private Hire Vehicles (London) Act 1998.

However, It is important to recognise that the legal challenges to the way Uber operates in London are not replicated in the rest of England and Wales, as private hire vehicles are allowed to utilise taximeters outside of London as there is no equivalent provision to section 11 of the Private Hire Vehicles (London) Act 1998 in the Local Government (Miscellaneous Provisions) Act 1976.

Uber has now expanded its operation in England and Wales beyond London under the regional name **Uber Britannia UK**; previous known as Hinter UK.

In 2015 Uber Britannia UK submitted an application for a Private Hire Operators Licence to Brighton & Hove City Council, which was granted subject to conditions imposed on the licence.

The company's expansion has been rapid and Uber Britannia UK wants to expand their operation into the Lewes district and subsequently submitted an application for the same. This application should be considered in line with Lewes District Council's Guidance to Drivers and Operators.

Uber will continue to grow and will seek to expand its services into other towns and cities throughout England and Wales.

1.3 The Uber app

The app provides passengers with an estimated price and estimated time of arrival which is shown in real time on the GPS map. A text message is sent when the driver arrives and the vehicle details along with a name and photograph of the driver are provided to the passenger in advance, so they may check the identity of the driver against who actually shows up.

1.4 Types of Vehicles available

Uber has made significant improvements to the infrastructure of the app since it was originally designed, in addition to connecting the passengers location to the nearest Uber driver, it now caters for specific requirements, such as:

- **Uber WAV** – Wheelchair accessible vehicles
- **UberASSIST** – Trained drivers for customer with physical disabilities
- **Uber Partner App** – Assist deaf or hard of hearing customers
- **VoiceOver** (iOS compatible) – Blind or partially sighted customers
- **Uber Exec** – Executive Vehicles

1.5 Fares and Payments

Uber operates their own competitive tariff, and every customer may choose which Service Provider to use.

The Uber app gives customers an immediate estimated cost of the fare based on their pickup location and destination, the app will calculate the cost based on the expected time of the journey, the distance and the current supply of vehicles at that time; the latter being referred to as Surge Pricing.

Surge Pricing is used in order to achieve a high level of service during exceptionally busy times. When the supply of vehicles reduces, Uber raises the price of the fare in increments, as supply increases, the fare is lowered.

The app notifies customers of when surge pricing is being taken in account for the estimated fare; the app will display the price increase against the normal rate so the customer is clear about the cost and can make an informed decision at the time of high demand.

Lewes District Council operates fixed pricing variations as part of their tariff, a higher rate is paid in an evening and even higher rates are applied on Sundays and Bank Holidays; despite whether there is any actual demand at that time.

Uber believes surge pricing will encourage more licensed drivers to sign up and tackles peaks of services by using basic economics. More demand means higher prices, higher prices encourages more drivers, more drivers means more people getting around and subsequently lower the level of demand.

Drivers receive payments directly into their bank accounts on a weekly basis from Uber. Uber takes 25% of every fare undertaken.

1.6 Safety Features

There have been concerns raised regarding the fees set by Uber and the amount of commission they require which leaves drivers working excessive hours leading to safety risks for the public.

However, Uber claims to be an industry 'leading in safety features' as shown in Uber's supporting information in **Appendix III**. The app has been developed so that Uber can protect both driver and passenger and collaborate closely with Local Councils to make towns safer.

- Only operates with fully licensed vehicles and drivers
- Technology assisted document checks: This prevents drivers from working without the right documentation and will automatically suspend them should any of their documents expire.
- Drivers name and photograph & registration of vehicle
- Anonymous calls & SMS between the passenger and driver
- All trips are GPS tracked, even if the trip is cancelled: this can be customised to the required? of each individual Operators Licence
- Passengers can share their fare details with another
- Easy Feedback: 1-5 star rating on every journey
- Cashless: No runners or arguments over fares: Receipt is emailed to the passenger at the end of the journey and riders can split the fare with friends travelling together
- Fast approach to dealing with complaints (see IRT below)
- System in place to prevent certain passengers and drivers being matched on future bookings

The Incident Response Team (IRT) was established to help resolve safety incidents through timely and thoughtful handling to create a safer platform for riders, partners and the public as a whole.

Provides 24/7 cover. Highly trained in identifying, investigating and resolving incidents and accidents.

- A vehicle collision
- Collision with a pedestrian / cyclist
- Damage to property done by an Uber partner
- Damage done to a partner's vehicle by rider or 3rd party
- An injury to a rider, driver or 3rd party

Escalating to senior management as needed

- Inappropriate Behaviour e.g. crime
- Altercations e.g. physical / verbal confrontations
- Sexual misconduct e.g. harassment or assault
- Discrimination e.g. unfair treatment based on certain characteristics (i.e. ethnicity, disability)

The IRT are able to call the rider, partner-driver and any third parties immediately to gather more information. With access to full trip and feedback records of both the rider and partner-driver, our IRT are better able to spot patterns and understand the true nature and severity of the incident.

2. Legislation and Policy

2.1 Private Hire Operator's responsibilities

Taxi and PHV licensing is not an area where there is much scope for self-regulation, but PHV operators do have a key role in ensuring that the drivers they employ are fit and proper persons, and are properly trained in their roles.

Uber only employs individuals who hold a Hackney Carriage or Private Hire Drivers Licence, having had their suitability and rights to work checked with a Licensing Authority.

2.2 The Deregulation Act 2015.

Previously, sub-contracting could only take place between operators licensed in the same district, now an Operator licensed within one area can sub-contract its bookings to another Operator (even if both are the same company) licensed in different area. This allows Uber to utilise licensed drivers from other districts to undertake bookings within an area where those drivers may not have been licenced.

This method of sub-contracting is not unique to companies such as Uber and can occur between existing traditional companies.

There is a strongly held view across licensing authorities and within the Local Government Association that the current legislation does not permit officers to take action against a driver/operator who is licensed by another authority.

This could have particular relevance to this district because of the high level of cross-border working that is currently undertaken by private hire vehicles between the Lewes district and Brighton.

As with all licensed private hire operators, Uber can dispatch vehicles and drivers to carry out work anywhere in the country, providing that the vehicle and driver that is allocated the booking is also licensed with the local authority that issued the relevant private hire operator licence.

As bookings are made via the smartphone app, it is difficult to see how it can be proven precisely in which local authority areas Uber is "making provision for the invitation and acceptance of bookings for private hire vehicles" and therefore where it needs to obtain licences from.

The emergence of Uber and other smartphone taxi booking apps has highlighted the urgent need for reform of the badly outdated taxi and private hire legislation that struggles to cope with regulating this service due to modern technological advances like smartphones and the internet, which were not around in 1976.

There are other apps similar to the Uber brand, such as Hailo and Addison Lee; which although established and known amongst the trade, they don't share the publicity which has befallen Uber.

3. Sensitive information and how it is stored

UBER keeps electronic records, stored in a "Cloud"; the Licensing Authority should always be concerned about the security of information stored by Operators and how the Local Authority will be able to access that information if they need to examine it. Uber make rigorous checks on personal and vehicle documents and states their standards are high and nationally consistent.

The Uber website at www.uber.com/legal/gbr/terms states that Uber is the holder of Private Hire Vehicle Operator licences in each of the jurisdictions in which it operates, and accepts at its registered address and/or operations centre, private hire bookings made by the Uber App.

4. Premises

Uber's Operating Centres are accessible in every Local Authority area, enabling a local presence and a local team can be contacted 24/7 on an emergency line.

5. Legislation

The legislation regulating Private Hire Operators has remained unchanged in most part since it was first adopted in 1976. Since the 1976 Act the way in which private hire operators run their business as changed with new technologies being developed.

6. Fit & Proper Assessment

Under section 55 1976 Act the Council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence. Provided that the Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence. This is the only ground on which an application can be refused.

Under section 57 1976 Act the Council has powers to seek information about a prospective private hire operator. (I assume that the information you have received now makes it clear whether the applicant is an individual or the company? I am not clear whether your request for further formation related to 57(2) (b) or whether you also asked for information as outlined in 57(2) (c)?

Under section 55(3) the Council may impose to the grant of a licence any conditions that it considers reasonably necessary on a private hire operator's licence.

How does a local authority satisfy itself as to the "fitness and propriety"? The term "safe and suitable" is a modern interpretation of "fit and proper" but there are some difficulties placed in the path of the local authority. Unlike hackney carriage and private hire drivers, the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 does not cover Private Hire Operators who are therefore not excluded from the workings of the Rehabilitation of Offenders Act 1984 (the 1974 Act).

The fact that the role of the Private Hire Operators is not an exempt occupation for the 1974 Act means that it is not possible to obtain an Enhanced DBS check, but they can be asked to obtain a Basic Disclosure; see **Appendix IV & V**.

The sole Director of Uber Britannia UK is **Karen Walker** who is based in San Francisco has provided a clean FBI check.

The Operations Manager for Uber Britannia UK is **Frederick Jones**, who will be responsible for the operations under this licence should it be granted has provided a clean (basic) Disclosure & Barring Service certificate.

The licence is granted to the PHO on the basis of their fitness and propriety but there is no overt mechanism to consider the suitability of those who work for the PHO. It has been suggested that a working test of fitness and propriety for PHOs is "would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"

The role of Private Hire Operator goes far beyond simply taking bookings and despatching vehicles. In the course of making a booking and despatching the vehicle and driver, the PHO will obtain significant amounts of personal information. For example, when a booking is made to an airport, and a return booking made for a week or fortnight later, it is reasonably apparent that a holiday is being taken and the house is going to be empty for that period of time. In dishonest hands this information is extremely valuable. It is therefore vital that PHOs are as trustworthy and reliable as a driver, notwithstanding their slightly remote role.

7. Options

The following options are available to the Committee:

- To grant the application in full without any additional conditions (other than the amended mandatory conditions imposed by Lewes District Council).
- To grant the application imposing conditions (under Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976).
- To refuse the application [Page 16 of 81](#)

An applicant aggrieved by the refusal to grant an Operator's Licence or by any conditions attached to the grant of the licence may appeal the decision of the Licensing under Section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976. The appeal must be made to the Magistrates Court within 21 days of the applicant being informed of the decision.

8. Financial Appraisal

There are no financial implications

9. Legal Implications

The Legal Services Department has vetted this report.

10. Risk Management Implications

Please refer to the Checklist for Decision Makers under Risk Management Implications on how to complete this section of the report. This guidance provides five option statements that you can choose from.)

11. Equality Screening

(NOTE: Where appropriate, please remember to attach an Appendix to the Report which sets out details relating to the associated Equality Analysis).

12. Background Papers

There are no background papers to support this report.

13. Appendices

Appendix I Uber's Operator Licence application form

Appendix II Section 57: Uber's response

Appendix III Uber's supporting information

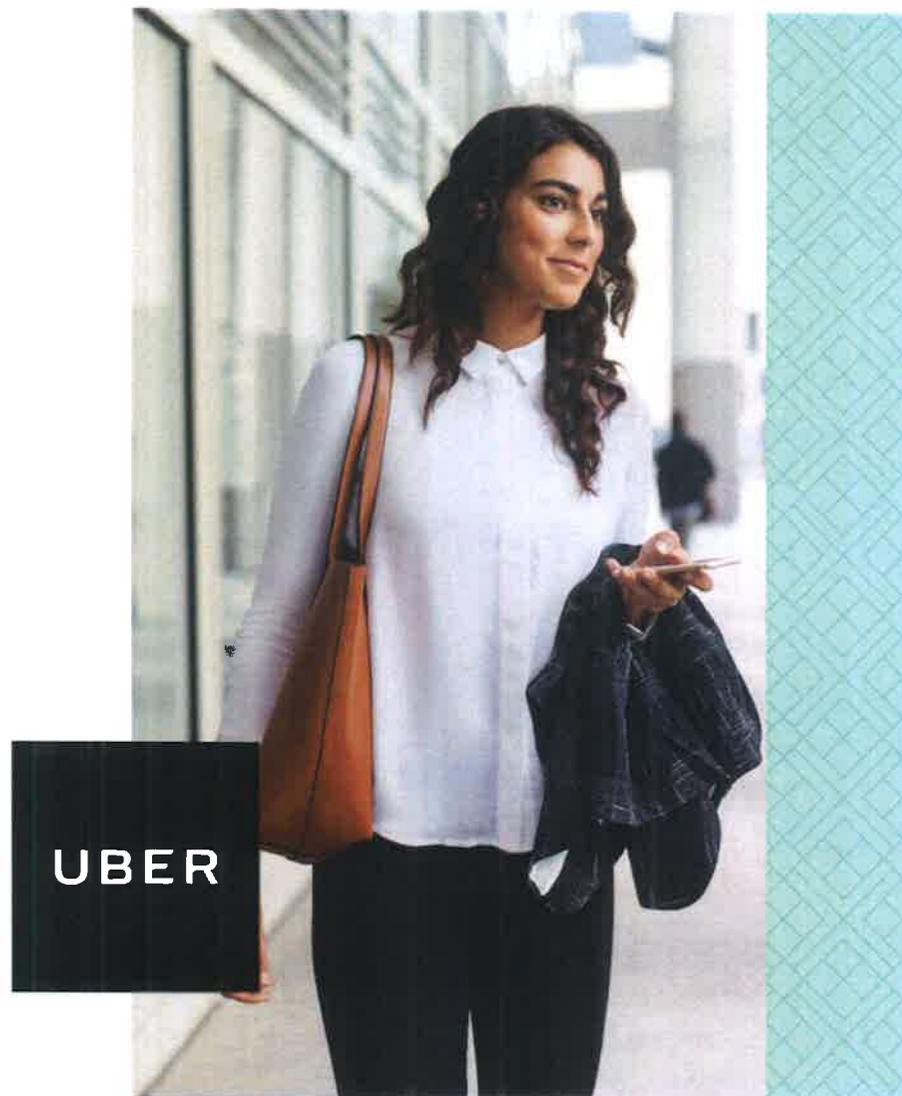
Appendix IV Karen Walker: FBI record

Appendix V Frederick Jones: Basic Disclosure & Barring Certificate

Operations Overview

SUMMARY OF UBER IN THE UK & IRELAND

November 2016



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Executive Summary

A technology company that is making transport safer, more reliable and affordable

The Uber logo, consisting of the word "UBER" in white, uppercase letters on a black square background.

Moving millions of people every month

- Operating in the UK and Ireland for over 4 years including in London, Leeds, Manchester and Birmingham, Bristol and Merseyside, Portsmouth for over a year
- Present in 20+ major UK cities and towns
- Millions of safe, reliable and affordable trips completed every month

Fully licensed and fit for purpose

- Only operate fully licensed drivers and vehicles
- Now licensed in 60+ jurisdictions

Industry leading safety features before, during and after the trip

- Technology assisted document checks
- Rider has the name and photograph of partner-driver & registration of vehicle booked
- All trips are GPS tracked
- Riders can share trips details
- Easy to provide feedback
- And much more...

Summary of Uber in the UK

A ride at the push of a button



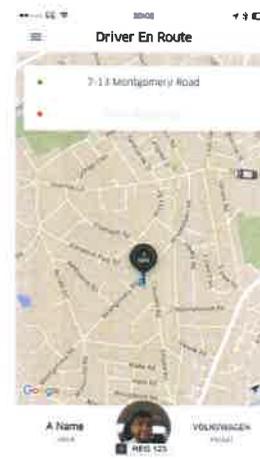
Request a ride

Bookings allocated to most appropriate vehicle



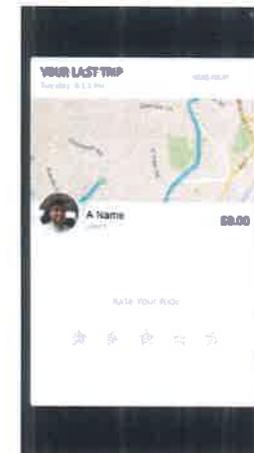
Price estimate

Enter a destination and get a fare estimate. Payment is made securely by debit or credit card through the App



Partner-driver details

Know exactly who is picking you up and the car they are in. Wait inside safely until your car arrives outside.



Provide feedback

Provide feedback after every trip. 24/7 customer support.

Summary of Uber in the UK

Licensed in over 60 jurisdictions across the UK

Uber operates in over 20 major UK cities and towns: We partner with thousands of licensed drivers to help move millions of riders around their cities in a safe, reliable and affordable way every month.

Licensed in over 60 jurisdictions: Uber Britannia and Uber London Ltd have been granted more than 60 Private Hire Operator licences in the UK.

State of the art booking records: Because we are one of the world's leading technology companies our custom built tools and booking records offer best in class features.



Summary of Uber in the UK

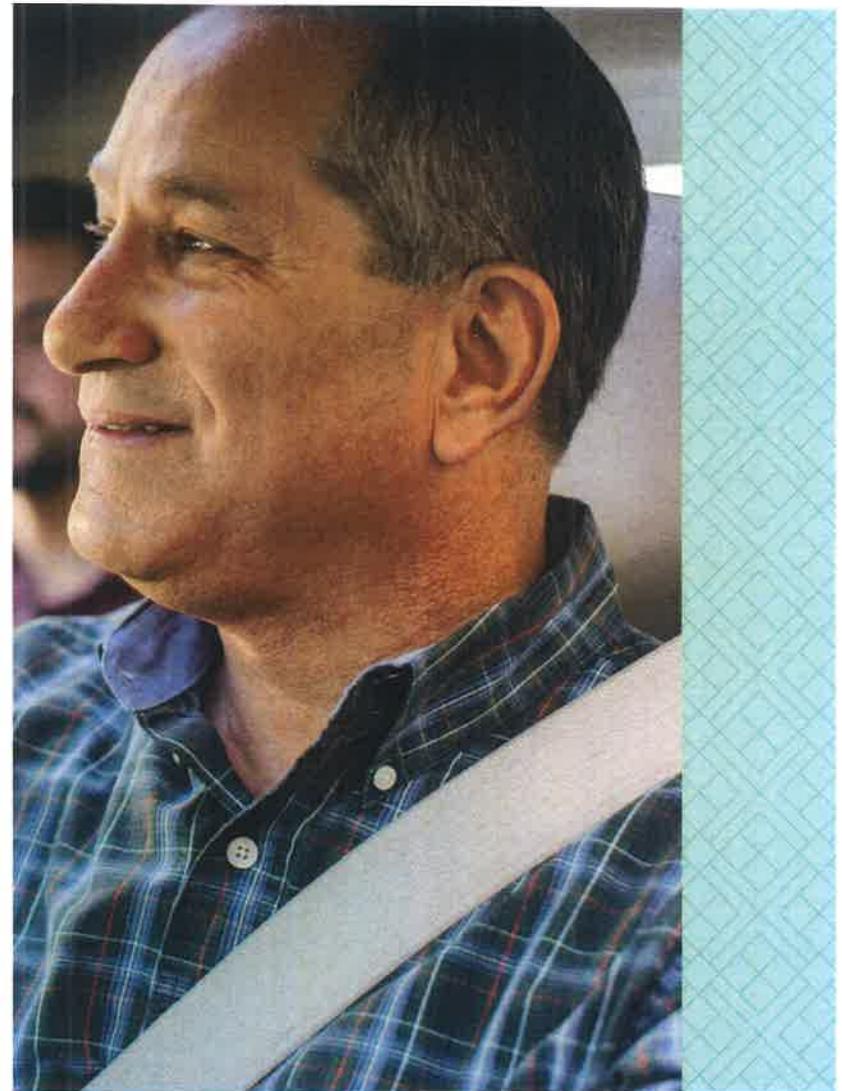
Improving accessibility for all

We are committed to continuing to build solutions that support everyone's ability to easily move around their communities

UberASSIST and UberWAV make it easier for riders with mobility issues or physical impairments to get around. With UberASSIST riders can select a top rated partner-driver who has received special training to come and pick them up. UberWAV provides Wheelchair Accessible Vehicles at the touch of a button in some of our larger markets

The Uber Partner App is designed specifically for deaf and hard-of-hearing partner-drivers

VoiceOver iOS compatibility, the Uber rider app provides convenient accessible transportation for people who are blind or visually impaired



Industry Leading Safety Features

Uber is redefining safety before, during and after the trip

BEFORE THE TRIP



All partner-drivers and vehicles on the Uber platform are **fully licensed** by local authorities



Technology-assisted checks that prevent a partner-driver going online without the right documents



The rider knows which **partner-driver** is picking them up



Anonymous calls and SMS between riders and partner-drivers

DURING THE TRIP



Riders can **easily share their ETA** with friends or loved ones



Uber tracks **all trips on GPS** to keep a record of the ride



There's **no cash** involved and so no 'runners' or arguments over the fare

AFTER THE TRIP



1 - 5 star feedback rating on EVERY trip with the opportunity leave comments too



Fast response to issues and a rigorous approach to dealing with complaints



In the event of an incident the system can **prevent certain riders and partner-drivers being matched** on future bookings

Industry Leading Safety Features

Uber collaborates closely with councils to make cities safer

Using our database to help Police identify criminals

- Manchester 2015

Being a private hire driver can sometimes be dangerous as other operators can hold large amounts of cash late at night. Criminals occasionally use this to call drivers to quiet locations in order to commit robbery offences.

Our local licensing team and police notified us about a spate of recent robberies of private hire drivers in Manchester and published a list of suspect phone numbers.

Although not directly affected at that time, we were able to use the data on our platform to identify offenders quickly and worked closely with the police to help them arrest the suspects.

Bringing Unlicensed Drivers to Justice

- South Gloucestershire 2015

Strong anecdotal evidence exists that generally, in the private hire and taxi industry some licensed drivers lend their car and badge to a friend to make money when they can't drive.

Historically, this has been very hard to enforce. It requires costly spot checks by local enforcement teams and luck. Uber is changing this.

When a rider noticed his partner-driver did not look like the photo shown in the App he reported it immediately. Within minutes the partner-driver was deactivated and the matter investigated with key facts gathered.

Working closely with the Council, Uber were able to help capture detailed statements of the illegal activity and assist the enforcement team undertake proceedings to strip the partner-driver of his license.

Document and Record Keeping

Peace of mind with industry leading document checks and validation



National standards

Uber conducts rigorous checks on a wide range of personal and vehicle documents in every jurisdiction we operate. Standards are high and nationally consistent. We have passed every documents inspection held e.g. London, Birmingham, Sheffield, etc.



Electronic records

Uber collects and stores electronically the required documents for every single partner-driver and vehicle that is operating on our platform. These documents are immediately accessible by local city teams at any time.



Automated validation

A partner-driver's access to the App will be automatically suspended if a driver's document expires, preventing that driver from completing any trips.

Document and Record Keeping

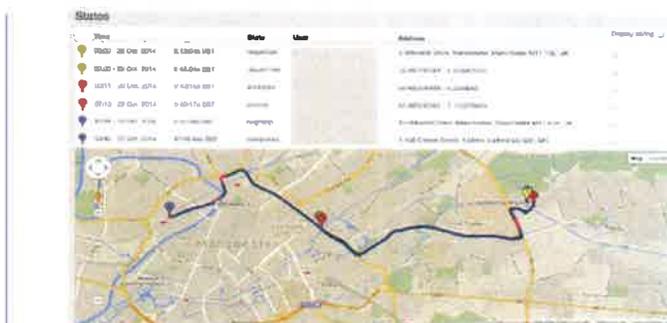
'State of the art' booking records

Booking records

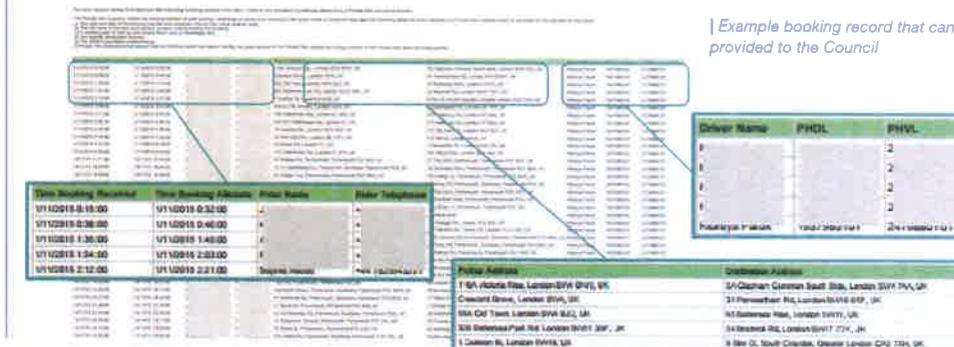
Every booking request is logged in the Uber database, *even* if the trip is cancelled before the partner-driver starts the journey. Trip information is immediately available in the operating centre.

The trip log is customised to specific operating licence requirements and includes:

- Details of rider and partner-driver
- Fare estimate provided to the customer before the trip
- Start and end points and route info
- Fare charged
- Timings of the booking, arrival, trip commencing, trip ending



| Example online trip details



| Example booking record that can be provided to the Council

Rider and Partner-Driver Benefits

Why riders love Uber

SIMPLE ORDERING

- All bookings requested through smartphone app
- Immediately see the vehicle that is allocated to you on acceptance of booking
- No need to phone an operator
- Can be a cashless experience; no requirement to stop at cash machines, always get home

CASHLESS

PRICE

- Better value for money than alternative options due to efficiency of the system
- Transparent pricing (available on our website and in the app)
- Receipt emailed to you at the end of the ride with trip details and map

FARE SPLIT

- Riders can split the fare of their trip with friends simply by pushing a button in the app - great for the cost conscious!

QUALITY

- High quality partner-drivers and vehicles due to real-time feedback in app, stringent requirements and face-to-face information sessions delivered by local team

Rider and Partner-Driver Benefits

Why drivers love to partner with Uber

RELIABLE PAYMENTS

- Partner-Drivers receive payments in full every week directly into their bank accounts
- Uber provides full invoices and statements so partner-drivers can easily manage their business

NO FIXED RADIO FEE

- Uber takes a 25% fee on fares after trips have been completed
- No radio rental – partner-drivers make money from the first trip

FLEXIBLE HOURS

- Partner-drivers are independent contractors, set their own hours and go online when they choose
- Easier for partner-drivers to juggle work and family commitments

FAIR DISPATCH

- Fair dispatch based on ETA and similar criteria
- If they are not available, the request is passed to the next available partner-driver automatically

SAFETY

- No cash reduces arguments about fares and the risk of holding large amounts of cash late at night

MORE EFFICIENT

- GPS tracked trips and rider details increases safety on the road
- Partner-drivers spend less time between trips & therefore can do more trips per hour meaning they receive more money in a shorter period of time

Our Operating Centres

We have an operating centre in every jurisdiction we operate

Direct access to our computerised booking records: Our computerised booking records are accessible through equipment in our operating centres.

One operating centre in every jurisdiction in which we operate: We have an office in every jurisdiction where we operate thereby enabling a local presence.

Staffed depending on size of operation: Based on the size and the specific needs of the city, however the local team can always be contacted on the 24/7 emergency line.

No public access for riders: We manage almost all rider support through our computerised systems so there is no need for 24/7 access or public waiting rooms. Partner-drivers have the opportunity to come and discuss important matters or attend new partner-driving training with the local team at set times.

Office spaces with routine business administration activities undertaken: Our operating centres are classed as office spaces based on the nature of our activities (e.g. emails, meetings, internal reporting, system configuration).



| *Managing Operations in Bristol*



| *Helping partner-drivers in London*



| *New partner-driver training in Manchester*

Dynamic Pricing

Dynamic pricing is essential to deliver safe and reliable transport

What is dynamic pricing?

Dynamic or 'surge' pricing helps maximise the number of Uber cars on the platform at times and locations of high demand. When demand is really high, fares temporarily increase to attract more cars to where they are needed most. This is unlike Hackney pricing, where price rises at busy times (e.g. nights, bank holidays) are arbitrary.

Why have dynamic pricing?

It maximises the chance that there will be a car available when you need one. This means no waiting on the street for your car to turn up. Also there is greater transparency and control on what riders pay as they have the option to accept surge fares or chose to be notified when fares drop.

There are many other examples of dynamic pricing

Many other industries raise prices at peak times to manage supply and demand E.g. airlines and railway companies

Dynamic pricing is transparent and optional

Partner-drivers can see in real-time areas of high demand



Riders are informed of higher fares and can chose to wait if they wish



Customer Support and Incident Response

World class customer support available 24/7



Through the App: After every trip a rider is asked to rate the partner-driver between 1 and 5 stars. Riders can leave feedback directly via the app. All feedback is automatically sent to our support team who can escalate as necessary with accurate routing so the customer service agent with the right skills receives the right support requests



Help.uber.com: Riders are able to visit help.uber.com for an extensive list of FAQs



Response times: Support agents are available seven days a week to ensure timely response within a few hours



Serious incidents: Serious, high-level complaints are immediately assigned to a specialised team and Senior Management so that they can be dealt with more swiftly

Customer Support and Incident Response

Our Incident Response Team (IRT) is fast, responsive and professional

What is the IRT?

The Incident Response Team (IRT) was established to help resolve safety incidents through timely and thoughtful handling to create a safer platform for riders, partners and the public as a whole.

Provides 24/7 cover. Highly trained in identifying, investigating and resolving incidents and accidents.
Escalating to senior management as needed

The IRT are able to call the rider, partner-driver and any third parties immediately to gather more information

With access to full trip and feedback records of both the rider and partner-driver, our IRT are better able to spot patterns and understand the true nature and severity of the incident

The IRT cover accidents and critical incidents

Accidents:

- A vehicle collision
- Collision with a pedestrian / cyclist
- Damage to property done by an Uber partner
- Damage done to a partner's vehicle by rider or 3rd party
- An injury to a rider, driver or 3rd party

Critical Incidents

- Inappropriate Behavior e.g. crime
- Altercations e.g. physical / verbal confrontations
- Sexual misconduct e.g. harassment or assault
- Discrimination e.g. unfair treatment based on certain characteristics (i.e. ethnicity, disability)

Working with Uber

How Councils and Uber work together

We aim to create a long term partnership between the Licensing Department and the local Uber team:

Each major city where Uber operates has its own local office with a General Manager and Operations team that work together with the licensing team to ensure policy compliance and public safety

An emergency hotline available 24/7:

There is a dedicated hotline available for the licensing team 24/7. This line connects them directly to Uber's General / Operating Managers 'on call' who can respond and assist the licensing department or the police with their enquiries

Aligned priorities:

Uber and the licensing teams share the same dedication to public safety and regulatory compliance

Data driven insights and support:

Uber has unparalleled access to data from across the UK. Our local teams are happy to assist licensing teams to develop operator, driver and vehicle conditions that benefits the riders, partner-drivers and regulators using this fact base. We also welcome feedback and recommendations from local city councils on how we can improve our operations and better serve the cities we operate in.

Ignition Programme

Creating new economic opportunities by helping individuals obtain a private hire license

We're convinced that there are significant potential economic benefits that the private hire industry can bring to the cities we operate in.

IGNITION is how Uber helps individuals obtain a private hire driver license: provide information, administrative support and also providing a financial reward for those successfully obtaining their license.

Driving with Uber is not only an option for those filling the gap between jobs, but the flexibility to work when people want which can be tremendously valuable for students, those fitting their career around childcare or even those approaching the end of their working life.

What's interesting is that rather than simply displacing taxis, apps like Uber appear to be growing the overall transportation sector. It's not a zero-sum game.



*As a professional make-up artist, it's important for me to be able to pick my own hours and drive around the schedule of my client appointments. Driving on the Uber app allows me to do exactly just that. I love the **complete freedom** I have with choosing when I drive and where I drive.*



Thank you

Fred Jones

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The Uber logo, consisting of the word "UBER" in white, uppercase, sans-serif font, centered within a black rectangular background. This logo is overlaid on a photograph of a man in a white V-neck shirt and a grey cardigan, looking off to the side. The background of the photo is bright and slightly blurred, suggesting an outdoor setting. To the right of the photo is a vertical teal bar with a white geometric pattern of overlapping squares.

UBER

Agenda Item No: 7

Report No: 36/17

Report Title: Street Trading in Lewes District

Report to: Licensing Committee Date: 9 February 2017

Lead Councillor: Councillor Franklin

Ward(s) Affected: All

Report By: Ian Fitzpatrick, Director Service Delivery

**Contact Officer(s): Ed Hele – Environmental Health Service Manager
Ed.hele@lewes.gov.uk – 01273 661104**

Purpose of Report:

1. To report the findings of the consultation on the Committee's preliminary decision to un-designate streets within the District of Lewes as Consent Streets with the exception of the following streets:-

Lewes Town:- Cliffe Bridge, Lewes Pedestrian Precinct, High Street, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk

Newhaven Town: - Newhaven Pedestrian Precinct in Newhaven Town

Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine Parade, The Esplanade, and all streets 50 metres inland from Marine parade and the Esplanade.

Officers' Recommendations:

1. That the Committee notes the responses to the 28 day consultation period.
2. That the Committee considers the consultation responses to retain the A26, A27 in Lewes District and in Falmer; Park Street, Park Street North, South Street, East Street, Middle Street and Mill Street as consent streets.
3. That the Committee decides whether or not to include the A26 and A27 within Lewes District and the named streets in Falmer as shown in at 2.3 and shown in the maps at appendix 1.
4. That the Committee confirms its preliminary decision to un-designate streets within the District of Lewes as Consent Streets with the exception of the following streets:-

Lewes Town:- Cliffe Bridge, Lewes Pedestrian Precinct, High Street, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk

Newhaven Town: - Newhaven Pedestrian Precinct in Newhaven Town

Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine

Parade, The Esplanade, and all streets 50 metres inland from Marine Parade and the Esplanade.

Optional: - The A26 & A27 in Lewes District and in Falmer; Park Street, Park Street North, South Street, East Street, Middle Street and Mill Street.

5. That the Committee recommend that Full Council ratify that the designation shall come into force on 1st April 2017.
6. That the Committee authorises the Service Manager (Environmental Health) to undertake the necessary steps to designate those street identified above in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

1. Information

- 1.1 On 8 December 2016 the Committee considered Report No 166/16, which sought the Committee's approval to regulate street trading in the Lewes District.
- 1.2 The Committee resolved that officers be authorised to publicise the Committee's preliminary decision, to un-designate consent streets, in accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. It was also resolved that the Licensing Committee be requested to reconvene once the 28 day period has elapsed following publication of the Committee's statement of intention in order to consider the representations (if any) that are received.

2 Summary of comments received

- 2.1 An advertisement was placed in a local newspaper on 15th December 2016 and the 28 day period ended on 15th January 2017. The consultation was sent to Town and Parish Councils, existing traders and stakeholders. During the consultation period comments were received from Falmer Parish Council and Highways England. Seaford Town Council has supported the proposal. No other comments were received regarding the Committee's resolution.
- 2.2 In addition both Sussex Police and the Highways Authority at East Sussex County Council have been notified and no comments have been received from them at the time of writing this report.
- 2.3 Falmer Parish Council has requested to keep the current controls in Falmer Village as it protects the village on match days at the Amex Stadium. This would include the following Streets in Falmer; Park Street, Park Street North, South Street, East Street, Middle Street and Mill Street.
- 2.4 Highways England has advised that whilst they do not object to any proposals they respectfully request that the A26 and A27 in Lewes District remain consent streets. They raise concern that if undesignated there would be no immediate control over trading and it would impact the safe and efficient operation of the strategic road network.

3 Legal Implications

- 3.1 Schedule 4 of the Act enables the Council to designate streets within its area as Consent Streets where Street Trading is prohibited without the Consent of the District Council. The Council may charge a reasonable fee to recover its administration costs when granting such Consent. The Consent may specify the size and type of stall, its designated location and any other conditions the Council thinks necessary.
- 3.2 Street Trading is defined as: “the selling or exposing or offering for sale of any article in a street.” Street means any road or footway, beach or other area to which the public have access, with or without payment.

4 Risk Management Implications

- 4.1 I have completed a risk assessment and the reference is LDC64680. The following risks will arise if the recommendations are not implemented, and I propose to manage these risks in the following ways:
- 4.2 Financial Risk: - Street trading consent fees should not exceed the costs of the procedures and formalities involved in administering applications. If reducing the extent of street trading is agreed, there will be no significant impact on this Council’s budget.
- 4.3 Reputational Risk: - It is important that the Council is seen to operate fairly and proportionately. The Council has a duty to promote the economic wellbeing of existing businesses in Lewes District.

5 Equality Screening

- 5.1 All due regard has been given to equalities issues. This report is not found to have a negative impact upon equalities and there are no significant implications.

6 Background Papers

Licensing Committee Report No 166/16 and subsequent minutes.

7 Appendices

Appendix 1 - Maps of Proposed Consent Streets

Appendix 1

Lewes



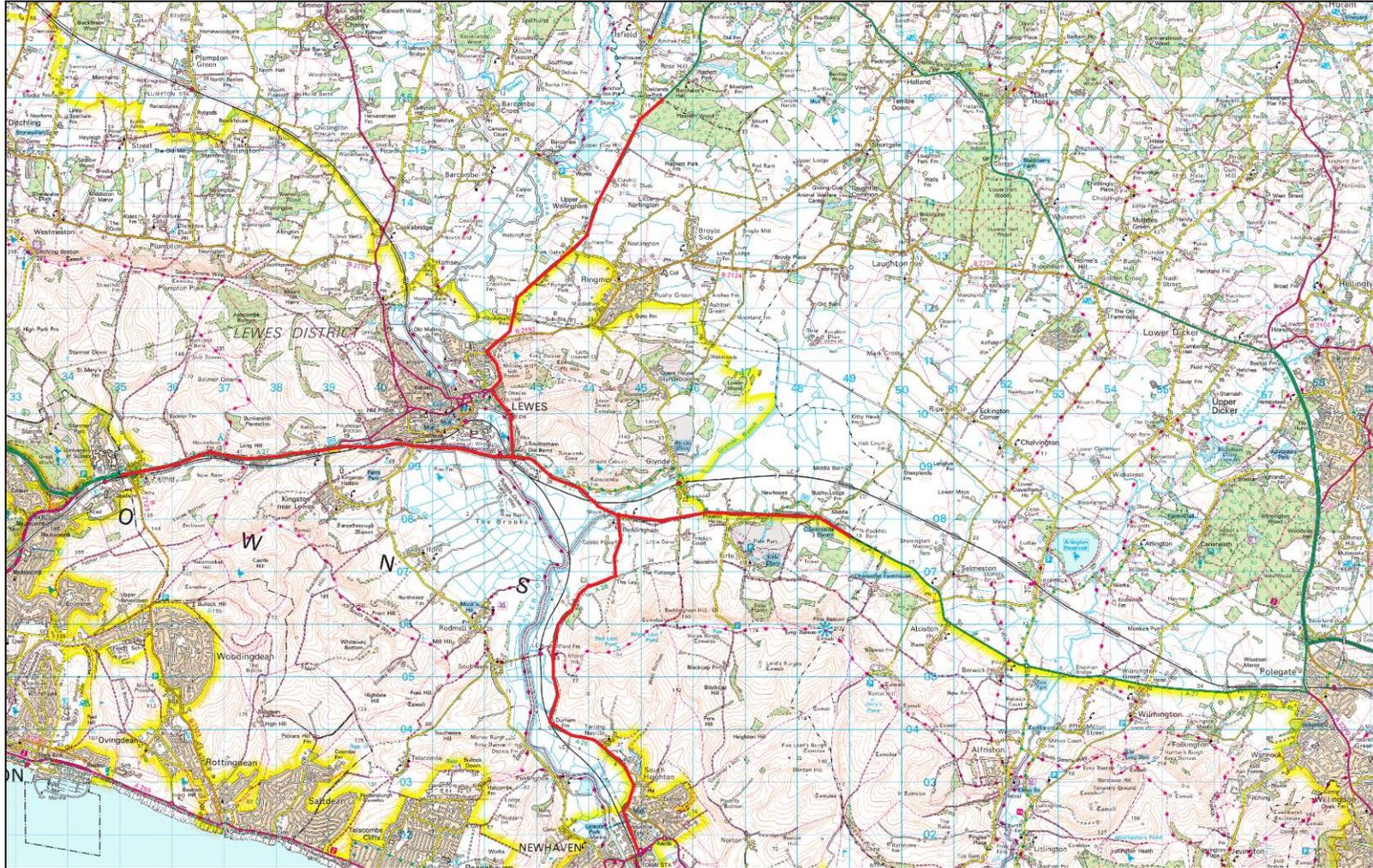
Newhaven



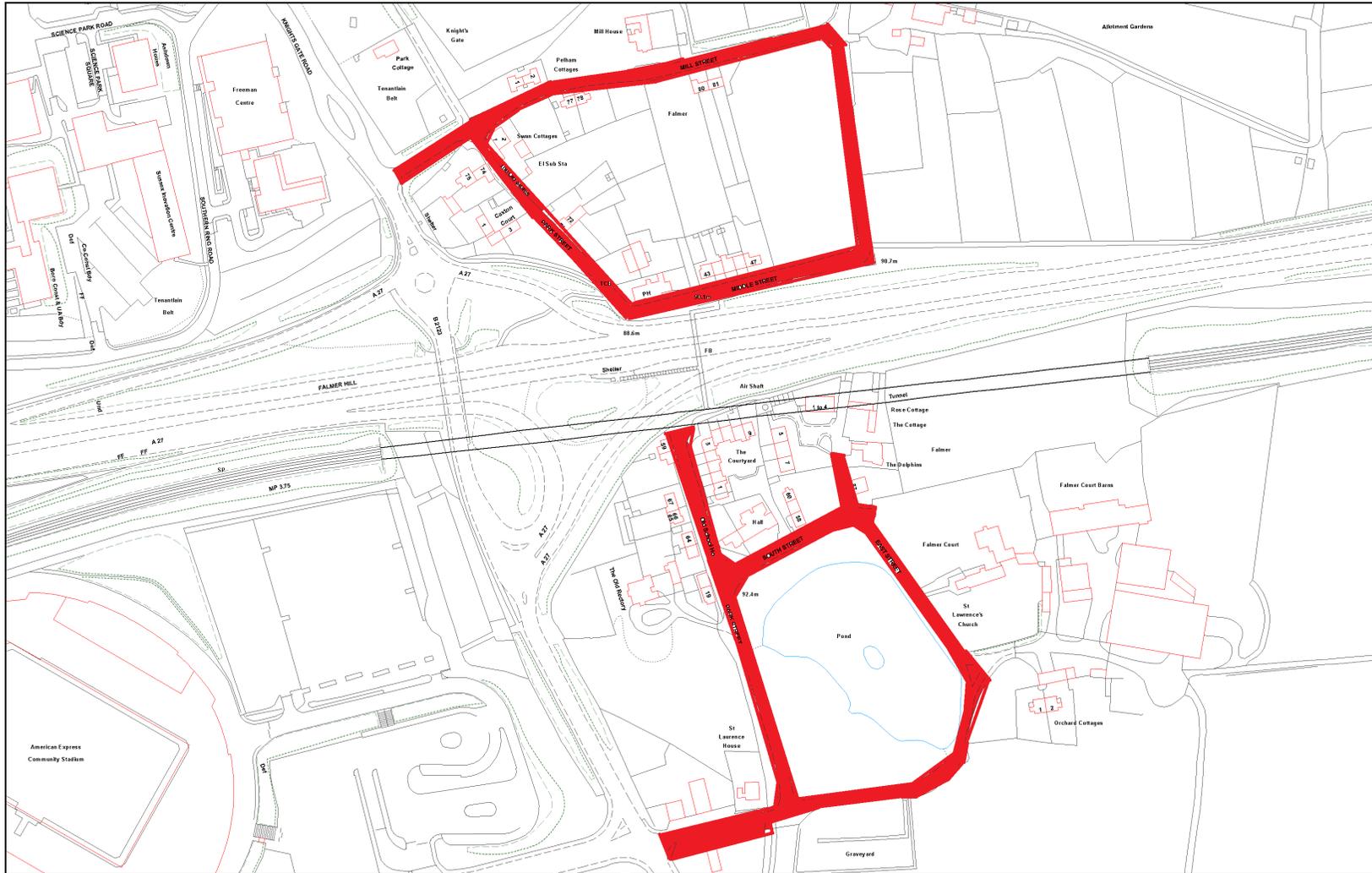
Seaford



A26 & A27



Falmer



Agenda Item No: 8 **Report No:** 37/16
Report Title: Taxi Licensing Fees
Report To: Licensing Committee **Date:** 9 February 2017
Cabinet Member: Councillor Franklin
Ward(s) Affected: All
Report By: Ian Fitzpatrick - Director of Service Delivery
Contact Officer(s)- Service Manager Environmental Health
Ed.hele@lewes.gov.uk – 01273 661104

Purpose of Report:

1. To consider the responses to the Taxi Licensing Fees advertisement to apply from 1 April 2017.

Officers Recommendation(s):

- 1.1 That the Licensing Committee note that no responses have been received following the consultation on the scale of fees for Taxi Licensing.
 - 1.2 To approve the scale of Taxi licensing fees proposed within Appendix 1.
 - 1.3 That the Licensing Committee recommends to Council that it formally ratifies the new fees.
-

2 Reasons for Recommendation

- 2.1 To ensure that the licensing fees are approved by the Licensing Committee. The Council's Constitution requires that licensing fee setting is a matter for Full Council.

3 Background Information

- 3.1 The Licensing Committee on 8 December 2017 approved the fees set out in Appendix 1 subject to any responses being received during the consultation period. No responses were received.
- 3.2 An advert was placed in local newspaper on 29th December 2016 which asked for objections to the proposals to be submitted no later than 1st February 2017. A copy of this advertisement can be found as appendix 2. A copy was also available for inspection at Southover House Reception.
- 3.3 Members queried the £40K surplus for Taxi Licensing and requested that a financial appraisal of income and expenditure is provided for Taxi licensing. This is provided in the table at 3.6
- 3.4 The table at 3.6 shows the Council has operated for a number of years on a deficit and over the last 2 years two factors have resulted in an overall surplus. Following a restructure employee costs have reduced from £69K in 2013/14 to £54K in 2015/16. At the same time there was increased demand in the service which raised income from £115K to £138K. Both of these factors combined together have resulted in a total surplus of £40K.
- 3.5 Members are reminded that there is an intention to use the surplus to modernise the metal license plates to paper and plastic plates. It would also be used to offset the cost of having CCTV cameras installed in taxis. Members will remember that a full review of taxi licensing costs was reported at the previous meeting which resulted in some fees going up but importantly some fees going down.

3.6

Taxi Licensing Financial Performance

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Employees	26,476	27,835	30,270	31,599	53,520	56,312	61,265	62,792	66,319	65,274	66,401	69,528	67,716	54,000
Running expenses	6,421	15,794	12,005	12,168	19,512	14,699	15,783	15,594	16,965	14,905	18,131	14,142	12,835	12,572
Overheads	34,515	37,130	42,320	40,620	18,730	19,860	27,323	30,210	24,445	24,542	23,004	27,015	25,300	25,500
Total Expenditure	67,412	80,759	84,595	84,387	91,762	90,871	104,371	108,596	107,729	104,721	107,536	110,685	105,851	92,072
Income	(65,422)	(79,593)	(77,969)	(78,074)	(91,332)	(94,405)	(96,064)	(102,302)	(101,824)	(109,952)	(110,938)	(114,869)	(121,637)	(138,352)
(Surplus) or Deficit for the year	1,990	1,166	6,626	6,313	430	(3,534)	8,307	6,294	5,905	(5,231)	(3,402)	(4,184)	(15,786)	(46,280)
Accumulated (Surplus) or Deficit	1,990	3,156	9,782	16,095	16,525	12,991	21,298	27,592	33,497	28,266	24,864	20,680	4,894	(41,386)

4.0 Responses

4.1 No responses have been received from the trade.

5 Financial Appraisal

5.1 The Licence fees set out here will form part of the overall fees and charges setting process, which will be reported to Full Council.

6 Legal Implications

6.1. The fees must be charged in accordance with the requirements of the particular legislation and the relevant case law. Members are asked to note that that the Council may charge such fees as they consider reasonable for taxi licensing.

6.2 In deciding what is reasonable case law, including R v Manchester City Council ex parte King, has stated that reasonable does not imply a wide discretion but that the fees charged shall relate to the level of costs reasonably expected to be incurred in providing the service.

6.3. Further the Council must take account of the EU Service Directive 2006/123 which reinforces the principle to be applied to the setting of local fees and charges in that they shall be reasonable and proportionate and shall not exceed the cost of the procedures and formalities.

6.4. Members are asked in particular to note that in relation to the private hire and taxi licensing fees and charges the Local Government (Miscellaneous Provisions) Act 1976 applies. Section 53 relates to drivers licences and section 70 relates to vehicles and operators licences. In effect these sections allow the Council to charge reasonable fees but in addition section 70 provides, amongst other things, that if the fees are to be increased as proposed in this Report then a Notice must be published in a local newspaper stating the proposed fees and at least 28 days given for objections to be lodged. There is no such requirement under section 53 but it is considered best practice to follow the same principle.

7 Risk Management Implications

7.1 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the issues covered by the recommendations are not significant in terms of risk.

8 Equality Screening

8.1 Equality analysis of our services is undertaken on a regular basis as part of a scheduled programme.

9 Background Papers

9.1 Licensing Committee Report No 165/16 8 December 2016.

10 Appendices

10.1 Appendix 1 –Proposed Licence Fees and Charges 2017/18

Appendix 2 - Advert Taxi Fees

Lewes District Council Licensing Fees and Charges Proposals 2017/2018

1 LICENSING

2 Street Trading Consents (Lewes and Newhaven Precincts)

3	Individual Traders	Application Fee	
4		Standard Stalls - (up to 1.5m x 2.15m) Daily	
5		Standard Stalls - Weekly	
6		Standard Stalls - Monthly	
7		Standard Stalls - 3 Months	
8		Standard Stalls - 6 Months	

9		Stall - Annual	
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10	Market Operators	Per annum	
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11 Total Estimated Annual Income (Street Trading Consents)

12			
13	Concessions	Event by a charity (inc street collections)	

14 Scrap Metal Dealers Act 2013

15		Site Licence - New	
16		Site Licence - Renewal	
17		Collector - New	
18		Collector - Renewal	
18		Licence Variation	

19	Scrap Metal Total		
----	-------------------	--	--

2016/2017 Current charge £pence	2017/2018 Proposed charge £pence	VAT	Increase £pence	Increase %	2017/2018 estimated chargeable numbers
25.00	25.00	E	0.00	0.0%	
10.00	10.00	e	0.00	0.0%	10
75.00	75.00	e	0.00	0.0%	0
150.00	150.00	e	0.00	0.0%	0
275.00	275.00	e	0.00	0.0%	0
475.00	475.00	e	0.00	0.0%	0
600.00	600.00	e	0.00	0.0%	5
430.00	430.00	e	0.00	0.0%	1
6,000	5,000		(1,000.00)	-16.7%	
Free upon approval from Licensing Officer	Free upon approval from Licensing Officer			n/a	
375.00	375.00	e	0.00	0.0%	0
375.00	375.00	e	0.00	0.0%	0
255.00	255.00	e	0.00	0.0%	0
255.00	255.00	e	0.00	0.0%	0
75.00	75.00	e	0.00	0.0%	0
2,000.00	2,000.00			-	

Lewes District Council Licensing Fees and Charges Proposals 2017/2018

20 TAXI LICENSING

	2016/2017 Current charge	2017/2018 Proposed charge		Increase	Increase	2017/2018 estimated chargeable
21 Meter Testing and Sealing	17.00	Discontinue	e	Nil	Nil	Nil
22 Knowledge Test (previously included in Licence fee below)	46.00	Discontinue	e	Nil	Nil	Nil
22 Knowledge Test Hackney Carriage	New	55.00	e	New	New	100
23 Knowledge Test Private Hire	New	45.00	e	New	New	58
24 Drivers License Application Fee	New	130.00	e	New	New	30
25 Hackney Carriage and Private Hire Driver's Licence (Renewal) 1 Year	126.00	115.00	e	(11.00)	-8.7%	400
26 3 Years	331.00	300.00	e	(31.00)	-9.4%	50
27 Combined Renewal Hackney Carriage and Private Hire Driver's Licence	126.00	Discontinue	e	Nil	Nil	8
28 Hackney Carriage and / or Private Hire Vehicle Licence	186.00	160.00	e	(26.00)	-14.0%	300
29 Private Hire Operators Licence (Up to 2 Vehicles.) 1 Year	78.00	Discontinue	e	Nil	Nil	10
30 Private Hire Operators Licence (Up to 2 Vehicles.) 3 Year	300.00	Discontinue	e	Nil	Nil	2
31 Each Additional Vehicle: 1 year	26.00	Discontinue	e	Nil	Nil	1
32 Each Additional Vehicle: 3 year	100.00	Discontinue	e	Nil	Nil	5
33 Private Hire Operator Licence Application	New	150.00	e	New	New	
34 Private Hire Operator Licence 1 Year up to 5 Vehicles	New	155.00	e	New	New	
35 Private Hire Operator Licence 1 Year 6 - 10 Vehicles	New	185.00	e	New	New	
36 Private Hire Operator Licence 1 Year 11 - 20 Vehicles	New	235.00	e	New	New	
37 Private Hire Operator Licence 1 Year 21 - 40 Vehicles	New	345.00	e	New	New	
38 Private Hire Operator Licence 1 Year 41 - 80 Vehicles	New	565.00	e	New	New	
39 Private Hire Operator Licence 1 Year 81+ Vehicles	New	675.00	e	New	New	
40 Private Hire Operator Licence 5 Year up to 5 Vehicles	New	490.00	e	New	New	
41 Private Hire Operator Licence 5 Year 6 - 10 Vehicles	New	625.00	e	New	New	
42 Private Hire Operator Licence 5 Year 11 - 20 Vehicles	New	895.00	e	New	New	
43 Private Hire Operator Licence 5 Year 21 - 40 Vehicles	New	1,440.00	e	New	New	
44 Private Hire Operator Licence 5 Year 41 - 80 Vehicles	New	2,530.00	e	New	New	
45 Private Hire Operator Licence 5 Year 81+ Vehicles	New	3,070.00	e	New	New	
46 Transfer of Operators Licence	36.00	Discontinue	e	Nil	Nil	Nil
47 Refundable Deposits on Vehicle Plates	36.00	Discontinue	e	Nil	Nil	30
48 Refundable Deposits on Driver's Badges	13.00	Discontinue	e	Nil	Nil	Nil
49 Replacement of Lost /Damaged Licence Plates	36.00	40.00	e	4.00	11.1%	2
50 Replacement of Driver's Badge	13.00	10.00	e	(3.00)	-23.1%	5
51 Transfer of Licence Plate to Different Vehicle	36.00	50.00	e	14.00	38.9%	40
52 Temporary Transfer of Vehicle Licence (Inc. Test and Seal)	100.00	90.00	e	(10.00)	-10.0%	30
53 Transfer of Ownership	31.00	30.00	e	(1.00)	-3.2%	10
54 Vehicle Change of Use	31.00	50.00	e	19.00	61.3%	30
55 Driver's Licence - Change of Use as Above	31.00	40.00	e	9.00	29.0%	5
56 Re-inspection of vehicle	41.00	Discontinue	e	Nil	Nil	4
56 Change of Address	New	10.00	e	New	New	
57 Missed Appointment	New	10.00	e	New	New	
58 Total Estimated Annual Income (Taxi Licensing)	108,400	108,400		0	0.0%	
59 LICENSING						
60 Acupuncture, tattooing ear piercing and electrolysis	140.00	140.00	e	0.00	0.0%	1
61 Zoo Licensing Act 1981	575.00	590.00	e	15.00	2.6%	0
62 Animal Boarding Establishments Act 1963	175.00	180.00	e	5.00	2.9%	
63 Animal Boarding Home	300.00	310.00	e	New	New	15

From Private Hire to Hackney Carriage and vice versa

Vet Fee +

combined kennels & cattery

Lewes District Council Licensing Fees and Charges Proposals 2017/2018

64	Animal Boarding Home	day creche or home boarding
65	Animal Boarding Home	day creche & home boarding
65	Pet Animals Act 1951	
66	Guard Dogs Act 1975	
67	Breeding of Dogs Act 1973	
68	Dangerous Wild Animals Act 1976	Vet fee +
69	Riding Establishments Act 1964	Vet fee +
70	Re-inspection fee	
71	Application for a boat hire licence	
72	Application to change a boat hire licence	
73	Application to certify a regulated stand at a sports ground	
74	Application to change a safety certificate for a regulated stand at a sports ground	
75	Application for a sports ground safety certificate	
76	Application to change a safety certificate for a sports ground	
77	Total Other Licensing	

2016/2017 Current charge	2017/2018 Proposed charge		Increase	Increase	2017/2018 estimated chargeable
140.00	145.00	e	5.00	3.6%	15
220.00	225.00	e	New	New	15
140.00	145.00	e	5.00	3.6%	6
140.00	145.00	e	5.00	3.6%	0
140.00	145.00	e	5.00	3.6%	0
175.00	180.00	e	5.00	2.9%	0
175.00	180.00	e	5.00	2.9%	5
60.00	60.00	e	New	New	2
85.00	85.00	e	0.00	0.0%	0
85.00	85.00	e	0.00	0.0%	0
officer time	officer time	e	officer time	n/a	
officer time	officer time	e	officer time	n/a	
officer time	officer time	e	officer time	n/a	
officer time	officer time	e	officer time	n/a	
5,000.00	6,000.00				

Lewes District Council Licensing Fees and Charges Proposals 2017/2018

78 Licensing Act 2003

79 Premises Licence and Club Premises Certificates Statutory fees apply as shown below
 80 (Licence fees are linked to non-domestic rateable value of the premises)

	2016/2017 Current charge	2017/2018 Proposed charge		Increase	Increase	2017/2018 estimated chargeable
Application Fee						
81 Band A	100.00	100.00	e	0.00	0.0%	5
82 Band B	190.00	190.00	e	0.00	0.0%	5
83 Band C	315.00	315.00	e	0.00	0.0%	5
84 Band D	450.00	450.00	e	0.00	0.0%	1
85 Band E	635.00	635.00	e	0.00	0.0%	1
86 Annual Charge						
87 Band A	70.00	70.00	e	0.00	0.0%	60
88 Band B	180.00	180.00	e	0.00	0.0%	190
89 Band C	295.00	295.00	e	0.00	0.0%	40
90 Band D	320.00	320.00	e	0.00	0.0%	10
91 Band E	350.00	350.00	e	0.00	0.0%	0
92 Minor variation application	89.00	89.00	e	0.00	0.0%	0
93 Dis Application DPS	23.00	23.00	e	0.00	0.0%	1
94 Personal Licence	37.00	37.00	e	0.00	0.0%	50
95 Temporary Event Notice	21.00	21.00	e	0.00	0.0%	470
96 Theft, loss etc of premises licence summary	10.50	10.50	e	0.00	0.0%	10
97 Application for a provisional statement where premises being built etc.	315.00	315.00	e	0.00	0.0%	0
98 Notice of change of name or address	10.50	10.50	e	0.00	0.0%	20
99 Application to vary a licence to specify individual as Designated Premises Supervisor	23.00	23.00	e	0.00	0.0%	50
100 Application for transfer of Premises Licence	23.00	23.00	e	0.00	0.0%	40
101 Interim authority notice following death etc. of licence holder	23.00	23.00	e	0.00	0.0%	1
102 Theft, loss etc. of certificate or summary	10.50	10.50	e	0.00	0.0%	0
103 Notification of change of name or alteration of rules of club	10.50	10.50	e	0.00	0.0%	0
104 Change of relevant registered address of club	10.50	10.50	e	0.00	0.0%	0
105 Theft, loss etc. of Temporary Event Notice	10.50	10.50	e	0.00	0.0%	0
106 Theft, loss etc. of Personal Licence	10.50	10.50	e	0.00	0.0%	2
107 Duty to notify of change of name or address	10.50	10.50	e	0.00	0.0%	5
108 Right of freeholder etc. to be notified of licensing matters	21.00	21.00	e	0.00	0.0%	2
109 Premises Licenses Additional Fees						
110 Where the number of people that the applicant allows on the premises at any one time is 5,000 or more, an additional fee will be						
Total Licensing Act 2003	80,000.00	80,000.00		0.00		

Lewes District Council Licensing Fees and Charges Proposals 2017/2018

111 Houses in Multiple Occupation

112 Initial fees

113 Shared House

114 5 Persons

115 6 Persons

116 7 Persons

117 8 Persons

118 9 Persons

119 Bedsit Type of Accommodation

120 2 Bedsits

121 3 Bedsits

122 4 Bedsits

123 5 Bedsits

124 6 Bedsits

125 Hostel Type Accommodation

126 Up to 10 Persons

127 11 to 20 Persons

128 21 to 40 Persons

129 41 to 60 Persons

130 61 to 80 Persons

131 More than 81 Persons

132 Renewal fees

133 Shared House

134 5 Persons

135 6 Persons

136 7 Persons

137 8 Persons

138 9 Persons

139 Bedsit Type of Accommodation

140 2 Bedsits

141 3 Bedsits

142 4 Bedsits

143 5 Bedsits

144 6 Bedsits

145 Hostel Type Accommodation

146 Up to 10 Persons

147 11 to 20 Persons

148 21 to 40 Persons

149 41 to 60 Persons

150 61 to 80 Persons

151 More than 81 Persons

152 Total Houses in Multiple Occupation

	2016/2017 Current charge	2017/2018 Proposed charge		Increase	Increase	2017/2018 estimated chargeable
	794.00	810.00	e	16.00	2.0%	0
	806.00	825.00	e	19.00	2.4%	0
	819.00	840.00	e	21.00	2.6%	0
	831.00	850.00	e	19.00	2.3%	0
	844.00	865.00	e	21.00	2.5%	0
	894.00	910.00	e	16.00	1.8%	0
	944.00	960.00	e	16.00	1.7%	0
	994.00	1,010.00	e	16.00	1.6%	0
	1,044.00	1,060.00	e	16.00	1.5%	0
	1,094.00	1,110.00	e	16.00	1.5%	0
	794.00	810.00	e	16.00	2.0%	0
	1,044.00	1,060.00	e	16.00	1.5%	0
	1,294.00	1,315.00	e	21.00	1.6%	0
	1,544.00	1,570.00	e	26.00	1.7%	0
	1,795.00	1,825.00	e	30.00	1.7%	0
	2,045.00	2,080.00	e	35.00	1.7%	0
	551.00	560.00	e	9.00	1.6%	0
	561.00	570.00	e	9.00	1.6%	0
	571.00	580.00	e	9.00	1.6%	0
	581.00	590.00	e	9.00	1.5%	0
	591.00	600.00	e	9.00	1.5%	0
	632.00	645.00	e	13.00	2.1%	0
	673.00	685.00	e	12.00	1.8%	0
	714.00	730.00	e	16.00	2.2%	0
	754.00	770.00	e	16.00	2.1%	0
	795.00	810.00	e	15.00	1.9%	0
	551.00	560.00	e	9.00	1.6%	0
	754.00	770.00	e	16.00	2.1%	0
	958.00	980.00	e	22.00	2.3%	0
	1,162.00	1,190.00	e	28.00	2.4%	0
	1,366.00	1,400.00	e	34.00	2.5%	0
	1,569.00	1,610.00	e	41.00	2.6%	0
	1,500.00	1,500.00				

Lewes District Council Licensing Fees and Charges Proposals 2017/2018

153 **Mobile Homes Act 2013**

154 New Application Fee

155 Band A 2-5 units

156 Band B 6-24 units

157 Band C 25-99 units

158 Band D 100+ units

159 Band E single unit at family site

160 Transfer of site license

161 Band A 2-5 units

162 Band B 6-24 units

163 Band C 25-99 units

164 Band D 100+ units

165 Band E single unit at family site

166 Variation of site license

167 Band A 2-5 units

168 Band B 6-24 units

169 Band C 25-99 units

170 Band D 100+ units

171 Band E single unit at family site

172 Annual Fee

173 Band A

174 Band B

175 Band C

176 Band D

177 Band E

178 Deposit of park rules with LA (not applicable to single unit)

179 Total Mobile Home Act 2013

2016/2017 Current charge	2017/2018 Proposed charge		Increase	Increase	2017/2018 estimated chargeable
175.00	175.00	e	0.00	0.0%	0
234.00	234.00	e	0.00	0.0%	0
269.00	269.00	e	0.00	0.0%	0
316.00	316.00	e	0.00	0.0%	0
100.00	100.00	e	0.00	0.0%	0
69.00	69.00	e	0.00	0.0%	0
69.00	69.00	e	0.00	0.0%	0
69.00	69.00	e	0.00	0.0%	0
69.00	69.00	e	0.00	0.0%	0
25.00	25.00	e	0.00	0.0%	0
104.00	104.00	e	0.00	0.0%	0
104.00	104.00	e	0.00	0.0%	0
104.00	104.00	e	0.00	0.0%	0
104.00	104.00	e	0.00	0.0%	0
50.00	50.00	e	0.00	0.0%	0
117.00	117.00	e	0.00	0.0%	0
139.00	139.00	e	0.00	0.0%	0
172.00	172.00	e	0.00	0.0%	0
211.00	211.00	e	0.00	0.0%	0
59.00	59.00	e	0.00	0.0%	0
1,000.00	1,000.00				

Lewes District Council Licensing Fees and Charges Proposals 2017/2018

		2016/2017	2017/2018				2017/2018
		Current	Proposed			Increase	estimated
		charge	charge			Increase	chargeable
180	Gambling Act 2003						
181	<u>Lotteries (Statutory Fee)</u>						
	Initial	40.00	40.00	e		0.00	20
182	Renewal	20.00	20.00	e		0.00	70
183	<u>Gaming Machines (Licensed Premises - Licensing Act 2003)</u>						
	Statutory Fees						
184	Notify Licensing Authority of intention to provide a maximum of	50.00	50.00	e		0.00	5
183	New licensed premises gaming permit	150.00	150.00	e		0.00	1
184	Vary an existing licensed premises gaming permit	100.00	100.00	e		0.00	0
185	Transfer an existing licensed premises gaming permit	25.00	25.00	e		0.00	0
186	Annual Fee (Permits over 2 machines)	50.00	50.00	e		0.00	3
187	<u>Bingo Premises Licence</u>						
	Statutory Fees						
188	Annual Fee	800.00	800.00	e		0.00	0
189	Application to vary a licence	1,500.00	1,500.00	e		0.00	0
190	Application to transfer a licence	1,000.00	1,000.00	e		0.00	0
191	Application for reinstatement of a licence	1,000.00	1,000.00	e		0.00	0
192	Application for provisional statement	2,700.00	2,700.00	e		0.00	0
193	Application for a new premises licence	2,700.00	2,700.00	e		0.00	0
194	Application for a new premises licence (Provisional Statement Holder)	1,000.00	1,000.00	e		0.00	0
195	<u>Adult gaming centre premises licence</u>						
	Statutory Fees						
196	Annual Fee	800.00	800.00	e		0.00	0
197	Application to vary a licence	800.00	800.00	e		0.00	0
198	Application to transfer a licence	1,000.00	1,000.00	e		0.00	0
199	Application for reinstatement of a licence	1,000.00	1,000.00	e		0.00	0
200	Application for provisional statement	1,500.00	1,500.00	e		0.00	0
201	Application for a new premises licence	1,500.00	1,500.00	e		0.00	0
202	Application for a new premises licence (Provisional Statement Holder)	1,500.00	1,500.00	e		0.00	0
203	<u>Club Gaming/Machine Permit</u>						
	Statutory Fees						
204	Application for a new permit	200.00	200.00	e		0.00	0
205	Application for a permit (Club Premises Certificate Holder)	100.00	100.00	e		0.00	0
206	Application for a permit (Existing Operator)	100.00	100.00	e		0.00	0
207	Application to vary a permit	100.00	100.00	e		0.00	0
208	Renewal	200.00	200.00	e		0.00	0
209	Renewal (Club Premises Certificate Holder)	100.00	100.00	e		0.00	0
210	Annual Fee	50.00	50.00	e		0.00	0
211	Copy of Permit	15.00	15.00	e		0.00	0
212	<u>Betting premises (Track licence)</u>						
	Statutory Fees						
213	Annual Fee	800.00	800.00	e		0.00	1
214	Application to vary a licence	1,000.00	1,000.00	e		0.00	0
215	Application to transfer a licence	800.00	800.00	e		0.00	0
216	Application for reinstatement of a licence	800.00	800.00	e		0.00	0
217	Application for provisional statement	2,000.00	2,000.00	e		0.00	0
218	Application for a new premises licence	2,000.00	2,000.00	e		0.00	0
219	Application for a new premises licence (Provisional Statement Holder)	800.00	800.00	e		0.00	0
220	<u>Betting premises (other) licence</u>						
	Statutory Fees						

Lewes District Council Licensing Fees and Charges Proposals 2017/2018

221	Annual Fee	
222	Application to vary a licence	
223	Application to transfer a licence	
224	Application for reinstatement of a licence	
225	Application for provisional statement	
226	Application for a new premises licence	
227	Application for a new premises licence (Provisional Statement Holder)	
228	<u>Temporary use notice</u>	
229	<u>Family entertainment centre premises licence</u>	Statutory Fees
230	Annual Fee	
231	Application to vary a licence	
232	Application to transfer a licence	
233	Application for reinstatement of a licence	
234	Application for provisional statement	
235	Application for a new premises licence	
236	Application for a new premises licence (Provisional Statement Holder)	
237	<u>Family Entertainment Centre Gaming Machine Permit</u>	Statutory Fees
238	Application for a new permit	
239	Renewal	
240	Application to Substitute name	
241	Copy of permit	
242	Total Gambling Act 2003	
243	Stage Hypnotism	
244	Sex Establishments	Initial Grant of Licence
245		Annual Renewal
246		Variation
247	TOTAL ESTIMATED ANNUAL INCOME FOR ALL LICENSING SERVICES	

2016/2017 Current charge	2017/2018 Proposed charge		Increase	Increase	2017/2018 estimated chargeable
500.00	500.00	e	0.00	0.0%	5
1,200.00	1,200.00	e	0.00	0.0%	0
1,000.00	1,000.00	e	0.00	0.0%	0
1,000.00	1,000.00	e	0.00	0.0%	0
2,300.00	2,300.00	e	0.00	0.0%	0
2,300.00	2,300.00	e	0.00	0.0%	0
1,000.00	1,000.00	e	0.00	0.0%	0
250.00	250.00	e	0.00	0.0%	0
600.00	600.00	e	0.00	0.0%	0
800.00	800.00	e	0.00	0.0%	0
800.00	800.00	e	0.00	0.0%	0
800.00	800.00	e	0.00	0.0%	0
1,500.00	1,500.00	e	0.00	0.0%	0
1,500.00	1,500.00	e	0.00	0.0%	0
800.00	800.00	e	0.00	0.0%	0
300.00	300.00	e	0.00	0.0%	0
300.00	300.00	e	0.00	0.0%	0
25.00	25.00	e	0.00	0.0%	0
15.00	15.00	e	0.00	0.0%	0
6,000.00	6,000.00		0.00	0.0%	
65.00	65.00	e	0.00	0.0%	0
3,250.00	3,250.00	e	0.00	0.0%	0
1,750.00	1,750.00	e	0.00	0.0%	0
1,750.00	1,750.00	e	0.00	0.0%	0
209,900	209,900		0		



Lewes District Council

Sections 70 & 53 Local Government (Miscellaneous Provisions) Act 1976

Notice of Intention to make resolution on Hackney Carriage Vehicle, Private Hire Vehicle and Private Hire Operator's Licence Fees

NOTICE is hereby given that Lewes District Council intends after the expiry of the period mentioned below to change the fees relating to the granting of Hackney Carriage Vehicle Licences, Private Hire Vehicle Licences, Private Hire Operator's Licences, Private Hire Drivers Licence and Hackney Carriage Drivers Licence.

Any person wishing to object to these proposals should send their objections, in writing, to the Service Manager (Environmental Health), Lewes District Council, Environmental Health, Southover House, Southover Road, Lewes, BN7 1AB, no later than 1 February 2017.

If objections are received and later withdrawn, the new fees will take effect on 1 April 2017. If objections are received that are not withdrawn the Council will set a date (no later than two months from 1 Feb 2017) on which the new fees shall take effect with or without modification, following the Council's consideration of those objections.

Until 1st February 2017, a copy of this Notice will be available for public inspection without payment at Southover House, Southover Road, Lewes, BN7 1AB between the hours of 9am and 5pm Monday to Friday.

Fees for Hackney Carriage and Private Hire Licences:

	Existing 2016/17	Proposed 2017/18
Meter Testing and Sealing	£17.00	Discontinue
Knowledge Test (previously included in Licence fee below)	£46.00	Discontinue
Knowledge Test Hackney Carriage	New	55.00
Knowledge Test Private Hire	New	45.00
Drivers License Application Fee	New	130.00
Hackney Carriage and Private Hire Driver's Licence (Renewal) 1 Year	£126.00	115.00
3 Years	£331.00	300.00
Combined Renewal Hackney Carriage and Private Hire Driver's Licence	£126.00	Discontinue
Hackney Carriage and / or Private Hire Vehicle Licence	£186.00	160.00
Private Hire Operators Licence (Up to 2 Vehicles.) 1 Year	£78.00	Discontinue
Private Hire Operators Licence (Up to 2 Vehicles.) 3 Year	£300.00	Discontinue
Each Additional Vehicle: 1 year	£26.00	Discontinue
Each Additional Vehicle: 3 year	£100.00	Discontinue

Private Hire Operator Licence Application	New	£150.00
Private Hire Operator Licence 1 Year up to 5 Vehicles	New	£155.00
Private Hire Operator Licence 1 Year 6 - 10 Vehicles	New	£185.00
Private Hire Operator Licence 1 Year 11 - 20 Vehicles	New	£235.00
Private Hire Operator Licence 1 Year 21 - 40 Vehicles	New	£345.00
Private Hire Operator Licence 1 Year 41 - 80 Vehicles	New	£565.00
Private Hire Operator Licence 1 Year 81+ Vehicles	New	£675.00
Private Hire Operator Licence 5 Year up to 5 Vehicles	New	£490.00
Private Hire Operator Licence 5 Year 6 - 10 Vehicles	New	£625.00
Private Hire Operator Licence 5 Year 11 - 20 Vehicles	New	£895.00
Private Hire Operator Licence 5 Year 21 - 40 Vehicles	New	£1,440.00
Private Hire Operator Licence 5 Year 41 - 80 Vehicles	New	£2,530.00
Private Hire Operator Licence 5 Year 81+ Vehicles	New	£3,070.00
Transfer of Operators Licence	£36.00	Discontinue
Refundable Deposits on Vehicle Plates	£36.00	Discontinue
Refundable Deposits on Driver's Badges	£13.00	Discontinue
Replacement of Lost /Damaged Licence Plates	£36.00	£40.00
Replacement of Driver's Badge	£13.00	£ 10.00
Transfer of Licence Plate to Different Vehicle	£36.00	£50.00
Temporary Transfer of Vehicle Licence (Inc. Test and Seal)	£100.00	£90.00
Transfer of Ownership	£31.00	£ 30.00
Vehicle Change of Use From PH to HC and Vice versa	£31.00	£ 50.00
Driver's Licence - Change of Use as Above	£31.00	£ 40.00
Re-inspection of vehicle	£ 41.00	Discontinue
Change of Address	New	£10.00
Missed Appointment	New	£10.00

Dated this 29th day of December 2016

E Hele Service Manager
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex, BN7 1AB

Agenda Item No: 9 **Report No:** 38/17
Report Title: Residential Mobile Home Sites Licensing and Enforcement Policy
Report To: Licensing Committee **Date:** 9 February 2017
Cabinet Member: Cllr. Franklin
Ward(s) Affected: All
Report By: Ian Fitzpatrick – Director of Service Delivery
Contact Officer(s)-
Name(s): Rebecca Wynn
Post Title(s): Environmental Health Specialist
E-mail(s): Rebecca.wynn@lewes.gov.uk
Tel No(s): 01273 471600

Purpose of Report:

To present to the Committee the Residential Mobile Home Sites Licensing and Enforcement Policy.

Officers Recommendations:

1. To approve the Residential Mobile Homes Sites Licensing and Enforcement Policy.

1 Reasons for Recommendations

- The Policy clearly sets out the legislation relating to mobile home sites to enable residents, site owners and Council officers to employ the most relevant legislative tool to address any complaints about site management.
- To ensure the three large residential mobile home sites in the Lewes District adopt the model conditions 2008.

Information

2 Background

- 2.1 There are five relevant protected sites in the Lewes District, three large residential mobile home parks and two single unit sites, all of which have planning permission. All current sites have site licence conditions attached to their licence which reflect the 1960 model conditions. The aim of the policy is

to upgrade their site conditions to reflect the new model standards and to set out clearly the legislation relating to Mobile Home Sites.

3 Summary of Policy

- 3.1 There are four principal pieces of legislation relevant to these sites:
- Caravan Sites and Control of Development Act 1960
 - Caravan Sites Act 1968
 - The Mobile Homes Act 1983
 - The Mobile Homes Act 2013
- 3.2 The Caravan Sites and Control of Development Act (CSCD)1960 covers the licensing of mobile home sites and enables local authorities to apply conditions relating to the safety, welfare and management at residential mobile home sites conditions.
- 3.3 Section 3 of the Caravan Sites Act 1968 protects occupiers of mobile homes on mobile home sites against unlawful eviction or harassment and covers the dimension of all mobile units.
- 3.4 The Mobile Homes Act 1983 covers a number of issues related to mobile home sites, such as the purchase and sale of mobile homes, security of tenure, and written agreements between home and park owners. The Council does not enforce the Mobile Homes Act 1983. Residents are advised to obtain legal advice from the Citizens Advice Bureau, Shelter or an appropriate solicitor.
- 3.5 The Mobile Homes Act 2013 came into force on 1 April 2014. The Act brought about some important changes to the buying and selling of mobile homes (not enforced by the Council); park rules and enables the Council to serve compliance notices for breach of site licence conditions. The new Act also introduces powers for Local Authorities to charge fees for their licensing functions. The park fees are subject of a separate Policy approved by the Licensing Committee in 2014.
- 3.6 The Council has powers to attach licence conditions under Section 5 of the CSCD 1960. New model conditions were published in 2008. The new conditions incorporate a number of new requirements, particularly for the maintenance of sites and flood protection measures, other standards have been modified and the standard relating to telephones deleted. The aim of the update was to ensure that the conditions:
- are clear and easy to understand.
 - do not become out dated simply because new regulations are issued.
 - ensure all standards meet current technical standards.

Table 1

	Local Authority	Park Owner	Resident
Introduction	No impact	No impact	Reduces burden
Site Boundaries	No impact	Slightly more onerous	Reduces burden
Density and Spacing	Reduces burden	Reduces burden	Reduces burden
Roads Gateways and footpaths	No impact	Slightly more onerous	Reduces burden
Hard Standing	Reduces burden	Reduces burden	Reduces burden
Fire	No impact	No impact	Reduces burden
Telephones	Reduces burden	Reduces burden	Reduces burden
Storage of LPG	No impact	Reduces burden	Reduces burden
Electrical Installations	No impact	Reduces burden	Reduces burden
Water Supply	No impact	Reduces burden	Reduces burden
Drainage, Sanitation and Washing Facilities	Reduces burden	Reduces burden	Reduces burden
Refuse Disposal	No impact	Reduces burden	Reduces burden
Parking	No impact	Chance of slightly more onerous	Reduces burden
Recreation	No impact	Reduces burden	Reduces burden
Notices	Reduces burden	Reduces burden	Reduces burden
Flooding	Slightly more onerous	Slightly more onerous	Slightly more onerous

3.7 Table 1 indicates the impact of the new model standards on the Council, site owners and residents. There are four conditions that are slightly more onerous to site owners, if works were required Officers would allow the site owner to plan for the works and incorporate them into the overall park redevelopment process and therefore be phased in over a number of months/years.

3.8 The model standards represent best practice and are not over burdensome. They assist in ensuring all sites within the District are maintained at a reasonable standard and provide clarity to site owners resulting in less enforcement action taken. It is for this reason the Council will apply the model standards to all residential site licences in accordance with this Policy.

4 Enforcement

4.1 All of the above legislation has been written assuming that all homes on relevant protected site are owner occupied. It is the experience of the Council that a proportion of the mobile homes are privately rented and as such are not covered by the legislation above and are also exempt from the

Housing Act 2004 which regulates the private rented sector. The Council will therefore consider the Health and Safety at Work Act 1974 and the Public Health Act 1936 to resolve issues relating to the fabric of the homes that are privately rented.

- 4.2 The Policy details the enforcement tools available to the Council. The Mobile Homes Act 2013 introduced Compliance Notices which can be served on site owners for breach of licence condition. Notices will be served in accordance with the Councils regulatory enforcement policy. The Council will have all due regard to published guidance and ensure that the most appropriate legislation is applied.

5 Financial Appraisal

- 5.1 The resources required for the implementation of the Residential Mobile Home Sites Licensing and Enforcement Policy are contained within the existing Environmental Health revenue budget. By implementing the Policy will, in the long term, will reduce staff costs as less enforcement will be required.

6 Legal Implications

- 6.1 Legal Services has vetted this report and stated the necessary legal content contained within the report itself.

7 Risk Management Implications

- 7.1 I have completed a risk assessment (LDC68003). No new risks will arise if the recommendations are implemented. If the recommendations are not implemented, additional insurance/control costs arising from these mitigating factors are mentioned above in the financial appraisal. The Council should have a current Licensing and Enforcement policy that is transparent, accountable, proportionate and consistent.

8 Equality Screening

- 8.1 On 27th January an Equality Analysis was undertaken on the Residential Mobile Home Sites Licensing and Enforcement Policy, due regard was given to the general equalities duties and to the likely impact of the policy on people with protected characteristics, as set out in the Equality Act 2010.
- 8.2 The assessment identified the policy was found to have positive outcomes for all residents and site owners in our district, however minor adjustments are required. There are missed opportunities especially in the area of equalities monitoring and customer feedback. Actions have been identified to remove barriers and better promote equality. The Equalities Analysis action plan will be incorporated and monitored with implementation of the Policy.

9 Background Papers

- Mobile Homes Act 2013:
<https://www.gov.uk/government/collections/park-homes#mobile-homes-act-2013>
- [Model Standards 2008 for Caravan Sites in England](#)
- [Mobile Homes Act 2013: a best practice guide for local authorities on enforcement of new site licensing regime](#)
- [Mobile Homes Act 2013: advice to local authorities on the new regime for applications for the grant or transfer of a site licence](#)
- Fees Policy for Relevant Protected Sites under the Mobile Homes Act 2013

Appendices

Appendix 1 - Residential Mobile Home Sites Licensing and Enforcement Policy

Appendix 1

LEWES DISTRICT COUNCIL

Residential Mobile Home Sites Licensing and Enforcement Policy

Rebecca Wynn
Environmental Health Specialist

Residential Mobile Home Sites
Licence and Enforcement Policy

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Residential Mobile Home Sites

Licensing and Enforcement Policy

1. THE LEGISLATION

There are four principal pieces of legislation regarding caravans:

- Caravan Sites and Control of Development Act 1960
- Caravan Sites Act 1968
- The Mobile Homes Act 1983
- The Mobile Homes Act 2013

Definitions

In this policy any reference to 'park home' or 'home' means a mobile home and includes a caravan. Any reference to a 'site' or a 'park home site' means a protected site, i.e. a mobile home site and includes a caravan site or park and a privately owned Gypsy and Traveller site.

A protected site is one which has planning permission for permanent residential use and has been issued with a site licence.

A 'site owner' means someone who has a legal estate or interest in the land on which the site is situated or proposed to be situated. 'Resident' means someone who is entitled to station a mobile home on the site and is entitled to occupy that home as his only or main residence.

Note: This policy only relates to permanent residential sites

1.1 Caravan Sites and Control of Development Act 1960

Licensing of park homes is governed by The Caravan Sites and Control of Development Act 1960 (CSCD). The Act was based on a 1959 report by Sir Arton Wilson, which found there was insufficient legislation on the matter. The report sought to regulate Caravan Sites to ensure they were not overcrowded and the health and safety of residents was protected. As a result the government brought in legislation regulating such housing, which was granted Royal Assent on 29 July 1960 and came into force exactly a month later.

The Act covers the licensing of mobile home sites and the safety, welfare and management conditions which need to be provided. Applications for new site licences will be processed in accordance with the 1960 Act and the relevant conditions will be applied.

1.2 Caravan Sites Act 1968 (as amended)

This Act deals with protection from eviction from residential sites and the maximum dimensions for caravans:

Section 3 of the 68 Act protects occupiers of caravans on mobile home sites against unlawful eviction or harassment. The section does this in two ways:

1. It makes it an offence for the site owner (and any other person) to deprive the occupier of their occupation of a caravan (without first obtaining a Court Order) and;
2. It makes it an offence for the site owner (and any other person) to do anything that is likely to interfere with the peace or comfort of the occupier or persons living with the occupier or to persistently withdraw or withhold services or facilities that are reasonably needed for the occupation of the caravan.

It is very important to note however that an offence will not be committed under this part of Section 3 unless it can be shown that the site owner (or other person) knew or reasonably believed that their conduct was likely to cause the occupier to abandon the caravan, remove it from the site, or refrain from exercising any right or remedy in respect of that caravan. Reports of harassment should be made to the Private Sector Housing Team at the Council

1.3 The Mobile Homes Act 1983

The Mobile Homes Act covers a number of issues related to mobile home sites, such as the purchase and sale of mobile homes, security of tenure, or written agreements between home and park owners.

The Council does not enforce the Mobile Homes Act 1983. Residents are advised to obtain legal advice from the Citizens Advice Bureau, Shelter or an appropriate solicitor.

Two useful booklets for both park owners and home owners are available from the Department of the Environment Transport and the Regions (DETR). They are:

- 'Mobile Homes- A Guide for Residents and Site Owners' and
- 'The Park Homes Charter - Your guide to buying, living in and selling your park home', which includes a list of useful addresses.

If the Mobile Home Park is a member of the British Holiday and Home Parks Association (BH&HPA) or the National Park Homes Council (NPHC), residents can approach them directly for help and support.

1.4 Mobile Homes Act 2013

The Mobile Homes Act 2013 came into force on 1 April 2014. The Act brought about some important changes to the buying and selling of mobile homes, pitch fees, park rules and enables the Council to serve compliance notices for breach of site licence conditions. The new Act also introduces powers for Local Authorities to charge fees for their licensing functions in relation to 'relevant protected sites' (RPS) A RPS is land used as a mobile home site other than where a site licence is

- a) granted for holiday use only
- b) has conditions restricting the use of the site e.g. planning conditions

The Act gives the Council more effective control of conditions on relevant protected sites. In appropriate cases, it provides local authorities with the tools required to take enforcement action including the power to serve compliance notices in relation to breaches of site licence conditions, emergency action powers, and the ability to carry out works in default and recover expenses.

2. LICENCE CONDITIONS

The Council has powers to attach licence conditions under section 5 of the Caravans Sites and Control of Development Act 1960.

2.1 Background

New model conditions were published in 2008. The aim of the update was to ensure that the conditions:

- Are clear and easy to understand.
- Do not become out dated simply because new regulations are issued.
- Ensure all standards meet current technical standards.
- Include, as far as possible, the matters that are of concern to all parties involved, including the park home owner and residents.

The Site Licence Conditions are attached as Appendix A and are based on the most current model standards published in 2008, reflecting changes in legal requirements, most notably in relation to fire safety. The licence conditions represent what is expected as a matter of good practice on caravan sites. They will be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or amenities that are available within or in the locality of the site and other applicable conditions.

The standards take into account the effect of the Regulatory Reform (Fire Safety) Order (RRO) 2005. The site owner is now required to undertake a fire risk assessment of their site as specified in the RRO. The risk assessment will highlight all fire hazards specific to the site and will include all prevention and protection arrangements that are appropriate and adequate to mitigate the identified risks.

The Council will ask to see the fire risk assessment and check that all prevention and protection measures are in place.

The Communities and Local Government website:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business> contains a range of helpful information on fire safety and the requirements of the Fire Safety Order. This includes links to technical guides for specific types of accommodation, including one for sleeping accommodation.

East Sussex Fire and Rescue Service have a duty to provide fire safety advice to those who ask for it, although they will not carry out risk assessments.

2.2 Applying New Conditions

Existing sites do from time to time change ownership, change boundary, increase the number of homes on the site or are substantially redeveloped. In these cases, a transfer, variation or new site licence will be required. In all of these cases the Council will apply the model conditions attached in Appendix A. The model standards represent best practice and are not over burdensome. They assist in ensuring all sites within the District are maintained at a reasonable standard and provide clarity to site owners resulting in the necessity to take less enforcement action taken.

2.2.1 Transfer of Licence

If a licence holder applies for a change of ownership then the Council may issue a simple transfer. However the Council will take the opportunity to apply the new model conditions and request that the owner applies for a new site licence. The fee charged will be still the 'transfer fee.'

2.2.2 Variation of licence

Where the site has been substantially redeveloped and/or the boundary has changed a new site licence will be required and the new model conditions will be attached to the new licence. A variation fee will be charged.

2.2.3 Changing the Conditions without change to the Licence

A local authority does not have to wait until it grants a new licence to change the site licence conditions. In the event that no transfer or variation is received Lewes District Council will seek to update conditions to the new model standard, add new conditions or delete obsolete ones. There is a duty to consult a site owner and permit representations to be made if the Council intends to alter the existing licence. The Council will consult with the site owner and residents for a minimum period of 28 days. The law does not require the agreement of the site owner to change conditions, however the condition will be open to challenge if it is not justified or relevant to the particular circumstances of the site and proportionate.

3. ENFORCEMENT

All park home or mobile home sites must have planning permission for use as a caravan site before a site licence can be issued. A licence can be issued for a limited time period if the planning permission to which it relates has a time limit to it. Certain exemptions apply and the following uses/organisations do not require a licence:

- Incidental use within the boundary of a dwelling house
- Building and engineering sites
- Travelling showman sites
- Sites occupied by the Council

- Sites approved by certain organisations, including:
 - The Caravan Club
 - The Camping Club of Great Britain and Ireland
 - The Boy Scouts Association
 - The Girl Guides Association
 - The Motor Caravanners Club

Under Part 1 of the CSCDA those sites that are subject to the Act are required to be licensed by the local authority in whose area they are located. Applications must be in writing to the local authority and they should detail the land the application concerns, the relevant planning permission and any other information required by the local authority. Licences will not be issued to applicants who have had a site licence revoked within three years of the current application. The Council will have regard to the suitability of the proposed licence holder to manage the site and the proposed site holder's ability to comply with licence conditions and to provide for the long term maintenance of the site.

3.1 Breach of Licence Conditions

The Mobile Homes Act 2013 introduces the power for local authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions. The legislation also allows local authorities to charge a fee in relation to this.

Licensing appeals will be heard by the First Tier Tribunal (Property Chamber). Appeals may be made about the refusal to grant or transfer a licence, conditions attached to a new licence, variation or refusal to vary conditions in an existing licence, compliance notices- including the local authority expenses, emergency works, including the cost of the works and expense. The details on how to appeal will be contained within licences and enforcement notices.

3.2 Site Rules

Most park homes will also have their own site rules, which have been laid down by the site owner and apply to the residents. The site rules are **not** the responsibility of the council but form part of the agreement between residents and the site owner.

The Site Rule Regulations came into force on the 4 February 2014 and set out a 12 month period, within which site owners will need to replace existing site rules with new ones. These rules will need to be deposited with the Council. The Council will need to be satisfied that replacement or new rules deposited with them have been made in accordance with the statutory procedure. They will also be required to establish, keep up to date, and publish a register of site rules. A fee is built into the Councils Fee Policy for Mobile Homes for depositing these rules.

3.3 Complaints

The Council will investigate all complaints received concerning the site licence conditions. If the complaint is outside the remit of the licence conditions, the complainant will be advised accordingly and given guidance on where they may find appropriate support and assistance.

All complaints received regarding the site licence conditions will be taken seriously and investigated. If the Council finds a breach in a licence condition the site owner will be informed in writing of the breach and given a time-scale for a satisfactory resolution.

If, after the agreed timescale, the site owner has not taken the necessary action to resolve the issue, or has not contacted the Council to discuss any problems he might have the Council will serve a compliance notice

Enforcement action will be taken in accordance with the Council's Regulatory Enforcement Policy. Any enforcement taken by Lewes District Council will be proportionate to the risks posed and to the seriousness of any breach of the law.

3.4 Other Relevant legislation

Enforcing a breach in a site licence condition can be a very long process and will not always give the immediate or optimal results. The Council will also consider taking action under separate legislation, namely the Health and Safety Act 1974 and Public Health Act 1936.

3.4.1 Health and Safety at Work Act 1974

Section 3 of the above Act places a general duty on the site operators to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that both residents and any visitors to the site are not exposed to risks to their health and safety.

The Health and Safety at Work Act gives the Council the following enforcement tools:

- Improvement Notices may be served when a relevant statutory provision is either being contravened or, having been contravened, is likely to be continued or repeated. The notice need not specify the actual measures to be taken to remedy the contravention but, if it does, it may allow a choice of remedies.
- Prohibition Notice may be used when there is a risk of serious personal injury and to which a relevant statutory provision applies.

In addition the Council can administer:

- Formal Cautions to deal quickly and simply with less serious offences, diverting them from unnecessary court action. Whilst a re-offence is not a 'breach' of the formal caution offence itself, the fact will both guide subsequent decisions regarding that individual person, organisation or company and will also be taken into account by a court in any later legal proceedings.

3.4.2 The Public Health Act 1936

Section 268 (1) of the Public Health Act 1936 applies the general nuisance provisions of Part III of the Environmental Protection Act 1990 to tents, vans, sheds and similar moveable structures used for human habitation. A mobile or park home that is used for human habitation can be said to be a Statutory Nuisance when:

- (i) it is in such a state , or so overcrowded , as to be prejudicial to health of the residents; or
- (ii) the use of which, by the reason of the absence of proper sanitary accommodation, or otherwise, gives rise, whether on the site or on other land, to a nuisance or conditions prejudicial to health.

Where the Council is satisfied that a statutory nuisance exists or a mobile home is prejudicial to health it is required to serve an Abatement Notice. The Notice will be served on the occupier of the land, i.e. the site owner. The Notice may require the execution of such works or steps necessary for those purposes and specify times within which the notice is to be complied with. The period allowed for compliance must be reasonable but may nevertheless be short.

The notice will indicate the times and rights of appeal and the occupier of the land has a defence in that he did not authorise the mobile home to be place there.

The Public Health Act also applies sections 83-85 of the Act concerning filthy or verminous premises to mobile homes.

3.4.3 The Equality Act 2010

Equality legislation applies to sites and this should be borne in mind when framing licence conditions and considering possible enforcement action. Guidance can be found at www.dwp.gov.uk and this can also help local authorities in their consideration of licence conditions. There are also implications for site owners and further guidance can also be found on the Equality and Rights Commission website at www.equalityhumanrights.com

3.5 Guidance

The Council will have due regard to all relevant guidance:

- [Mobile Homes Act 2013: a best practice guide for local authorities on enforcement of new site licensing regime](#)
- [Mobile Homes Act 2013: advice to local authorities on the new regime for applications for the grant or transfer of a site licence](#)
- [Park Homes: Site Licensing - Definition of Relevant Protected Sites](#)
- [Model Standards 2008 for Caravan Sites in England](#)

APPENDIX A

Residential Mobile Home Site Licence Conditions

1. The Boundaries and Plan of the Site

- i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- iii)
 - a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.
 - b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking between Caravans

- i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- iv) In any case mentioned in subparagraph (i) or (iii):
 - a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.
 - b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
 - c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.

- d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
- g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

- i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- ii) New roads shall be constructed and laid of suitable bitumen macadam or concrete with a suitable compacted base.
- iii) All roads shall have adequate surface water/storm drainage.
- iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- v) One-way systems shall be clearly signposted.
- vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- viii) Roads shall be maintained in a good condition.
- ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

- i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

6. Bases

- i) Every unit must stand on a concrete base or hard-standing.
- ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- iv) Trees within the site shall (subject to the necessary consents) be maintained.
- v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc.

- i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

9. Electrical Installations

- i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

10. Water Supply

- i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.

- ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

- i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

15. Notices and Information

- i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - a) A copy of the most recent periodic electrical inspection report.
 - b) A copy of the site owner's certificate of public liability insurance.
 - c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

16. Flooding

- i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- iii) Where water standpipes are provided:
 - a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection)

with a water supply of sufficient pressure and terminating in a small hand nozzle.

- c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point

Maintenance and Testing of Fire Fighting Equipment

- viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.
- ix) A record shall be kept of all testing and remedial action taken.

- x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:
 - "On discovering a fire:
 - I. Ensure the caravan or site building involved is evacuated.
 - II. Raise the alarm.
 - III. Call the fire brigade (the nearest phone is sited at... "

APPENDIX B

Current Legal Definition of a Caravan

Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defines a caravan as:

“... any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include:

- a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- b) any tent.”

This definition has been modified by Section 13 (1) of the Caravan Sites Act 1968 which deals with twin-unit caravans. Section 13 (1) provides that:

“A structure designed or adapted for human habitation which:

- a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and;
- b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled.”

Section 13(2) of the 1968 Act (as amended by The Caravan Sites Act 1968 and Social Landlords (permissible Additional Purposes) (England) Order 2006) prescribes the following maximum dimensions for “twin unit caravans”:

- (a) length (exclusive of any drawbar); 20 metres
- (b) width: 6.8 metres
- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres.

These measurements do not include the draw-bar, or any easily removable extensions, but do include permanent porches or extensions.

NB: It should be noted that any permanent structures that make the mobile home unmovable may change the definition of the home which may have many legal implications including planning and housing. It is advisable to contact our planning department if any structure is to be added to a mobile home.