



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Committee

Wednesday, 24 June 2020

2.00 pm

Virtual WEBEX video conference via YouTube -
<https://www.youtube.com/user/cheltenhamborough>,
Promenade

Membership	
Councillors:	David Willingham (Chair), Paul McCloskey (Vice-Chair), Tim Harman, Diggory Seacome, Angie Boyes, Mike Collins, Roger Whyborn, Dennis Parsons, Jo Stafford and Simon Wheeler

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	PUBLIC QUESTIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
4.	MINUTES OF THE PREVIOUS MEETING To approve the minutes of the last meeting held on 04/03/20	(Pages 3 - 12)
5.	RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE Mr Francisco JR Calizon - PHD049	(Pages 13 - 14)
6.	PARTITION SCREENS IN LICENSED VEHICLES Report of the Licensing Team Leader	(Pages 15 - 26)
7.	BRIEFING NOTE : LICENSING RESPONSE TO COVID-19 Licensing response to Covid-19	(Pages 27 - 36)
8.	REVIEW OF PREVIOUS DECISIONS	
9.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION	

10.		DATE OF NEXT MEETING 2 September 2020	

Contact Officer: Claire Morris, Democratic Services, 01242 264130
Email: democratic.services@cheltenham.gov.uk

Licensing Committee

**Wednesday, 4th March, 2020
Times Not Specified**

Attendees	
Councillors:	David Willingham (Chair), Paul McCloskey (Vice-Chair), Tim Harman, Diggory Seacome, Angie Boyes, Mike Collins, Dennis Parsons and Simon Wheeler
Also in attendance:	

Minutes

1. **APOLOGIES**
Apologies were received from Roger Whyborn and Jo Stafford
2. **DECLARATIONS OF INTEREST**
There were no Declarations of Interest.
3. **PUBLIC QUESTIONS**
There were no public questions.
4. **MINUTES OF THE PREVIOUS MEETING**
Minutes of the meeting held on 4/12/19 were accepted and signed as a true and accurate record.
5. **MINUTES OF SUB COMMITTEE MEETINGS**
Minutes of the Sub Committee meeting on the 5/02/20 were accepted and signed as a true and accurate record.
6. **APPLICATION FOR PERMISSION TO PLACE AN OBJECT ON THE HIGHWAY - 'A' BOARD**
The Chair explained the process to the applicant.

The Senior Licensing Officer then presented his report. He verified that the detail in the report issued prior to the meeting stated that the dimensions of the A board were 94 cm not 940 cm as was in the report. He also clarified the proposed position of the board by use of a map. He clarified that as the board in question was a swing board and not an A board that the board was in breach of policy.

The decision to be made by the Committee was as follows:

- Approve the application because Members are satisfied that the location is suitable or
- Refuse the application because it does not comply with the provision of the Street Scene policy.

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This application was referred to Members as it does not comply with policy as it is a swing board and it was in a conservation area, this is a side alley not a public right of way.

It was also stated that on a policy note the proposed position was not on a highway so therefore if it was approved no licence fee would apply.

The Members then raised the following points to the Senior Licensing Officer:

- Further clarification was requested as to where the board would be on the map.
- Is there a good reason why a swing board rather than an A board would not be approved
- It was discussed that the shop does have frontage and the area for the board was on the private alleyway between Montpellier Street and Montpellier Walk.

The Senior Licensing Officer then confirmed that the applicant does fall foul of the policy as it is a conservation area. He also referred members to point 3.3 of the policy (which has been adopted by Council) which states that a board must not have moving parts.

The Applicant then clarified that she had no further questions for the Officer and also gave some background as to the application. She stated that the shop opened in June and that she (as manager) was given the board by Head Office to put outside the premises. She stated that until recently she was not aware of the difference between an A board and a swing board. She said that the idea of the board is that when people go through the walkway the front door is not visible, however the frontage and the side of the shop on Montpellier Street are very visible.

Members then asked the following questions:

- Why do you require a board when the shop front is at street level? Didn't feel it was valid to say people wouldn't know the shop was there
- Are you a destination shop ie do customers just wander in off the street to look at a kitchen?

The applicant replied that the board was provided by Head Office as all the other stores in the chain have them and that she believed that about a third of their trade on a Saturday was people who were just passing.

The matter then went to Member debate and the following points were raised:

- Do we like the design of the swing board and is it in keeping with the area?
- Is it an appropriate place for it to be as there are other A boards in that part of town?
- Someone had walked to the shop and had no difficulty in seeing the shop front from the street.
- It was also mentioned that Cheltenham now has lots of A boards that don't comply with the policy and that there is blatant advertising going on and suggested that this might not be what the Council want.

- Shame that the board doesn't comply but it is your business to make sure that the shop front is visible.
- It was suggested that other A boards in Montpellier have been approved so maybe the applicant could re apply with an A board rather than a swing board.
- A problem was raised in that maybe there was not enough enforcement being carried out around A boards however it was pointed out that the Enforcement Officer has been successfully engaged in prosecution of taxi drivers.
- The proposed placement of the board was discussed and was agreed that the right board would not impede the impaired.
- There was a blitz on A boards approximately 10 years ago and is it time for another one – although Members are aware that there may not be sufficient Enforcement Officers to cover this.

The Senior Licensing Officer then stated that the Licensing Team leader has agreed that post Cheltenham Festival there will be a review on the policy regarding A boards.

The applicant confirmed that nothing had been missed but made the following points:

- Questioned whether it was worth applying for an A board or would that be refused too.
- Pointed out that the board is aimed at people walking through the walkway as customers have difficulty finding the store and have to park and walk.

The Chair then went to the vote on issue 1.7.1 – **Approve the application because the Members are satisfied that the location is suitable.**

Vote :

In Favour 0
Against 8 (unanimous)

The chair then referred the applicant to the online policy regarding compliancy. He also confirmed that Licensing will send a copy of the policy and the decision to her. He also suggested that they might like to address the matter with BID to see if they can assist.

7. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY

There was no representation from the applicant.

The Senior Licensing Officer presented the report – the permission was for 4 tables and 8 chairs as in Appendix A & B of the agenda. An objection had been received from Fone World on the basis that the space left if permission is granted is less than 1.8 metres.

Its was also noted that the measurements provided by the applicant are incorrect.

The recommendation was that the application be refused as the amount of room that will be left on the pavement is only going to be 1.3-5 metres.

Members then made the following points:

- If they had applied for 2 tables and 4 chairs would that be acceptable?
- Requested that the applicant be notified that 1 table might be acceptable as with the proposal people will have to step off the pavement to get round them.
- Asked that applicant had been questioned where their figures had come from
- It was discussed that it is going to leave too narrow a gap for wheelchair users and as it was an area used by buses they needed to be mindful of that.

The Senior Licensing Officer then clarified that the applicant had been contacted regarding their measurements and that no response had been received.

The Chair then moved to a vote on item 1.4.1 of this agenda item – **“Grant the consent because the application is compatible with the current Street Scene Policy”**

Vote

For grant 0
Against 8 (unanimous)

The application was therefore refused.

8. RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE - MR KEVIN GAMBLE - HCD002

Please note Councillor Parsons left the meeting prior to this report.

The Chair explained the process to the applicant.

The Senior Licensing Officer explained that the applicant put in his application to renew his licence on 4th February 2020 and has a 2 month grace period to complete the process. The issues were that the applicant has 9 points on his licence that had not been declared within the required time scale (the time scale is within 7 days of the points being awarded) and he did not fully declare his points on renewal.

The options to the Committee were given as follows :

- Grant the application for a Hackney Carriage driver's licence with no further action as he remains to be a fit and proper person
- Grant the application for a Hackney Carriage driver's licence as he remains to be a fit and proper person but that he be issued with a formal written warning
- Refuse the application for a Hackney Carriage driver's licence as he is no longer deemed to be a fit and proper person to hold a licence.

It was explained that if the application is refused then there is a right of appeal to the Magistrates Court.

It was also stated that the applicant was not a new driver and does have experience and should know the process. The minutes of the meeting in 2010 (when the applicant) was last in front of the committee were circulated but the Senior Licensing Officer re-iterated that this was an historic case that was decided at the Magistrates Court and that Members are unable to go behind that decision

The floor was then open to Members to ask for further information from the Senior Licensing Officer. The following points were raised:

- The reason for the applicant's points and Members were directed to the reasons outlined in the report.
- The Chair clarified that the actions that the Committee could take were on page 45 item 307 of the agenda.

The applicant was then asked if he had any further questions for the Senior Licensing Officer – he confirmed that he didn't and the Chair then gave him the opportunity to make his case.

The applicant then explained the following:

- That as a taxi driver most of his work was on airport runs.
- He stated that if his licence is not renewed then it would cause severe financial hardship to himself and his wife, both their cars are on finance and would have to go back then as his wife is a carer she will not be able to work.
- He stated that he had forgotten about the first points he was awarded and couldn't remember where he got them.
- The second points were from a trip back from Wolverhampton with his wife and the third ones were from a trip from Oldham – both were in average speed areas where the average speed was 50 mph. On neither occasion did he have a customer.

The Members were then given the opportunity to question the applicant. The Chair also confirmed that the committee was not there to re-try the applicant for his previous offences.

The following issues were raised by Members with the applicant:

- Why didn't you report the points when you were awarded them?
- Has the policy changed since the previous time the applicant was taken to committee in 2010
- If the applicant had been a driver since 2004 why was he not aware that he needed to be declaring his points?
- All offences are speeding offences and we could all be guilty of going over 50mph.
- As these are fixed penalty offences has the applicant had to do a speed awareness course and does his vehicle have cruise control or a speed limiter.

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- Concern was raised that whereas the applicant hasn't had any accidents there seems to be a pattern in his behaviour.
- It was pointed out to the applicant that he had 9 points in October and had they been brought to the committee then they could have revoked his licence but now they have to decide if they can refuse to renew.

The applicant responded that he thought he had to declare his points on application for renewal, the applicant also stated that he had a problem with the online form as he was not computer literate he could only manage to enter one lot of points. The applicant confirmed that he had already been on a speed awareness course and that he did not have cruise control or a speed limiter in his vehicle. He stated that he had no excuses and that he should have been more aware of the speed limits. Since then he has been much more aware of the speed limits.

The matter then went to debate:

- One Member stated that the issue to decide was would you be happy to have a family member go in his car? Is he a right and proper person to have a licence? Does not reporting the points mean that he is unsafe? Re-iterated that Members are not there to punish but did point out that another 3 points and the applicant could lose his licence altogether.
- One Member questioned if a warning letter was issued would a breach of the conditions mean that he would lose his licence immediately. One Legal confirmed that this would not be the case.
- One Member raised that failure to notify does not make him a bad person but did have a problem in that the applicant should have noticed the temporary speed signs as the implications of going above 50mph on a motorway could be significant.
- The point was raised by another Member that not declaring the points could show a lack of honesty on the applicants part.
- Lack of awareness was an issue too, why hadn't the applicant noticed that he was in an average speed area?
- One Member raised that the average speed limiter on a motorway is there for a reason: to protect the work force, this means there could be narrower lanes and the safety of the work force becomes an issue. It was also stated that as the applicant had previously been to the Committee and eventually the Magistrates court they were very surprised that the applicant had forgotten the process.
- The question was raised regarding the cost of the driving test that the applicant would have to take if that was what was decided. The Senior Licensing Officer confirmed that the cost would be approx. £100 for the Diamond Driving Test that the applicant would have to take.
- It was raised that perhaps the applicant taking the test would force him to break the pattern that he seems to be in.
- One member stated that one set of points were due to be removed from the applicants licence in approximately 2 weeks time.
- During the period between 2010 and now the applicant would have had to apply several times, were his points status checked during that time? The Senior Licensing Officer confirmed that they would have been.

The applicant was then asked by the Chair if he had anything further to add.

He re-iterated his financial situation and said that he had taken everything on board and was now much more aware of his speed.

The Chair then went to a vote:

1.4.1 – Grant the application for a Hackney Carriage driver’s licence with no further action as he remains a fit and proper person.

**0 in favour
7 against.**

1.4.2 – Grant the application for a Hackney Carriage driver’s licence as he remains to be a fit and proper person but that he be issued with a written warning.

**0 in favour
7 against**

An amendment to 1.4.2 was proposed as follows – Grant the application for a Hackney Carriage driver’s licence as he remains to be a fit and proper person but that he be issued with a written warning. The applicants grant will be subject to the applicant completing and passing a Diamond -enhanced drivers test within 2 months of the committee decision.

**7 in favour
0 against**

The applicant was then advised that until he passes the test he would not be able to drive. He was also advised that he could take the test outside Gloucestershire. The applicant was reminded that he should contact Licensing immediately by email should he receive points again.

9. RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE - MRS JUDITH TIMUR - HCD006

The Chair explained the process to the applicant.

The Senior Licensing Officer then explained that the applicant holds a Hackney Carriage drivers licence which was due for renewal on 29 December 2019.

The applicant has had a number of penalty points on her DVLA driving licence that she failed to notify the council of within the required timescales.

In light of the above the applicants Hackney Carriage driver’s licence was being referred to the Licensing Committee for a review to determine if she is a fit and

proper person to hold a Hackney Carriage driver's licence in the light of the fact that:

- The applicant has points on her DVLA driving licence
- She failed to notify the Council of these within the required timescales as outlined in the Council's licensing policy.

The Senior Licensing Officer confirmed that the applicant has not been to the committee before.

The applicant confirmed that she had no questions at this stage.

The applicant then made the following points:

- The car was purchased by her for her brother and that it was so her brother could get to work as a long distance lorry driver. The points were awarded in Cardiff town centre on New Years day, when notification of this was received her brother could not be contacted as he was driving in Europe. It appeared that the keys of the vehicle were left in the yard at his work place so anyone could have been driving the car.
- The applicant contacted Cardiff police and explained the case – she thought that it had been dropped when she received a summons to attend court. She attended the court and made her case however the prosecution wanted to continue with the case and she was awarded 6 points.
- The applicant was being treated for stress at the time and cares for her elderly mother along with her sister and when the points were awarded she struggled to come to terms with it and buried her head in the sand.
- The applicant explained that at the time it was low down in her concerns and she only drives when her husband is away.

Members were then given the opportunity to question the applicant and the following points were raised:

- It seemed that the applicant was a victim of unfortunate circumstances.
- Had the applicant had points before? The applicant confirmed that she had but they had long been removed from her licence.
- There were some concerns about the safety of people having access to other peoples vehicles.

The applicant had nothing further to add so the matter then went to Member debate.

- The general consensus was that there should be some action taken but that it would be dispassionate to refuse the licence.

The applicant then thanked Members for their time.

The chair then went to a vote as follows:

1.4.1 - Grant the application for a Hackney Carriage driver's licence with no further action as she remains to be a fit and proper person

**0 in favour
7 against**

1.4.2 – Grant the application for a Hackney Carriage driver’s licence as she remains to be a fit and proper person but that she is issued with a formal written warning

**7 in favour
0 against**

This was then carried.

The chair stated that on the back of the 2 cases that they heard was it worth issuing a reminder to all drivers regarding when they get points on their licences.

The chair took the opportunity to thank everyone involved with the licensing committees and the licensing team for their hard work as he is up for re election in May – he hopes to be back both as councillor and as chair.

10. REVIEW OF PREVIOUS DECISIONS

There were no matters to review.

11. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

There were no items determined urgent.

12. DATE OF NEXT MEETING

3rd June 2020

David Willingham
Chairman

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- 3.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the Licensee/Applicant and the risks to the safety and comfort of the public.
- 3.2 Each case will be decided on its own merits. The Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
- 3.3 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.
- 3.4 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

4. Licensing Comments

- 4.1 The Committee must be satisfied that Mr Calizon remains a fit and proper person when considering his application for a Private Hire Driver's licence.
- 4.2 Details of Mr Calizon's convictions along with the relevant policy provisions are contained in the enclosed background papers.
- 4.3 Members are to note that Mr Calizon's did not report the offences to the licensing section at the time of the offences, and did not declare these on his renewal application form.
- 4.4 Mr Calizon has been sent a copy of this report and invited to attend this meeting to speak in support of his application and to answer members' questions or to be represented. In considering the application on its own merits Members should have regard to the adopted Probity Guide.

Background Papers

Service Records

Report Author

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
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Cheltenham Borough Council

Licensing Committee – 24 June 2020

Partition Screens in Licensed Vehicles

Report of the Licensing Team Leader

1. Executive Summary and Recommendation

- 1.1 The authority consulted on a draft policy on installing partition screens in licensed vehicles to help protect licensed drivers.
- 1.2 Consultation with the taxi and private hire trade was undertaken between the 1st and 12th of June 2020. A breakdown of feedback from the trade is outlined in paragraph x of this report.
- 1.3 This report gives the committee an opportunity to consider the consultation feedback, to make further comment and observations in relation to this feedback, and, subject to this, make recommendations for adoption of this policy.
- 1.4 **The Committee is recommended to:**
 - 1.4.1 **Note the consultation feedback;**
 - 1.4.2 **Amend the draft policy as appropriate in light of the consultation feedback; and**
 - 1.4.3 **Subject to 1.4.2, make recommendations in relation to the adoption of the draft policy at Appendix A.**

1.5 Implications

1.5.1 Legal	<p>One Legal</p> <p>E-mail: legalservices@tewkesbury.gov.uk</p>
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2. Background

- 2.1 The Covid-19 pandemic has been particularly severe on the livelihoods of hackney carriage (taxi) and private hire licence holders. In order to assist the trade’s recovery, the council consulted on a draft policy on installing partition screens in licensed vehicles.
- 2.2 A copy of the draft policy is attached at Appendix A.
- 2.3 As outlined in the draft policy, there is recognition that partition screens do not provide 100% protection but equally recognises that evidence suggests this type of physical barrier can reduce the rate of transmission.
- 2.4 The purpose of the policy is to provide drivers with physical protection against transmission of the virus in their workplace, to provide protection for passengers, and to, more generally, provide public confidence and assurance.

3.1 In total, 51 were received. The feedback can be broken down as follows:

Number of responses in favour	8
Of these, those in favour of mandatory requirement	2
Of these, those not in favour of mandatory requirement	6
Number of responses opposed to screens	35

4. Current proposals

4.1 It is not proposed that the installation of partition screens be made mandatory. The majority of the consultation feedback did not support a mandatory policy.

4.2 There are a number of reasons why respondents did not support a mandatory policy. Broadly speaking, the issues raised related to:

- a) Not all licensed vehicles do the same work and in some cases, such as Cotswold tours or executive airport transfers, a screen will be detrimental to business.
- b) Some drivers reported that their insurance providers would not allow such screens to be installed.
- c) Drivers pointed out that other means can be employed such as PPE and regular cleaning.
- d) The design of certain models of vehicles means that safety and other features such as side impact airbags, air conditioning and sunroofs will be affected by partition screens.
- e) Many licensed vehicles are also used as the main family vehicle and partition screens would not be appropriate for this.

4.3 Officers recognise that a discretionary policy will mean that screens are installed in some vehicles and not others. Whilst in principle there would not be an issue, in practice this will mean some passengers may not want to travel in vehicles with no screens.

4.4 This will be less of an issue in the context of private hire licensing since private hire vehicles must be pre-booked and the passenger can therefore request a vehicle installed with a partition screen.

4.5 The issues is slightly more complicated with public hire vehicles. However, passengers are not obligated to accept the first vehicle on a taxi rank. They are fully entitled to exercise their right of choice. Therefore, they can chose to travel in hackney carriages installed with protective screens.

5. Further Guidance

5.1 The LGA have issued some guidance on the installation of protective screens in licences vehicles. This guidance is available on the LGA website (<https://www.local.gov.uk/approaches-use-screens-private-hire-vehicles-phvs-and-taxis-during-covid-19-pandemic>) or an electronic copy is attached at Appendix B.

5.2 There is no official guidance from the Department for Transport on the installation of protective screens in licensed vehicles.

Report Author

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Partitions or screens in Hackney Carriages or Private Hire vehicles

Introduction

1. Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are commonly installed in purpose built hackney carriages as a safety feature to protect the driver from physical attacks or theft. There has been an increase in interest of the use of screens as a way of providing physical separation between drivers and passengers in order to reduce the transmission of COVID-19.
2. Purpose built hackney carriages are already fitted with partitions between drivers and passengers. However, licensed saloon vehicles do not have partitions/safety screens installed. There are a wide variety of different makes and model of these vehicles licences in Cheltenham.
3. Whilst a partition screen between drivers and passengers will not provide 100% protection against transmission of the coronavirus, evidence shows that the use of physical barriers is effective in lowering the rate of infection and spread of the virus.
4. Whether a partitions or screens should be installed is a matter for vehicle owners, drivers and/or operators to consider.
5. This policy outlines the authority's policy on the installation of partitions or screens in hackney carriages or private hire vehicles. Any queries can be directed to licensing@cheltenham.gov.uk.

Specification

The partition or screen:

1. must comply with the Road Vehicle (Construction and Use) Regulations.
2. must be professionally and securely fitted and maintained in accordance with the manufacturer's instructions. Certification from the fitter must be obtained to certify the safety of the installation and confirmation it has been fitted to manufacturers standards.
3. should be constructed with a transparent polyvinyl chloride (PVC) or polycarbonate and be of firm or sold design.
4. should not impede the driver's vision, movement, or communication with passengers.
5. should not impede driver or passenger access or egress to the vehicle.
6. must be fitted in such a way so as not to affect the structural integrity of the vehicle or interfere or affect any manufacturer fitted safety equipment or features including headrests, seatbelts, airbags, egress points, CCTV.
7. must not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
8. must not affect the ability of the vehicle to be properly insured for the purpose of carrying persons for hire and/or reward.
9. must not adversely influence or interfere in any way with vehicle type approval.

10. should not be significantly changed or modified from the original manufactured design. In cases where it is necessary to modify the original design of the device (for example, to facilitate installation of the device in the vehicle), assurances should be sought from the supplier/installer that the modification does not raise any concerns in relation to safety of the device and complies with the relevant UK and/or EC safety legislation.
11. should remain clear and be free of scratches, clouding or stickers which would impede the drivers or passengers' visibility.

Approval Procedure

In accordance with the conditions attached to private hire and hackney carriage vehicle proprietors licences, permission must be sought prior to any vehicle alternations including installation of a partition or screen in any vehicles licensed by Cheltenham Borough Council.

Permission can be sought by completion of the correct form and returning it to the authority by email to licensing@cheltenham.gov.uk.

The authority reserves the right to seek any additional information that it might require including, but not limited to:

1. Technical specifications on any partition or screen installed;
2. Written confirmation that any partition or screen installed has been done so professionally and in accordance with the manufacturers requirements and specifications;
3. Confirmation that the vehicle's insurance cover has not been affected by the installation of the partition or screen; and/or
4. Written confirmation from the vehicle's manufacturer that the installation of the partition or screen does not compromise the integrity of the vehicle structure.

Proposed Form

Proprietor Name:	
Vehicle Registration Number:	
Vehicle Licence Number:	
Description of partitions or screens:	
Please send us the technical specification or manufacturer's specification.	
<p>Declaration:</p> <ol style="list-style-type: none"> 1. This authority is obligated to process information fairly and lawfully. I understand that the council will process the information I have provided on this form in accordance with the relevant privacy statement available at https://www.cheltenham.gov.uk/your-data. 2. I confirm the installation, design and maintenance of the partitions or screen will be in accordance with Cheltenham Borough Council's policy and requirements. 3. I confirm I have notified my insurers of the material alteration to my licensed vehicle and it has been confirmed that my insurance for carrying passengers for hire and/or reward has not been affected by this alteration. 	
Date:	
Signature:	

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Approaches to the use of screens in private hire vehicles (PHVs) and taxis

Brief guidance note



Purpose

Councils have been receiving queries from taxi and private hire vehicle (PHV) drivers and operators about the use of temporary screens or partitions as a way of providing physical separation between drivers and passengers in order to reduce the transmission of COVID-19.

Whilst we have asked the Department for Transport (DfT) to give licensing authorities a clear steer on the installation of screens to support consistency, in the absence of this, it will remain a decision for individual licensing authorities and local operators.

However, there is currently limited evidence about the effectiveness of temporary screens in reducing the risk of transmission of COVID-19. There is also a lack of clarity about the safety of fitting these types of screens in vehicles. This has created a challenge for authorities who are being asked to approve the fitting of screens.

To support authorities in considering this, this note signposts councils to relevant general guidance, as well sharing approaches taken by authorities which have taken a position on the use of screens.

This is an area that is developing quickly, and we will update this note as necessary.

Overview of government guidance

With a gradually easing of coronavirus restrictions underway in England, government has published updated [guidance for those operating transport services](#) which is relevant to all taxi and PHV licensees and [specific guidance](#) for those using taxi and private hire services. The DfT has also published [a set of taxi and private hire Q & A's](#) which includes questions around the use of PPE and protective screens. The DfT's position is that it will be up to individual authorities and operators to decide whether screens should be used, based on a risk assessment.

The Driver & Vehicle Standards Agency's (DVSA) Vehicle Approvals Technical Team have indicated that, if the vehicle has been approved then the temporary fitment of partitions would not invalidate that approval, if the vehicle was registered. It is important to note, whilst adaptations are permitted, this does not mean that it is safe for the passengers.

DVSA have advised that authorities should look at the suitability of the screen material to The Road vehicle (Construction and Use) Regulations 1986 and whether it has an effect on side curtains, side seat air bags, seat belt restraint systems or any other safety systems if these are fitted.

Approaches to the use of partitions or screens in taxis and PHVs

In the absence of more detailed guidance from DfT, a number of authorities have set out position statements or guidance for their local trade.

Given the lack of evidence about the efficacy of screens in preventing transmission of COVID-19, and the apparently limited safety testing of these products, there is a judgement

call to be made by authorities about whether their use should be permitted, and if so under what conditions.

Operators should be able to evidence that a product complies with government and industry regulations, as well as any additional requirements the licensing authority has.

The following may be a useful starting point when considering what local requirements around the use of screen could include:

- Assurance that a product is compliant with government and industry regulations, for example the Road Vehicle (Construction and Use) Regulations and relevant safety, UK and European Community (EC) legislation.
- Evidence that the product has been tested to relevant EU standards and approved by appropriate certification organisation.
- Directions about how screens should be fitted, for example by a professional in accordance with the manufacturer's instructions.
- Specification of what screens should be constructed of, for example PETG (Polyethylene Terephthalate Glycol-modified) or polycarbonate.
- That screens do not impede the driver's vision, movement, or communication with passengers, or the driver or passenger access or egress to the vehicle.
- Insurers should be notified of any modifications made to the vehicle.
- Confirmation from the manufacturer that the installation does not compromise the integrity of the vehicle's structure and safety features

Prior to installing a screen, drivers should be encouraged to contact the licensing authority to check that they will permit the installation and ensure that the screen and installation will meet their requirements.

The following examples demonstrate how different authorities have sought to balance this:

Transport for London

Transport for London (TfL) have issued [a notice](#) for licensees which provides advice and guidance for licensees around the use of Personal Protective Equipment (PPE) and screens which has been informed by advice from the London Scientific and Technical Advisory Cell (STAC).

Manchester Council

Manchester have temporarily allowed vehicle owners to fit screens but accept no liability.

https://www.manchester.gov.uk/info/200094/taxis_and_private_hire/7954/Coronavirus_updates_for_Taxi_and_Private_Hire_Licensing/9

Durham, Sunderland and Newcastle Councils

Three authorities in the North East have developed a regional approach to the fitting of screens.

<https://www.durham.gov.uk/article/23316/Installing-temporary-protective-screens-in-taxis>

Briefing Notes

Committee name: Licensing Committee

Date: 24 June 2020

Responsible officer: Licensing Team Leader

This note contains information to keep Members informed of matters relating to the work of the Cabinet or a committee but where no decisions from Members are needed.

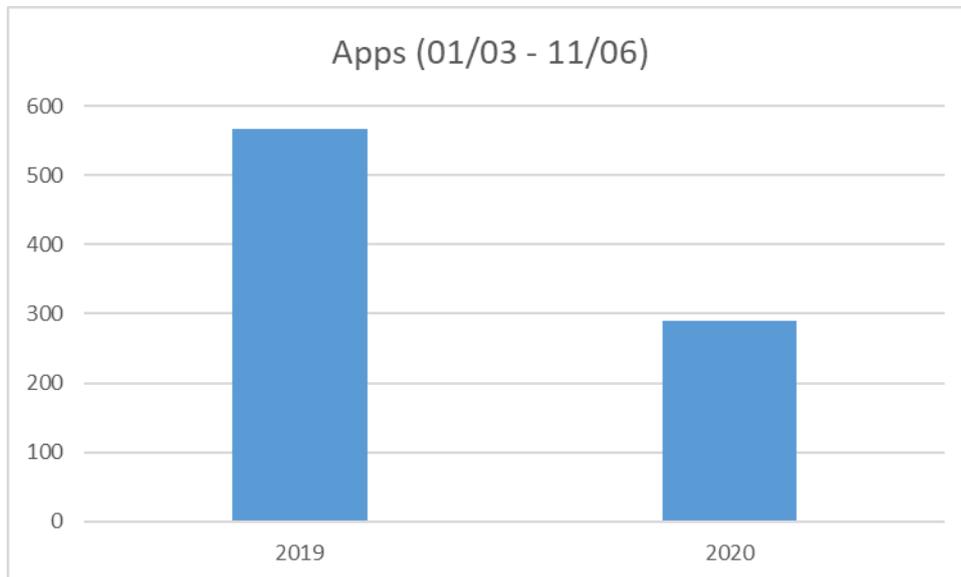
If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

Licensing response to Covid-19

This briefing note is to update Members of the Licensing Committee on the licensing section's operational response to the implications of the pandemic.

Operational Implications

Since the Government's lockdown and restrictions regulations were implemented in March, the licensing section saw an immediate downturn in licensing activity. Many of the businesses impacted were licensed such as bars, clubs, restaurants, street traders, markets etc.



This coupled with the closure of the Municipal Offices and officers exclusively working from home meant that very quick service delivery changes had to be implemented to ensure we were able to continue delivering the service remotely.

Thanks to the hard work of licensing officers, particularly Jason Kirkwood, Freya Gill and Phil Bowen, the licensing section was able to adopt very quickly and the disruption to service delivery was minimal.

A number of service areas needed to be changed and some halted all together.

Vehicle MOTs	<p>The requirement was temporarily suspended in line with Government advice and in response to approved testing stations closing.</p> <p>The requirement has been re-instated but a small number of vehicles still need to provide up to date MOT certificates by the deadline of 30 June.</p>
Driver medical	<p>The requirement was temporarily suspended in response to GP practices not being able to carry out medical check-ups.</p> <p>The requirement has now been re-instated but a small number of driver still need to provide up to date medical certificates by the deadline of 30 June.</p>
New taxi/PH driver applications	<p>New taxi and PH driver applications remain suspended because officers cannot verify documents safety and are unable to do mandatory driver training.</p>
Licensing enforcement	<p>The licensing enforcement officer was seconded to the cemetery and cremation service and the virtual call centre to support vulnerable people.</p> <p>The downturn in licensing activity also impacted on the need for enforcement resource. However, Sarah will shortly be brought back as we prepare for more licensed venues opening in July.</p>

Policy Changes

The following licensing policy changes were approved:

- Urgent Licensing Policy Changes:
<https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1352>
- To reject the Cheltenham Taxi Drivers Association's request that, in light of the impact of the coronavirus pandemic on the licensed trade, the implementation date of the adopted wheelchair accessible (WAV) policy for hackney carriages be reviewed:
<https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1362>
- Temporary changes to Street Scene Licensing Policy: **TBC**

Recovery Plan

As the service is moving from response to recovery, a licensing and night-time economy recovery plan has been developed to support the corporate recovery strategy.

A copy of the licensing recovery plan is attached at Appendix 1 of this briefing note. The plan and approach has been approved by the Cabinet Member for Development & Safety.

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Members can find more information on the licensing recovery work on the council's website:
<http://www.cheltenham.gov.uk/licensed-premises-recovery>.

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Cheltenham Borough Council Recovery – Workstream Scoping:

Recovery Workstream:	Business, ENTE & licensing
Lead Officer:	Louis Krog
Workstream Purpose & Objective:	<p>To support the licensed, hospitality and leisure sector’s recovery from business closure and restriction regulations to enable them to trade in a safe and sustainable manner.</p> <p>This work stream is a subset of the wider Economic Development recovery plan and the wider corporate recovery plan(s).</p>
Priority work	<ol style="list-style-type: none"> 1. Review policy in relation to use of public realm for licensable activities including any permission from GCC Highways 2. Published guidance and online resource for businesses planning opening in line with Government plans to ease restrictions in June and July 3. Licensed & ENTE business survey and comms strategy
Workstream Scope:	<p>What is in scope:</p> <ul style="list-style-type: none"> • Review of licensing policy to identify and address barriers to recovery: <ul style="list-style-type: none"> - We will seek to implement policy measures that encompasses a review of the use of the public realm as a whole to facilitate business reopening and trading with adequate public safety measures. This will include: <ul style="list-style-type: none"> - Significantly increasing the footprint for the use of tables and chairs in the public realm - Working with GCC to identify roads that could be closed to vehicular traffic to better utilise the public realm as a means to support business recovery - Review restrictions on advertising structures (in so far as we have discretion to do so) to support recovery - Review the ENTE Strategy to include a recovery work stream with a strong focus on marketing Cheltenham’s ENTE (Marketing Cheltenham) - We will work with responsible authorities and other statutory consultees to support the council’s approach to recovery (in so far as there is discretion to do so) • Provide businesses with advice on how to comply with the law in relation to public health measures in their business: <ul style="list-style-type: none"> - We will draw up clear and practical public health advice for

businesses that will include easy to understand public health measures they could take to operate safely.

- We will draw up clear and practical advice on drawing up public health risk assessments for businesses.
 - We will make this advice and advice notes easily available on our website and through other appropriate means utilising relevant partners. (link with Communications)
 - We will provide businesses with the ability speak to qualified officers for further advice and guidance on a range of regulatory issues.
 - We will review training arrangements to maximise access to training including access to the council's Level 2 licensing training
- Review sustainability of **Cheltenham Safe** as a crucial partner in supporting Cheltenham's ENTE:
 - **Licensing inspections** will be reviewed with the aim of supporting business to compliance and minimising unnecessary burdens.
 - Where there is discretion over inspections undertaken by the council, we will review these with the aim of reducing the administrative burden on businesses by reviewing our risk register for business and/or any avoidable duplication.
 - We will review our correspondence with businesses to ensure the emphasis is placed on plain and practical advice to support improvement and compliance.
 - We will follow the guidance of the relevant government agencies relating to the delivery of statutory inspections e.g. for food safety and health & safety, and ensure these are undertaken with the minimum level of risk to businesses and CBC staff.
 - **Licensing pre-app** could be implemented to support businesses with recovery and reviewing operating schedules to adapt.
 - We will use our established pre-app procedures to support businesses seeking to make changes to licences and operating schedules in order to operate in a safe and sustainable manner.
 - **Regulation** - To take action against those businesses who cannot demonstrate that appropriate safety measures are place. This will ensure fairness and a level playing field for those businesses who are compliant.
 - **Licensing fee(s)** arrangements will be reviewed to identify opportunities to support businesses through payment deferrals, grants (where available) or other arrangements as circumstances dictate.

- We will be flexible in the way we administer and operate **licensing committee hearings** to respond and be sensitive to the plans outlined in this plan other the wider recovery planning by the organisation.
- **Communication** to communicate clearly the work in this work stream and to give businesses access the work undertaken.
 - Engagement with the licensed trade either through video conferencing or through targeted email/correspondence to make them aware of the following:
 - The economic support packages available to them to keep their businesses solvent during closure
 - The recovery planning which CBC is undertaking
 - The potential for businesses to use public realm space for trading, where social distancing cannot be undertaken within those premises.
 - Providing the latest updates on easing of lockdown measures applicable to the licensed trade
 - We will work with internal comms and other partners (BID, Cheltenham Safe, Food Standards Agency, Public Health England, HSE etc.) to ensure clear communication channels with businesses to assist with recovery and access to information.
 - There is potential for a big change of attitude from customers around gatherings in confined spaces, even after lockdown measures have been removed. For venues to be successful, they will need to demonstrate to the public that their safety can be assured whilst visiting those premises. I feel that if people have doubts about venues they will stay away from them. We need to find ways of working with venues to ensure public safety (this could involve input and visits from health and safety officers).
 - Send out a questionnaire to be sent to licensed premises asking them to list their current concerns and what they consider could be done by relevant authorities to address those concerns. It could also be useful to hear what plans are being made by the larger venues which are operated by companies such as Stonegate, M & B and the like.
 -
- **Marketing strategy** - Marketing, especially around public safety will be paramount and we should be using Purple Flag and possibly reinstating BBN to reinforce the message that a night out in Cheltenham will be a safe one. This would involve Marketing Cheltenham and the BID.
- **Third sector** - including third sector groups such as the Street Pastors and Cheltenham Guardians in our recovery planning.

	<ul style="list-style-type: none"> • Public transport – as part of the ENTE. Measures to ensure public transport is safe. <p>What is out of scope:</p> <ul style="list-style-type: none"> • Implementation of taxi WAV policy as Cabinet confirmed by Cabinet. 		
Workstream Stakeholders:	Stakeholder:	Organisation:	Relationship:
	Kevan Blackadder	Cheltenham BID	
	Bernadette Reed	CBC	Environmental & Public health advice including social distancing. Expertise in food safety
	Sadie Hawson	CBC	Animal licensing Beauty sector registrations H&S At Work
	Colin Pilsworth	Cheltenham Safe	
	David Jackson	Marketing Cheltenham	
	Mike Redman	CBC	Director with responsibility for licensing and ENTE
	Cllr Andrew McKinlay	CBC	Cabinet Member with responsibility for licensing and policy
	Local area highways manager	GCC Highways	Responsible highways authority
		Street pastors, university, guardians	Voluntary sector partners
	Cllr David Willingham	CBC	ENTE champion and chair of licensing committee
How will success be measured/quantified:	<p>Overall – success will be measured through the ability of the council to support businesses being able to open for business, to do so safely and quickly adjust to the challenges of trading sustainably under current restrictions.</p> <p>Quantified through the number of businesses:</p> <ol style="list-style-type: none"> 1. accessing information and services outlined in this plan 2. that have accessed pre-app support to adapt their business practices 3. that have taken up training through the council to support recovery 4. absence of ill health, accidents or complaints relating to this sector 		

	<p>And</p> <ol style="list-style-type: none"> 1. Extent of policy measures implemented to support this recovery plan
<p>Resources needed:</p>	<p>Regulatory and enforcement resource including:</p> <ul style="list-style-type: none"> • Officers authorised under HASAW to enforce non-compliance and officers qualified in the principles of risk assessments to ensure accurate targeted advice free from ‘Gold plating’ • Physical measures e.g. hand washing and sanitising stations, signage etc.
<p>Description of any risks including likelihood & impact score:</p>	<ul style="list-style-type: none"> • If businesses are not given fair and consistent advice, it will impact their ability to trade safely and competitively and increase the demand on council regulatory/enforcement resources. • If Gloucestershire County Council as highways authority is not supportive of the measures outlined in this plan, it will severely impact on this plan’s effectiveness. • As a public health emergency, if there is insufficient officer resource to advise on, and assist with, public and health and safety measures, the effectiveness of this plan will be diminished. • If backbench Members are not fully briefed and supportive of the steps outlined in this plan, there is a risk that some measured could not be implemented which will impact on the delivery and effectiveness of this plan.
<p>ELT Sign Off:</p>	

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