

Levelling-up and Regeneration Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

Schedule 18

LORD HOLMES OF RICHMOND

Schedule 18, page 388, line 8, at end insert –

“1A In section 1 of the 2020 Act (pavement licences), in subsection (5)(b), for “or maintained by Network Rail” substitute “and which is not publicly maintainable”.”

Member's explanatory statement

This amendment would ensure that pavement licences may not be granted over a privately-maintainable highway, where the highway is not vested in the highway authority but belongs to the owner of the subsoil.

LORD HOLMES OF RICHMOND

Schedule 18, page 388, line 23, at end insert “, together with any profit share, the maintenance fee and the cleansing fee.”

Member's explanatory statement

This amendment and the amendment in the name of Lord Holmes of Richmond at line 26 would enable the local authority to share in the additional profit accruing from a licence enabling the licensed business to trade on the highway, and to recharge to the licensee the cost of maintaining and cleansing the licensed part of the highway.

LORD HOLMES OF RICHMOND

Schedule 18, page 388, line 26, at end insert –

“(1C) In subsection (1A) –

- (a) “the profit share” is such sum as the person who applies for a pavement licence, as part of an entity employing more than 250 people, and the local authority may agree represents one half of the additional profits arising from the grant of the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement;

- (b) “the maintenance fee” is such sum as the person who applies for a pavement licence and the local authority may agree represents the cost of maintaining that part of the highway comprised in the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement;
- (c) “the cleansing fee” is such sum as the person who applies for a pavement licence and the local authority may agree represents the cost of sweeping and cleansing that part of the highway comprised in the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement.”

Member's explanatory statement

See explanatory statement to amendment in the name of Lord Holmes at line 23.

LORD HOLMES OF RICHMOND

Schedule 18, page 389, line 2, at end insert –

“(2A) In subsection (7), for “it is sent to” substitute “a receipt for the application is sent to the person who applies for a pavement licence by”.”

Member's explanatory statement

This amendment would cause the public consultation period to begin from the date on which the local authority sends a receipt to the applicant.

LORD HOLMES OF RICHMOND

Schedule 18, page 389, line 25, at end insert –

“8A (1) Section 5 of the 2020 Act (conditions) is amended as follows.

(2) After subsection (7) insert –

“(7A) The conditions to which a licence granted by a local authority may be subject include –

- (a) a condition that any furniture which may be placed on the highway under the licence must be removed from the highway at times when the premises are not open to the public;
- (b) a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must ensure that smoking or vaping does not affect others.”

(3) After subsection (8) insert –

“(9) But regulations under subsection (8) must not prevent a local authority imposing a condition, nor affect a condition imposed by a local authority for the purposes of subsection (7A)(b).””

Member's explanatory statement

This amendment would allow a local authority to require that furniture is removed from the highway when it is not in use, as well as imposing a condition to require the licensee to prevent smoke-drift affecting those in the vicinity.

LORD YOUNG OF COOKHAM
LORD FAULKNER OF WORCESTER
BARONESS NORTHOVER
LORD HUNT OF KINGS HEATH

Schedule 18, page 389, line 25, at end insert –

“8A In section 5 of the 2020 Act (conditions), after subsection (6) insert –

“(6A) Pavement licences may only be granted by a local authority subject to the condition that smoking is prohibited.””

Member's explanatory statement

The purpose of the amendment is to ensure that all pavement licences are smoke free.

After Clause 214

LORD MOYLAN

After Clause 214, insert the following new Clause –

“Duty to consult on the licensing of hackney carriages and private hire vehicles

- (1) The Secretary of State must consult such persons as the Secretary of State considers appropriate about the merits of amending Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (hackney carriages and private hire vehicles) such that only upper-tier authorities in England, outside of Greater London and the City of Plymouth, would become permitted to grant licences to –
 - (a) hackney carriages,
 - (b) drivers of hackney carriages,
 - (c) private hire vehicles,
 - (d) drivers of private hire vehicles, or
 - (e) operators of private hire vehicles.
- (2) In this section –
 - “upper-tier authority” means –
 - (a) a unitary authority, or
 - (b) a combined authority;
 - “unitary authority” has the meaning given in regulation 2(3) of the Local Government Changes for England Regulations 1994 (S.I. 1994/867);
 - “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.”

Member's explanatory statement

This new Clause would require the Secretary of State to consult within a reasonable timeframe on the proposal of the Government within its Levelling Up White Paper of February 2022 "...to explore transferring control of taxi and private hire vehicle licensing to both combined authorities and upper-tier authorities".

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