

Public Document Pack

Sefton Council 

MEETING: LICENSING AND REGULATORY COMMITTEE
DATE: 10th January 2022
TIME: 6.30 pm
VENUE: Ballroom - Bootle Town Hall, Trinity Road, Bootle, L20 7AE

Member

Cllr. John Kelly (Chair)
Cllr. Carran Waterfield (Vice-Chair)
Cllr. Susan Bradshaw
Cllr. June Burns
Cllr. John Dodd
Cllr. Gordon Friel
Cllr. Mike Morris
Cllr. Brenda O'Brien
Cllr. Mike Prendergast
Cllr. Michael Roche
Cllr. Yvonne Sayers
Cllr. Carla Thomas
Cllr. Anne Thompson
Cllr. Lynne Thompson
Cllr. Veronica Webster

COMMITTEE OFFICER: Amy Dyson Democratic Services Officer
Telephone: 0151 934 2045
E-mail: amy.dyson@sefton.gov.uk

See overleaf for COVID Guidance and the requirements in relation to Public Attendance.

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

COVID GUIDANCE IN RELATION TO PUBLIC ATTENDANCE

In light of ongoing Covid-19 social distancing restrictions, there is limited capacity for members of the press and public to be present in the meeting room indicated on the front page of the agenda at any one time. We would ask parties remain in the meeting room solely for the duration of consideration of the Committee report(s) to which their interests relate.

We therefore request that if you wish to attend the Committee to please register in advance of the meeting via email to amy.dyson@sefton.gov.uk by no later than **12:00 (noon) on the day of the meeting.**

Please include in your email –

- Your name;
- Your email address;
- Your Contact telephone number; and
- The details of the report in which you are interested.

In light of current social distancing requirements, access to the meeting room is limited.

We have been advised by Public Health that Members, officers and the public should carry out a lateral flow test before attending the meeting, and only attend if that test is negative. Provided you are not classed as exempt, it is requested that you wear a mask that covers both your nose and mouth.

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

- | | |
|--|-----------------|
| 3. Minutes | (Pages 3 - 6) |
| Minutes of the meeting held on 1 November 2021 | |
| 4. Local Licensing – Fees and Charges 2022/2023 | (Pages 7 - 16) |
| Report of the Head of Highways and Public Protection | |
| 5. St Luke's Church Road, Formby Definitive Map Modification Order - Receipt of Objections | (Pages 17 - 44) |
| Report of the Head of Highways and Public Protection | |
| 6. Molyneux Road area, Waterloo - results of consultation | (Pages 45 - 56) |
| Report of the Head of Highways and Public Protection | |
| 7. Determinations made under the Licensing Act 2003 and the Gambling Act 2005: period covering 8 October 2021 to 30 November 2021 | (Pages 57 - 66) |
| Report of the Head of Highways and Public Protection | |

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THIS SET OF MINUTES IS NOT SUBJECT TO "CALL IN"

LICENSING AND REGULATORY COMMITTEE

**MEETING HELD AT THE BALLROOM - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON MONDAY 1ST NOVEMBER, 2021**

PRESENT: Councillor John Kelly (in the Chair)
Councillors Waterfield, Blackburne, Burns, Dodd,
Morris, O'Brien, Prendergast, Yvonne Sayers,
Thomas, Anne Thompson and Webster

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradshaw, Friel and Lynne Thompson.

18. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

19. MINUTES

RESOLVED:

That the Minutes of the meeting held on 6 September 2021 be confirmed as a correct record subject to the following amendment:

That Councillors Webster and Thomas' apologies be recorded.

20. RECEIPT OF PETITION - CROSBY SEAFRONT PARKING

The Committee considered the report of the Head of Highways and Public Protection regarding the receipt of a petition from residents of Marine Terrace, Marine Crescent, Bath Street, Waterloo, in which they requested the implementation of a Residents' Privileged Parking scheme.

RESOLVED: That

- (1) the receipt of the petition be noted; and
- (2) the Coast Member Reference Group be requested to consider the request as part of a wider strategy for coastal parking.

21. COLLEGE ROAD, CROSBY - RECEIPT OF OBJECTION

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NOVEMBER, 2021

The Committee considered the report of the Head of Highways and Public Protection regarding the receipt of an objection against the proposed changes to waiting restrictions outside Marine Football Club, College Road, Waterloo.

RESOLVED: That

- (1) the objection be overruled;
- (2) the Cabinet Member for Locality Services be requested to authorise progression of the Traffic Regulation Order as originally advertised; and
- (3) the objector be notified of this decision.

22. PROPOSED NEW SIGNAL-CONTROLLED CROSSING, MOORLAND AVENUE, CROSBY

The Committee considered the report of the Head of Highways and Public Protection which sought Member's approval for the implementation of a new signal-controlled crossing on Moorland Avenue, Crosby, adjacent to the junction with De Villiers Avenue.

RESOLVED:

That the Head of Highways and Public Protection be authorised to implement the introduction of a new signal-controlled crossing on Moorland Avenue, Crosby, adjacent to the junction with De Villiers Avenue.

23. MODIFIED SIGNAL-CONTROLLED TOUCAN CROSSING, A59, ORMSKIRK ROAD, AINTREE

The Committee considered the report of the Head of Highways and Public Protection which sought Members' approval for the implementation of the relocation of the single controlled toucan crossing on the A59 in Aintree.

RESOLVED:

That the Head of Highways and Public Protection be authorised to implement the replacement of the existing signal-controlled toucan crossing on the A59 southbound with another facility approximately 20m south of the existing one.

24. SCARISBRICK AVENUE IMPROVEMENTS, SOUTHPORT

The Committee considered the report of the Head of Highways and Public Protection which sought Members' approval for the implementation of the proposed improvements on Scarisbrick Avenue, Southport and at the junctions with Promenade and West Street.

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RESOLVED:

That the Head of Highways and Public Protection be authorised to implement the following modifications to the highway:

- (1) installation of new, high quality paving, new lighting and improvements to street furniture on Scarisbrick Avenue;
- (2) replacement of pedestrian crossing facility on the Promenade; and
- (3) extension of table crossing, and footway build out on West Street, including removal of one pay and display parking bay and minor relocation of taxi rank.

25. AMENDMENT TO HACKNEY CARRIAGE TARIFFS

The Committee considered the report of the Head of Highways and Public Protection which asked Members to consider a request from the Hackney Carriage trade representatives for an amendment to the existing tariffs.

The Committee debated the recommendations and concluded that a 7pm - 6am amendment for charging tariff 2 on the weekends would be too early. It was noted that the other authorities in Merseyside were still charging tariff 2 between 11pm and 6am.

RESOLVED: That

- (1) the request from the Hackney Carriage Trade for an increase for the initial hiring charges to tariffs 1, 2 and 3 to £2.60. £3.25 and £3.90 respectively be granted;
- (2) the request to change the applicable time for charging tariff 2 on weekends (Friday, Saturday and Sunday) from 11pm – 6am to 7pm – 6am be rejected; and
- (3) the request to apply the waiting time charge to 25p per 60 seconds for all tariffs be granted.

26. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005: PERIOD COVERING 19 AUGUST TO 7 OCTOBER 2021

The Committee considered the report of the Head of Highways and Public Protection updating on applications made under the Licensing Act, 2003 and the Gambling Act, 2005 which had been determined by Licensing Officers.

The report indicated that Sefton Council's Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling Policy (issued under the Gambling Act 2005), both followed the recommended delegation of functions contained within the Guidance

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NOVEMBER, 2021

issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005. Where there were no relevant representations to applications, then these matters would be dealt with by Officers in order to speed matters through the system. The Guidance also recommended that where powers had been delegated, the Committee would receive regular reports on decisions made by Officers in order to maintain an overview of the general licensing situation.

The report indicated that during the period 19 August 2021 to 7 October 2021 the Head of Highways and Public Protection had received and determined the following numbers of applications:

Under the Licensing Act 2003:

- 36 Applications made under Premise Licences
- 14 Applications made under Personal Licences
- 23 Notifications of Temporary Event Notices
- 20 Notifications of Late Temporary Event Notices

No Applications have been determined under the Gambling Act 2005 during this period.

RESOLVED:

That the report and the fact that further update reports would be submitted as necessary, be noted.

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| | | | |
|--------------------------------------|--|----------------------------------|------------------------|
| Report to: | Licensing and Regulatory Committee | Date of Meeting: | Monday 10 January 2022 |
| Subject: | Local Licensing – Fees and Charges 2022/2023 | | |
| Report of: | Head of Highways and Public Protection | Wards Affected: | (All Wards); |
| Portfolio: | | | |
| Is this a Key Decision: | N | Included in Forward Plan: | N |
| Exempt / Confidential Report: | N | | |

Summary:

To seek the approval of Members for the fees and charges for Local Licensing Services in 2022/2023.

Recommendation(s):

That Licensing and Regulatory Committee:

Endorse and approve the proposed fees and charges for 2022/2023 as listed in the Annex.

Reasons for the Recommendation(s):

Many of the Local Licensing fees and charges are set nationally. Where this is not the case with regard to the general licensing (sex establishments, animal welfare licensing, personal treatment registrations etc.) and Gambling Act 2005 fees the Authority can only cover its reasonable costs in setting them.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

The proposed changes in Fees and Charges (as appropriate) will result in a negligible change to the Council's income.

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(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications of the Proposals:

| | |
|---|---|
| Resource Implications (Financial, IT, Staffing and Assets): None. | |
| Legal Implications: None. | |
| Equality Implications: There are no equality implications. | |
| Climate Emergency Implications: The recommendations within this report will | |
| Have a positive impact | N |
| Have a neutral impact | Y |
| Have a negative impact | N |
| The Author has undertaken the Climate Emergency training for report authors | Y |
| This is an information only Report and contains no proposals that will alter any impact on climate change . | |

Contribution to the Council's Core Purpose:

| |
|---|
| Protect the most vulnerable: N/A |
| Facilitate confident and resilient communities: N/A |
| Commission, broker and provide core services: N/A |
| Place – leadership and influencer: N/A |
| Drivers of change and reform: N/A |
| Facilitate sustainable economic prosperity: N/A |
| Greater income for social investment: N/A |
| Cleaner Greener: N/A |

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates no direct financial implications for the Council. (FD 662821).

The Chief Legal and Democratic Officer has been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 4829/21).

(B) External Consultations

None.

Implementation Date for the Decision

1 April 2022

| | |
|--------------------------|---------------------------|
| Contact Officer: | Kevin Coady |
| Telephone Number: | Tel: 0151 934 2946 |
| Email Address: | kevin.coady@sefton.gov.uk |

Appendices:

Annex – List of proposed fees and charges

Background Papers:

There are no background papers available for inspection.

1. Background

1.1 Many of the Local Licensing fees and charges are set nationally. Where this is not the case with regard to the general licensing (sex establishments, animal welfare licensing, personal treatment registrations etc.) and Gambling Act 2005 (the 2005 Act) fees the Authority can only cover its reasonable costs in setting them.

2. General Licence fees

2.1 It is proposed that these should be updated by 4.2% (the CPI rate in October 2021).

3. Gambling Act 2005

3.1 In respect of certain fees for the 2005 Act these can only be set up to a maximum tariff which is set by Central Government.

3.2 For the majority of processes relating to Regional, Large and Small Casinos the fees are already set to the maximum level permitted and therefore no change can be made in respect of those applicable processes (it should be noted, however, that Sefton does not have any of these types of premises and the legislation currently does not allow for any further grants of this type).

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- 3.3 Section 212(2)(d) of the Act specifically states that local authorities 'shall aim to ensure that the income from fees... as nearly as possible equates to the costs of providing the service to which the fees relates'.
- 3.4 Regarding annual fees the DCMS *Guidance to licensing authorities on setting premises licence fees* states that 'The annual fee will cover the reasonable costs of compliance and enforcement work, including the cost of dealing with illegal gambling in a licensing authority's area'.
- 3.5 The annual fee is in effect a "maintenance" fee for the Licence and it is not a "renewal" fee.
- 3.6 It is proposed to uprate only the annual fees, the "change of circumstances" process fees and the cost of applying for a copy licence by 4.2% (the CPI rate in October 2021) as the other fees applicable are deemed to be still covering the Authority's costs.

| Service Details | VAT rate | Current Charge | Proposed | Proposed Increase | |
|--|----------|----------------|-----------------|-------------------|------|
| | | 2021/22 | 2022/23 charges | 2022/23 | |
| | | £ | £ | £ | % |
| GENERAL LICENSING | | | | | |
| SEX ESTABLISHMENT LICENCES | | | | | |
| Grant of Licence | O | 1313.45 | 1368.61 | 55.16 | 4.2% |
| Renewal of Licence | O | 300.00 | 312.60 | 12.60 | 4.2% |
| Transfer of licence | O | 300.00 | 312.60 | 12.60 | 4.2% |
| TATTOOING, COSMETIC PIERCING, SEMI-PERMANENT SKIN-COLOURING, ACUPUNCTURE, ELECTROLYSIS | | | | | |
| person | O | 17.27 | 18.00 | 0.73 | 4.2% |
| premises | O | 106.75 | 111.23 | 4.48 | 4.2% |
| SCRAP METAL DEALER'S ACT 2013 | | | | | |
| Grant or Renewal of Site Licence | O | 144.40 | 150.46 | 6.06 | 4.2% |
| Grant or Renewal of Collector's Licence | O | 105.65 | 110.09 | 4.44 | 4.2% |
| Variation of Site/Collector's Licence | O | 82.70 | 86.17 | 3.47 | 4.2% |
| DANGEROUS WILD ANIMALS | | | | | |
| | O | 112.00 | 116.70 | 4.70 | 4.2% |
| ZOOS | | | | | |
| | O | 750.20 | 781.71 | 31.51 | 4.2% |
| ANIMAL WELFARE LICENSING | | | | | |
| KEEPING OF ANIMALS FOR EXHIBITION | | | | | |
| Grant or Renewal of Licence | O | 297.10 | 309.58 | 12.48 | 4.2% |
| Re-Inspection fee | O | 297.10 | 309.58 | 12.48 | 4.2% |
| Variation | O | 133.00 | 138.59 | 5.59 | 4.2% |
| PET SHOPS | | | | | |
| Grant or Renewal of Licence | O | 297.10 | 309.58 | 12.48 | 4.2% |
| Re-Inspection fee | O | 297.10 | 309.58 | 12.48 | 4.2% |
| Variation | O | 133.00 | 138.59 | 5.59 | 4.2% |
| BREEDING OF DOGS | | | | | |
| Grant or Renewal of Licence* | O | 297.10 | 309.58 | 12.48 | 4.2% |
| Re-Inspection fee* | O | 297.10 | 309.58 | 12.48 | 4.2% |
| Variation* | O | 133.00 | 138.59 | 5.59 | 4.2% |
| *Plus veterinary fees | | | | | |
| ANIMAL BOARDING AND DAY CARE ESTABLISHMENTS | | | | | |
| Grant or Renewal of Licence | | | | | |
| 0-4 animals | O | 279.00 | 290.72 | 11.72 | 4.2% |
| 5-50 animals | O | 312.20 | 325.31 | 13.11 | 4.2% |
| Re-Inspection fee | | | | | |
| 0-4 animals | O | 279.00 | 290.72 | 11.72 | 4.2% |
| 5-50 animals | O | 312.20 | 325.31 | 13.11 | 4.2% |
| Variation | | | | | |
| 0-4 animals | O | 122.90 | 128.06 | 5.16 | 4.2% |
| 5-50 animals | O | 143.00 | 149.00 | 6.00 | 4.2% |

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Annex

ANIMAL BOARDING AND DAY CARE DUAL ESTABLISHMENTS

Grant or Renewal of Licence

| | | | | | |
|-------------------|---|--------|--------|-------|------|
| 0-4 animals | O | 392.70 | 409.19 | 16.49 | 4.2% |
| 5-50 animals | O | 428.00 | 445.98 | 17.98 | 4.2% |
| Re-Inspection fee | | | | | |
| 0-4 animals | O | 392.70 | 409.19 | 16.49 | 4.2% |
| 5-50 animals | O | 428.00 | 445.98 | 17.98 | 4.2% |
| Variation | | | | | |
| 0-4 animals | O | 122.90 | 128.06 | 5.16 | 4.2% |
| 5-50 animals | O | 143.00 | 149.00 | 6.00 | 4.2% |

RIDING ESTABLISHMENTS

| | | | | | |
|------------------------------|---|--------|--------|-------|------|
| Grant or Renewal of Licence* | O | 328.30 | 342.09 | 13.79 | 4.2% |
| Re-Inspection fee* | O | 328.30 | 342.09 | 13.79 | 4.2% |
| Variation* | O | 158.10 | 164.74 | 6.64 | 4.2% |

*Plus veterinary fees

GAMBLING ACT 2005

REGIONAL CASINO PREMISE LICENCE

| | | | | | |
|-------------------------|---|----------|----------|------|------|
| Grant | O | 15000.00 | 15000.00 | Nil | Nil |
| Annual fee | O | 15000.00 | 15000.00 | Nil | Nil |
| Variation | O | 7500.00 | 7500.00 | Nil | Nil |
| Transfer | O | 6500.00 | 6500.00 | Nil | Nil |
| Re-Instatement | O | 6500.00 | 6500.00 | Nil | Nil |
| Provisional Statement | O | 15000.00 | 15000.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

LARGE CASINO PREMISE LICENCE

| | | | | | |
|-------------------------|---|----------|----------|------|------|
| Grant | O | 10000.00 | 10000.00 | Nil | Nil |
| Annual fee | O | 10000.00 | 10000.00 | Nil | Nil |
| Variation | O | 5000.00 | 5000.00 | Nil | Nil |
| Transfer | O | 2150.00 | 2150.00 | Nil | Nil |
| Re-Instatement | O | 2150.00 | 2150.00 | Nil | Nil |
| Provisional Statement | O | 10000.00 | 10000.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

SMALL CASINO PREMISE LICENCE

| | | | | | |
|-------------------------|---|---------|---------|------|------|
| Grant | O | 8000.00 | 8000.00 | Nil | Nil |
| Annual fee | O | 5000.00 | 5000.00 | Nil | Nil |
| Variation | O | 4000.00 | 4000.00 | Nil | Nil |
| Transfer | O | 1800.00 | 1800.00 | Nil | Nil |
| Re-Instatement | O | 1800.00 | 1800.00 | Nil | Nil |
| Provisional Statement | O | 8000.00 | 8000.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

CONVERTED CASINO PREMISE LICENCE

| | | | | | |
|-------------------------|---|---------|---------|-------|------|
| Annual fee | O | 1502.25 | 1565.34 | 63.09 | 4.2% |
| Variation | O | 1335.00 | 1335.00 | Nil | Nil |
| Transfer | O | 901.00 | 901.00 | Nil | Nil |
| Re-Instatement | O | 901.00 | 901.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

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BINGO PREMISE LICENCE

| | | | | | |
|-------------------------|---|---------|---------|-------|------|
| Grant | O | 2336.00 | 2336.00 | Nil | Nil |
| Annual fee | O | 501.00 | 522.04 | 21.04 | 4.2% |
| Variation | O | 1169.00 | 1169.00 | Nil | Nil |
| Transfer | O | 801.00 | 801.00 | Nil | Nil |
| Re-Instatement | O | 801.00 | 801.00 | Nil | Nil |
| Provisional Statement | O | 2336.00 | 2336.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

ADULT GAMING PREMISE LICENCE

| | | | | | |
|-------------------------|---|---------|---------|-------|------|
| Grant | O | 1335.00 | 1335.00 | Nil | Nil |
| Annual fee | O | 501.00 | 522.04 | 21.04 | 4.2% |
| Variation | O | 668.00 | 668.00 | Nil | Nil |
| Transfer | O | 802.00 | 802.00 | Nil | Nil |
| Re-Instatement | O | 802.00 | 802.00 | Nil | Nil |
| Provisional Statement | O | 1335.00 | 1335.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

BETTING PREMISE (TRACK) LICENCE

| | | | | | |
|-------------------------|---|---------|---------|-------|------|
| Grant | O | 1669.00 | 1669.00 | Nil | Nil |
| Annual fee | O | 501.00 | 522.04 | 21.04 | 4.2% |
| Variation | O | 835.00 | 835.00 | Nil | Nil |
| Transfer | O | 634.00 | 634.00 | Nil | Nil |
| Re-Instatement | O | 634.00 | 634.00 | Nil | Nil |
| Provisional Statement | O | 1669.00 | 1669.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

FAMILY ENTERTAINMENT PREMISE LICENCE

| | | | | | |
|-------------------------|---|---------|---------|-------|------|
| Grant | O | 1335.00 | 1335.00 | Nil | Nil |
| Annual fee | O | 375.75 | 391.53 | 15.78 | 4.2% |
| Variation | O | 668.00 | 668.00 | Nil | Nil |
| Transfer | O | 634.00 | 634.00 | Nil | Nil |
| Re-Instatement | O | 634.00 | 634.00 | Nil | Nil |
| Provisional Statement | O | 1335.00 | 1335.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

BETTING PREMISES (OTHER) LICENCE

| | | | | | |
|-------------------------|---|---------|---------|-------|------|
| Grant | O | 2003.00 | 2003.00 | Nil | Nil |
| Annual fee | O | 300.75 | 313.38 | 12.63 | 4.2% |
| Variation | O | 1001.00 | 1001.00 | Nil | Nil |
| Transfer | O | 802.00 | 802.00 | Nil | Nil |
| Re-Instatement | O | 802.00 | 802.00 | Nil | Nil |
| Provisional Statement | O | 2003.00 | 2003.00 | Nil | Nil |
| Change of circumstances | O | 28.40 | 29.59 | 1.19 | 4.2% |
| Copy of Licence | O | 12.10 | 12.61 | 0.51 | 4.2% |

TEMPORARY USE NOTICE

| | | | | | |
|----------------|---|--------|--------|------|------|
| Grant | O | 113.70 | 118.47 | 4.77 | 4.2% |
| Copy of Notice | O | 12.10 | 12.61 | 0.51 | 4.2% |

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FOR INFORMATION ONLY

Fees prescribed by Parliament

LICENSING ACT 2003

PREMISE LICENCE

Grant / Variation

| | | | | | |
|--------|---|--------|--------|-----|-----|
| Band A | O | 100.00 | 100.00 | Nil | Nil |
| Band B | O | 190.00 | 190.00 | Nil | Nil |
| Band C | O | 315.00 | 315.00 | Nil | Nil |
| Band D | O | 450.00 | 450.00 | Nil | Nil |
| Band E | O | 635.00 | 635.00 | Nil | Nil |

Annual charge

| | | | | | |
|--------|---|--------|--------|-----|-----|
| Band A | O | 70.00 | 70.00 | Nil | Nil |
| Band B | O | 180.00 | 180.00 | Nil | Nil |
| Band C | O | 295.00 | 295.00 | Nil | Nil |
| Band D | O | 320.00 | 320.00 | Nil | Nil |
| Band E | O | 350.00 | 350.00 | Nil | Nil |

| | | | | | |
|---|---|--------|--------|-----|-----|
| Copy of Licence | O | 10.50 | 10.50 | Nil | Nil |
| Provisional Statement | O | 315.00 | 315.00 | Nil | Nil |
| Minor Variation | O | 89.00 | 89.00 | Nil | Nil |
| Vary Designated Premises Supervisor | O | 23.00 | 23.00 | Nil | Nil |
| Disapply Designated Premises Supervisor | O | 23.00 | 23.00 | Nil | Nil |
| Transfer | O | 23.00 | 23.00 | Nil | Nil |
| Interim Authority | O | 23.00 | 23.00 | Nil | Nil |
| Notice of Interest in premise | O | 21.00 | 21.00 | Nil | Nil |

CLUB PREMISES CERTIFICATE

Grant / Variation

| | | | | | |
|--------|---|--------|--------|-----|-----|
| Band A | O | 100.00 | 100.00 | Nil | Nil |
| Band B | O | 190.00 | 190.00 | Nil | Nil |
| Band C | O | 315.00 | 315.00 | Nil | Nil |
| Band D | O | 450.00 | 450.00 | Nil | Nil |
| Band E | O | 635.00 | 635.00 | Nil | Nil |

Annual charge

| | | | | | |
|--------|---|--------|--------|-----|-----|
| Band A | O | 70.00 | 70.00 | Nil | Nil |
| Band B | O | 180.00 | 180.00 | Nil | Nil |
| Band C | O | 295.00 | 295.00 | Nil | Nil |
| Band D | O | 320.00 | 320.00 | Nil | Nil |
| Band E | O | 350.00 | 350.00 | Nil | Nil |

| | | | | | |
|--|---|-------|-------|-----|-----|
| Minor Variation | O | 89.00 | 89.00 | Nil | Nil |
| Copy of Certificate | O | 10.50 | 10.50 | Nil | Nil |
| Notification of change of name or Rule | O | 10.50 | 10.50 | Nil | Nil |
| Change of registered address | O | 10.50 | 10.50 | Nil | Nil |

ADDITIONAL FEE / ANNUAL CHARGE WHERE MAXIMUM NUMBER OF PERSONS ALLOWED ON PREMISES IS 5000 OR OVER

| | | | | | |
|-----------------|---|---------|---------|-----|-----|
| Application fee | | | | | |
| 5000 to 9999 | O | 1000.00 | 1000.00 | Nil | Nil |
| 10000 to 14999 | O | 2000.00 | 2000.00 | Nil | Nil |
| 15000 to 19999 | O | 4000.00 | 4000.00 | Nil | Nil |

Agenda Item 4

Annex

| | | | | | |
|----------------|---|----------|----------|-----|-----|
| 20000 to 29999 | O | 8000.00 | 8000.00 | Nil | Nil |
| 30000 to 39999 | O | 16000.00 | 16000.00 | Nil | Nil |
| 40000 to 49999 | O | 24000.00 | 24000.00 | Nil | Nil |
| 50000 to 59999 | O | 32000.00 | 32000.00 | Nil | Nil |
| 60000 to 69999 | O | 40000.00 | 40000.00 | Nil | Nil |
| 70000 to 79999 | O | 48000.00 | 48000.00 | Nil | Nil |
| 80000 to 89999 | O | 56000.00 | 56000.00 | Nil | Nil |
| 90000 and over | O | 64000.00 | 64000.00 | Nil | Nil |

Annual Charge

| | | | | | |
|----------------|---|----------|----------|-----|-----|
| 5000 to 9999 | O | 500.00 | 500.00 | Nil | Nil |
| 10000 to 14999 | O | 1000.00 | 1000.00 | Nil | Nil |
| 15000 to 19999 | O | 2000.00 | 2000.00 | Nil | Nil |
| 20000 to 29999 | O | 4000.00 | 4000.00 | Nil | Nil |
| 30000 to 39999 | O | 8000.00 | 8000.00 | Nil | Nil |
| 40000 to 49999 | O | 12000.00 | 12000.00 | Nil | Nil |
| 50000 to 59999 | O | 16000.00 | 16000.00 | Nil | Nil |
| 60000 to 69999 | O | 20000.00 | 20000.00 | Nil | Nil |
| 70000 to 79999 | O | 24000.00 | 24000.00 | Nil | Nil |
| 80000 to 89999 | O | 28000.00 | 28000.00 | Nil | Nil |
| 90000 and over | O | 32000.00 | 32000.00 | Nil | Nil |

PERSONAL LICENCE

| | | | | | |
|---|---|-------|-------|-----|-----|
| Grant | O | 37.00 | 37.00 | Nil | Nil |
| Copy of Licence | O | 10.50 | 10.50 | Nil | Nil |
| Notification of change of name and/or address | O | 10.50 | 10.50 | Nil | Nil |

TEMPORARY EVENT NOTICES

| | | | | | |
|----------------|---|-------|-------|-----|-----|
| Grant | O | 21.00 | 21.00 | Nil | Nil |
| Copy of Notice | O | 10.50 | 10.50 | Nil | Nil |

GAMBLING ACT 2005

FAMILY ENTERTAINMENT CENTRE

GAMING MACHINE PERMIT

PRIZE GAMING PERMIT

| | | | | | |
|-------------------------|---|--------|--------|-----|-----|
| Grant | O | 300.00 | 300.00 | Nil | Nil |
| Renewal | O | 300.00 | 300.00 | Nil | Nil |
| Existing Operator Grant | O | 100.00 | 100.00 | Nil | Nil |
| Change of name | O | 25.00 | 25.00 | Nil | Nil |
| Copy of Permit | O | 15.00 | 15.00 | Nil | Nil |

CLUB GAMING PERMIT

CLUB MACHINE GAMING PERMIT

| | | | | | |
|--|---|--------|--------|-----|-----|
| Grant | O | 200.00 | 200.00 | Nil | Nil |
| Grant (Club Premises Certificate Holder) | O | 100.00 | 100.00 | Nil | Nil |
| Existing Operator Grant | O | 100.00 | 100.00 | Nil | Nil |
| Variation | O | 100.00 | 100.00 | Nil | Nil |
| Renewal | O | 200.00 | 200.00 | Nil | Nil |
| Renewal (Club Premises Certificate Holder) | O | 100.00 | 100.00 | Nil | Nil |
| Annual Fee | O | 50.00 | 50.00 | Nil | Nil |
| Copy of Permit | O | 15.00 | 15.00 | Nil | Nil |

LICENSED PREMISES GAMING MACHINE

| | | | | | |
|-------------------------|---|--------|--------|-----|-----|
| Grant | O | 150.00 | 150.00 | Nil | Nil |
| Existing Operator Grant | O | 100.00 | 100.00 | Nil | Nil |
| Variation | O | 100.00 | 100.00 | Nil | Nil |

Agenda Item 4

Annex

| | | | | | |
|--|---|-------|-------|-----|-----|
| Transfer | O | 25.00 | 25.00 | Nil | Nil |
| Annual Fee | O | 50.00 | 50.00 | Nil | Nil |
| Change of name | O | 25.00 | 25.00 | Nil | Nil |
| Copy of Permit | O | 15.00 | 15.00 | Nil | Nil |
| LICENSED PREMISES AUTOMATIC NOTIFICATION PROCESS | | | | | |
| On notification | O | 50.00 | 50.00 | Nil | Nil |

Agenda Item 5

| | | | |
|--------------------------------------|---|----------------------------------|------------------------|
| Report to: | Licensing and Regulatory Committee | Date of Meeting: | Monday 10 January 2022 |
| Subject: | St Luke's Church Road, Formby Definitive Map Modification Order – Receipt of Objections | | |
| Report of: | Head of Highways and Public Protection | Wards Affected: | Harington |
| Portfolio: | Locality Services | | |
| Is this a Key Decision: | No | Included in Forward Plan: | No |
| Exempt / Confidential Report: | No | | |

Summary:

To report the receipt of objections against the Definitive Map Modification Order No.1 – 2021, that relates to several routes in the Ravenmeols area of Formby; to seek authority to make a new Definitive Map Modification Order as a replacement to Order No.1 2021 and to note that there are no standing objections to Definitive Map Modification Order Nos.2 & 3 2021 and that these Orders will be confirmed as unopposed.

Recommendation(s):

It is requested that the Committee

- (i) note the receipt of objections to Definitive Map Modification Order No.1 – 2021;
- (ii) authorises the making of new Modification Orders by the Chief Legal and Democratic Officer to add the following ways to the definitive rights of way map and statement for the area:
 1. Albert Road, A-B on DC2165 – Byway open to all traffic,
 2. Alexandra Road, A-B on DC2166 – Byway open to all traffic,
 3. St. Luke's Church Road, Bushby's Lane to Alexandra Road, A-B on DC2167 – Byway open to all traffic,
 4. St. Luke's Church Road, Alexandra Road to Range Lane, A-B on DC2168 – Byway open to all traffic,
 5. St. Luke's Church Road, Range Lane to Altcar Footpath 5, A-B on DC2171 – Public Footpath,
 6. Cambridge Road, A-B on DC2169 – Byway open to all traffic,
 7. Range Lane, A-B on DC2170 – Byway open to all traffic,
 8. Two tracks connecting Albert Road to Alexandra Road, A-B on DC2126 and DC2127 – Public Footpaths,
 9. Extension of Albert Road to Shore, A-B on DC2124 – Public Footpath.

Agenda Item 5

- (iii) authorise the Chief Legal and Democratic Officer to give notice of the Authority's decision to the applicant and the landowners;
- (iv) if following the making of the Orders no objections are received, give authority to the Chief Legal and Democratic Officer to confirm the Orders;
- (v) if following the making of the Orders, objections are received, give authority to the Chief Legal and Democratic Officer to refer the Orders to the Secretary of State for the Environment, Food and Rural Affairs for determination;
- (vi) in the event of authorising the making of new Definitive Map Modification Orders, authorise the Chief Legal and Democratic Officer to refer the Definitive Map Modification Order No.1 – 2021 to the Secretary of State for the Environment, Food and Rural Affairs, alongside the new Orders, with the request to not confirm the Order;
- (vii) authorise the Council to adopt a neutral stance during any determination of the Orders by the Secretary of State for the Environment, Food and Rural Affairs.

Reasons for the Recommendation(s):

The Council, as Surveying Authority, is under a statutory duty, imposed by Section 53(2) of the Wildlife and Countryside Act 1981, to keep the Definitive Map and Statement of Public Rights of Way under continuous review. Under the provisions of Schedule 14 of the Act applications can be made to the Surveying Authority for a Modification Order to amend the Definitive Map and Statement of Rights of Way by way of adding, deleting, upgrading or downgrading a route.

The Licensing and Regulatory Committee has delegated powers to approve the making of Orders, under the Highways Act 1980 and the Wildlife and Countryside Act 1981, that affect the Public Right of Way network.

Alternative Options Considered and Rejected: (including any Risk Implications)

Sefton Council has a duty to consider and determine Schedule 14 applications and make Modification Orders when it is considered that there is sufficient evidence to suggest that a public right of way is reasonably alleged to subsist.

What will it cost and how will it be financed?

(A) Revenue Costs

Financial implications are not a consideration when determining this application as the Authority has a statutory duty to make an Order if it believes that there is sufficient evidence to support it.

Should objections to the Order be received and not withdrawn, the Authority will have to refer the Order to the Secretary of State. The Secretary of State has a choice of how to preside over the matter, they are; by written representations, an informal hearing or by way of a public inquiry. The costs associated with facilitating any of these will be met from the existing Highways and Public Protection revenue budgets and staff revenue budgets.

(B) Capital Costs

Nil.

Implications of the Proposals:

| |
|--|
| Resource Implications (Financial, IT, Staffing and Assets): |
| None |
| Legal Implications: |
| See body of the report |
| Equality Implications: |
| There are no equality implications. |
| Climate Emergency Implications: |
| The recommendations within this report will |
| Have a positive impact N |
| Have a neutral impact Y |
| Have a negative impact N |
| The Author has undertaken the Climate Emergency training for report authors Y |
| This report seeks to inform Members of the receipt of objections to an Order and to seek authority to make a new Order. It does not include any Climate Change implications, positive or negative. |

Contribution to the Council's Core Purpose:

| |
|--|
| Protect the most vulnerable: Not applicable |
| Facilitate confident and resilient communities: Not applicable |
| Commission, broker and provide core services: Not applicable |
| Place – leadership and influencer: Not applicable |
| Drivers of change and reform: Not applicable |

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| |
|--|
| Facilitate sustainable economic prosperity: An improved Rights of Way network will help provide sustainable transportation and encourage sustainable travel options. |
| Greater income for social investment: Not applicable. |
| Cleaner Greener: An improved Rights of Way network will provide better access for all to Sefton's visitor attractions and promote healthier and more sustainable modes of transport. |

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD 6639/21) and Chief Legal and Democratic Officer (LD4840/21) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

N/A

Implementation Date for the Decision

Immediately following the Committee meeting.

| | |
|--------------------------|-----------------------------|
| Contact Officer: | Brian Goodwin |
| Telephone Number: | 0151 934 3265 |
| Email Address: | brian.goodwin@sefton.gov.uk |

Appendices:

The following appendices are attached to this report:

Background Papers:

Licensing and Regulatory Committee – 7 September 2020 - Wildlife and Countryside Act 1981, section 53, application to modify the Definitive Map and Statement to include various public rights of way on and around St Luke's Church Road, Formby.

Planning Inspectorate Direction Decision Ref FPS/M4320/14D/1 – 14th October 2019.

Licensing and Regulatory Committee - 18 June 2018 - St. Luke's Church Road, Formby Public Path Creation Agreements.

Certificate of service of notice of application for a Modification Order under Section 53(2) of the Wildlife and Countryside Act 1981 by Formby Parish Council on 13th February 2018.

49 public rights of way witness evidence forms submitted with the claim.

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Formby Area Committee – 23rd September 2004 Wildlife and Countryside Act 1981, Section 53, Application for Modification Order to Definitive Map and Statement in respect of St. Luke's Church Road and Associated Ways.

Transportation (General Purposes) Sub-Committee – 12 February 1996 - Wildlife and Countryside Act 1981 s53 Application for the Alleged Public Footpaths West of St Luke's Church Road, Formby to be recorded on the Definitive Rights of Way Map and Statement.

Highways Committee report - 6th March 1995 - Public rights of way claim made by The Formby Society On 5th December 1991 - Result of consultation.

Highways Committee report - 5th September 1994 - Public rights of way claims made by the Formby Society on 5th December 1991.

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1. INTRODUCTION

- 1.1 At the meeting of this Committee dated 7 September 2020, a report was considered regarding the receipt of a number of applications to modify the Definitive Map and Statement, pursuant to section 53 of the Wildlife and Countryside Act 1981 and earlier resolutions from the Highways Committee.
- 1.2 The Committee resolved to reaffirm the resolutions from the Highways Committee in 1994 & 1995, which was to make Definitive Map Modification Orders to add a number of routes to the Authority's Definitive Map and Statement in the Ravenmeols area. It was also resolved that should there be any objections to the Orders, that are not subsequently withdrawn, the matter must be reported back to the Committee.
- 1.3 In April 2021 three Definitive Map Modification Orders were made, DMMO Nos. 1,2 & 3 - 2021. DMMO No.1 - 2021 related to a series of routes on and around St Luke's Church Road that were in the application submitted by the Formby Civic Society in 1991. DMMO No.2 - 2021 related to a footpath from Beechwood Drive that was in the application submitted by the Formby Parish Council in 2017 and the third order, DMMO No.3 - 2021 related to a footpath off St Luke's Church Road that was in an application from the Formby Civic Society in 1993.
- 1.4 A period of consultation followed the making of the Orders which resulted in six objections and one statement being received, the majority of them related to DMMO No.1 - 2021.

2. DETAIL OF OBJECTIONS

- 2.1 When an objection to a Definitive Map Modification Order is received, the Authority has the opportunity to discuss the objections with the relevant parties, which may result in the withdrawal of the objection. In this case the Authority contacted some of the objectors to review the objections, seek to fully understand them and see whether there was the possibility of overcoming the reasons for objecting.
- 2.2 As a result of this correspondence it became clear that all the objections related to the routes that were to be recorded as Byways open to any Traffic and that they therefore did not relate to Orders 2 & 3 - 2021. Consequently, there are no standing objections to Order Nos. 2 & 3 - 2021 and in line with this Committee's previous resolution they will be confirmed and the Definitive Map and Statement updated to include the two footpaths.
- 2.3 Due to the nature of a number of the objections and responses received during dialogue with the objectors, it was clear that it would not be possible to get the objections to Order No.1 - 2021 withdrawn.
- 2.4 The six standing objections all relate to DMMO No.1 - 2021 and the statement, which was received from a resident of St Luke's Church Road, relates to the conduct of the Council officers and their failings to follow Councillors' decisions.
- 2.5 Five of the six objections received are from residents of St Luke's Church Road, Alexandra Road or Albert Road. Three of these objections describe the nature of

the area and the objectors' feelings towards the routes being used by vehicles. There is little or no evidence provided within these objections that counter the view that public vehicular rights have been attained.

- 2.6 One objection received was from Green Sefton, a department of the Council that is responsible for the management of areas of land in close proximity to the routes detailed in Order No.1 - 2021. A copy of this objection is attached to this report in Appendix A.
- 2.7 When deciding to make an Order, the matters to consider relate to whether a route exists, has been used by the public and/or whether there is documentary evidence that suggests a route is public. Matters of safety, environmental impacts and impact of amenity are practical matters but not material in considering whether a route is public or not.
- 2.8 The objection received by Green Sefton was made in the correct manner but its contents relate to practical issues rather than those material to whether the routes are public or not. Nevertheless, given that the objection has come from a department of the Council it is considered important to consider.
- 2.9 One objector submitted two objections via a consultant, the first being more of a holding objection with little detail and the second being the main objection. These objections mainly raise issues relating to the form of the Order and its validity. A copy of the second objection is attached to this report in Appendix B.
- 2.10 The objection suggests some technical issues with the Order and that the Order is flawed. The issues are:
- *The Order cites Section 53(3)(b) of the 1981 Act as the grounds for it being made, however when reading through the history of the case and the various committee reports etc it is evident that a period of actual use is not being relied upon in respect of seeking to prove the existence of public vehicular rights. The Order Making Authority has no evidence of actual use during the Nineteenth Century, but instead directly states that it relies upon historic documentary evidence. As a result, reference to Section 53(3)(c)(i) of the 1981 Act would be the correct approach. The Order is therefore misleading, and this is prejudicial to any party considering an objection.*
 - *As noted in my letter dated 27th May 2021, the widths recorded within the Order are unacceptably vague, using terms such a "minimum" and "approximately". This has been the subject of guidance issued by both the Planning Inspectorate and Defra in the past, and the approach adopted by the Order Making Authority is not acceptable.*
 - *It is further noted that in the Schedules to the Order refer to the Order Route as a "Byway". In terms of routes that may be shown on the Definitive Map there is no such thing as a Byway. The correct term is "Byway Open to All Traffic" and any statutory Order should correctly define the status.*

3. REVIEW OF OBJECTIONS AND LEGAL ISSUES

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- 3.1 Whilst most of the objections raise little by way of evidence to counter the claim that the routes are public and that some of them have public vehicular rights, there is an issue of whether the suggested technical errors could result in the Order being fatally flawed. An Order that is fatally flawed cannot be confirmed by the Secretary of State and to try and proceed with such an Order could result in claims for costs against the Council by the effected objector/landowners.
- 3.2 The three points raised that suggest the Order is flawed have been reviewed and it is considered that:
- I. the descriptions of the routes in terms of the widths could be deemed to be contrary to the guidance issued by Defra and the Planning Inspectorate;
 - II. the use of the term in the made order of a 'byway' rather than 'byway open to all traffic' is a fundamental issue as there is no such legal term as byway and this could be deemed to be misleading;
 - III. the section of the Wildlife and Countryside Act under which the Order is made is key and to use the incorrect section will normally result in an Order being considered flawed.
- 3.3 If an Inspector is of the view that the descriptions, in particular the widths, are too vague and contrary to guidance, they have the power to amend the description if they are minded to do so. If an Inspector does this the amended Order will need to be re-advertised and could again result in objections and the need for a second Inquiry/Hearing. Given that the current Order was objected to, it would be reasonable to assume that an amended Order would also be objected to and lead to a second Inquiry.
- 3.4 In regards to the term "byway", the Inspector again could amend the Order and change the description (and therefore status) to byway open to all traffic but this would also need to be re-advertised. However, it is considered more likely that the inspector would reject the Order because the status of the proposed modification is insufficiently clear. This would require Sefton to re-make the order.
- 3.5 The issue of the section under which the Order was made, Section 53(2)(b) of the Wildlife and Countryside Act 1981, as a consequence of events arising under 53(3)(b) is considered not to be the appropriate section. An Inspector would likely not accept an Order that is made under the incorrect section and would reject it.
- 3.6 In view of the three technical issues raised it is considered that it would not be appropriate for Sefton to pursue the current Order and issue it to the Secretary of State requesting a positive determination. If the Order was to be sent in its current form, it will likely result in the Order being rejected and a possible costs claim being made against the Council.
- 3.7 Once such an Order has been made the Council does not have the authority to just abandon it. If a Council is of the view that an Order should not/cannot be confirmed, it must refer the Order to the Secretary of State and request that he/she does not confirm the Order. The reasons for this approach must also be forwarded to the Inspector that is appointed by the Secretary of State.

- 3.8 For Order No.1 - 2021, it is considered appropriate to refer it to the Secretary of State with the request that it is not confirmed because of the technical issues. Should the Inspector agree, the Order would then effectively be abandoned.
- 3.9 New orders will be needed to ensure that the extent, if any, of the public rights are determined, subsequent to the applications received by the Council and the Authorities previous resolutions. The new Orders will need to be made and then referred to the Secretary of State with Order No.1 - 2021, to ensure that the Inspector can be satisfied that it is appropriate to not confirm it.

4. SUMMARY AND RECOMMENDATIONS

- 4.1 Following the meeting of this Committee in September 2020, three Definitive Map Modification Orders were made, a period of consultation was held during which objections to the orders were received. Following a review of the objections and discussion with some of the objectors only one of the Orders has standing objections.
- 4.2 One objection raised a number of technical issues with Order No.1 - 2021, that on review would likely result in the Order being considered flawed by the Secretary of State's appointed Inspector. Therefore, should the Council submit the Order to the Secretary of State in its current form and request that the appointed Inspector confirms, it will likely be rejected and result in the landowner making a claim against the Council for their costs.
- 4.3 In order to overcome the technical issues with Order No.1, new Orders under the correct sections of the Wildlife and Countryside Act should be made. They should also correctly refer to Byway Open to All Traffic rather than Byway and include improved descriptions of the routes, in particular the widths.
- 4.4 The new Definitive Map Modification Orders should be made to add the following ways (as shown in Appendix C) to the definitive rights of way map and statement for the area:
1. Albert Road, A-B on DC2165 – Byway open to all traffic,
 2. Alexandra Road, A-B on DC2166 – Byway open to all traffic,
 3. St. Luke's Church Road, Bushby's Lane to Alexandra Road, A-B on DC2167 – Byway open to all traffic,
 4. St. Luke's Church Road, Alexandra Road to Range Lane, A-B on DC2168 – Byway open to all traffic,
 5. St. Luke's Church Road, Range Lane to Altcar Footpath 5, A-B on DC2171 – Public Footpath,
 6. Cambridge Road, A-B on DC2169 – Byway open to all traffic,
 7. Range Lane, A-B on DC2170 – Byway open to all traffic,
 8. Two tracks connecting Albert Road to Alexandra Road, A-B on DC2126 and DC2127 – Public Footpaths,
 9. Extension of Albert Road to Shore, A-B on DC2124 – Public Footpath.
- 4.5 Following the making of the new Orders and completion of the associated consultation, they should be confirmed if no objections are received or referred to the Secretary of State for determination if there are objections.

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- 4.6 As part of any referral to the Secretary of State, the Council must state why the Order has been referred, what the request is for, i.e to confirm an Order and what position the Council is taking. In regards to Order No.1 - 2021, the Council should refer it to the Secretary of State with the request that the Order is not confirmed and effectively abandoned as the new Orders will be in its place.
- 4.7 If objections to the new Orders are received, the Council's request, whether to confirm the Orders or not, will largely depend on the content of the objections and information received.
- 4.8 The position the Council should take, when the matter is considered by the Secretary of State, is influenced by the role the Council has had and whether it fully supports the view that the Orders should be confirmed. Given that the Council has been the landowner for areas over which some of the claimed routes cross and that it played a role in the use of routes, it can be considered that there is a conflict in the determination of the Orders. Also, Green Sefton, the department of the Council that previously managed the land has objected to Order No.1 - 2021 and for these reasons it would be considered appropriate for the Council to take a neutral stance at a Public Inquiry.
- 4.9 Irrespective of whether the new Orders are objected to or not they should be issued to the Secretary of State, alongside the previous Order No.1 - 2021, so that the appointed Inspector can consider the request to not confirm the Order.
- 4.10 It is also recommended that the Committee notes that Orders No.2 and 3 - 2021, have no standing objections and that they will be confirmed in due course.


SEFTON M.B.C.


Appendix A



Green Sefton

Ainsdale Discovery Centre
Promenade
Ainsdale-on-Sea
PR8 2QB

0151 934 2961 

Greensefton@sefton.gov.uk 

David McCullough
Chief Legal & Democratic Officer
Sefton MBC
Magdalen House, Trinity Road
Bootle
Merseyside L20 3NJ

16th June 2021

Dear Mr McCullough

Cambridge Road Recreation Ground, Formby

WILDLIFE AND COUNTRYSIDE ACT 1981, DEFINITIVE MAP MODIFICATION ORDER

We would wish to directly comment on proposed Definitive Map Modification Order relating to Cambridge Road Recreation Ground, Formby.

Green Sefton is the division of Sefton Council which manages public open spaces including parks, playing fields and recreation grounds. As such, this means Green Sefton manage and address public use with regards these areas and we have a direct interest in all matters that impact on Public Rights of Way in so far as they relate to public spaces.

We are concerned that the proposals outlined in the Orders will have an impact with regards our ownership and management of the Cambridge Road Recreation Ground, Formby. Green Sefton, as a land owner, OBJECTS to the proposal and therefore believes the Order should not be agreed:

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GROUNDS OF OBJECTION

We would ask that the following matters be considered in determining the Modification Order.

1] EXISTING PROVISION TO OPEN SPACES

We believe the wider area is well served by adopted public highways and there is free and open access at this time to the Cambridge Road Recreation Ground. There is an existing path from Stapleford Road onto to the land and unfenced open access from Stapleford Road for those who choose not to use the pathway onto site. The land is predominantly used for dog walking and exercise and adequately meets this purpose and wider public amenity.

2] INCREASED IMPACT ON Sefton Coast SSSI

Some land adjoining to the proposed route is designated as a Site of Special Scientific Interest (SSSI) and Local Nature Reserve. This is a statutory designation which is intended to safeguard the conservation interest of designated land and it is of paramount importance that access onto and approaching a SSSI is controlled, so as to ensure the continued safeguarding of a designated site. In our view, should the Order be approved, it would likely increase the numbers of people accessing the site overall (see Sefton Coast Plan requirements for visitor pressure mitigation) and the risk of damage to the SSSI at Ravenmeols Sandhills and impact of the wildlife interest being protected. The Ravenmeols Sandhills Local Nature Reserve has suffered with vehicular anti-social behaviour / unauthorised 'off road' vehicular access onto the open dunes causing a negative environmental impact through disturbance to important habitats, species and special features of the SSSI citation. The boundaries of the nearby SSSI are shown below:



PAGE 2

If granted the Order would direct people to the SSSI from a new route and limit the control that land managers can have for protecting the wildlife interest and quiet recreational nature of the wider coastal area and specifically the site known as Ravenmeols Sandhills LNR.

3] DEMAND FOR CHANGES TO ACCESS

We can confirm that Green Sefton has not received public requests for increasing new access routes onto the land at Cambridge Road. We believe that changes to access, and the development of new designated routes of access, should have due regard for demand, and the wider implications of changes.

4] UNAUTHORISED ACCESS

We are concerned that the approval of the Order would lead to unauthorised vehicular access across our land. Whilst we actively support the principal of good public access to open spaces and between residential communities, the proposal would establish a "through route" which might lead to unauthorised vehicular access, including for fly tipping or for purposes causing anti-social behaviour. The proposal would likely exacerbate off road motorcycling and other ASB such as poaching which is a challenging nuisance to the area.

5] PEDESTRIAN SAFETY

Access to Cambridge Road Recreation Ground, Formby is impacted at times owing to vehicles parking on Stapleford Road. The addition of a new public right of way would need to be accompanied by further assessment on access and egress to the proposed route from the adopted highway. The modification of Cambridge Road to a byway would appear to serve no purpose other than to create a shortcut for motorvehicles which can already access the area via the proposed byway between St Lukes Church Road and Albert Road where it meets Lifeboat Road. Footpath or bridleway status would perhaps be more appropriate for this particular stretch of path.

6] PROVISION FOR MAINTENANCE

We feel it important to state that although Green Sefton manages and addresses public use of the greenspaces within its portfolio, it does not carry out PROW maintenance as core work and added costs would need to be incurred and separate maintenance agreements reached with us, including for access to our land for maintenance.

Agenda Item 5

In the context of these matters Green Sefton advocate that the proposed Order not be agreed.

Yours sincerely



Mark Shaw
Service Manager – Green Sefton

Copies to:

Claire Blundell, Sefton Council

Brian Goodwin, Sefton Council

Appendix B



Your Ref: DMMO011712CB

My Ref: [REDACTED]

Date: 17th June 2021

Chief Legal and Democratic Officer
Sefton Metropolitan Borough Council
Magdalen House
Trinity Road,
Bootle
L20 3NJ

BY EMAIL ONLY

Dear Sirs

Wildlife & Countryside Act 1981

The Metropolitan Borough of Sefton Modification Order No 1, 2021

My Clients [REDACTED]

Further to my letter dated 27th May 2021, in which objections to the above Order were duly lodged, I have now had the opportunity to meet with my Clients, view the site and undertake a preliminary assessment of the evidence etc that has kindly been provided by your Mr Goodwin.

Summary of Objection

[REDACTED] are the owners of the land crossed by the route identified as Formby No 57 (the Order Route) and shown on Plan No DC2136 in The Metropolitan Borough of Sefton Modification Order No 1, 2021 (The Order). As such, their objections relate primarily to Formby No 57, albeit many of the points raised below may equally apply to other routes included in the Order and may be issues which the respective owners/objectors also wish to reply upon.

In June 2019 my Clients entered into a formal Public Path Dedication Agreement, pursuant to Section 25 of the Highways Act 1980, with Sefton Borough Council. This formal agreement dedicated the Order Route as a Restricted Byway. [REDACTED] have therefore already welcomed public use of the Order Route on foot, cycle, horse back and in non-mechanically propelled vehicles. It is further confirmed that they continue to have no objection to such use and wish the situation to remain unchanged.

My Client's objection is that public rights for mechanically propelled vehicles do not and have never subsisted over any part of the Order Route, however, if such rights did exist, they have been extinguished by the provisions of Section 67 of the Natural Environment and Rural Communities Act 2006.

Implications of the Order being Confirmed

Whilst perhaps not relevant to the actual determination of the Order, my Client's wish to place on record the inevitable consequences of the Order being Confirmed as made. These consequences will essentially be the responsibility of any party who chooses to actively support the Order.

The inclusion of the Order Route (Formby No 57) on the Definitive Map as a Byway Open to All Traffic would result in the current vehicular access controls having to be removed, with no possibility of them



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being replaced. This will open up what are currently a small network of quiet routes to anyone wishing the drive along them, with many such users seeking to access the sea front.

There is no public car parking provision, nor any turning facilities, along these roads so it is inevitable that there will be problems with vehicles parking unlawfully and potentially obstructing legitimate access. In addition to car parking and obstruction issues there is likely to be increased instances of fly tipping along the lanes, as well as other unlawful and illegal activities.

The opening up of these routes will also provide unrestricted access to the sand dunes by off road type vehicles. This will cause significant environmental damage and also be dangerous to those seeking the quiet enjoyment of the area. We are sure that the owners of the land (the National Trust) will make substantial submissions to this effect, and my Clients support them wholeheartedly in this respect.

It should be stressed that these concerns are not simply speculative, they are all very real issues which occurred on a regular basis prior to the access restrictions being put in place.

Technical Errors within the Order

An assessment of the Order has highlighted a number of technical errors, namely:

- a) The Order cites Section 53(3)(b) of the 1981 Act as the grounds for it being made, however when reading through the history of the case and the various committee reports etc it is evident that a period of actual use is not being relied upon in respect of seeking to prove the existence of public vehicular rights. The Order Making Authority has no evidence of actual use during the Nineteenth Century, but instead directly states that it relies upon historic documentary evidence. As a result, reference to Section 53(3)(c)(i) of the 1981 Act would be the correct approach. The Order is therefore misleading, and this is prejudicial to any party considering an objection.
- b) As noted in my letter dated 27th May 2021, the widths recorded within the Order are unacceptably vague, using terms such as “minimum” and “approximately”. This has been the subject of guidance issued by both the Planning Inspectorate and Defra in the past, and the approach adopted by the Order Making Authority is not acceptable.
- c) It is further noted that in the Schedules to the Order refer to the Order Route as a “Byway”. In terms of routes that may be shown on the Definitive Map there is no such thing as a Byway. The correct term is “Byway Open to All Traffic” and any statutory Order should correctly define the status.

We consider that collectively these errors render the Order fatally flawed and incapable of confirmation. Whilst, in theory the Order Making Authority could ask the Secretary of State to make the necessary corrections, the Planning Inspectorate is clear in its guidance that it is not its role to correct errors in the drafting of Orders.

The DMMO Applications

The 2017 Application cannot be relied upon for the purposes of recorded a Byway Open to All Traffic because it post-dates the implementation of the Natural Environment and Rural Communities Act 2006 and evidence of use by mechanically propelled vehicles can no longer be taken into account.

Whilst it is accepted that the 1991 DMMO Application pre-dates the implementation of the Natural Environment and Rural Communities Act 2006, it does not meet the requirement of this Act in terms of preserving public vehicular rights for the following reasons:

- a) The application form itself is not as prescribed by the regulations
- b) No map is attached showing the route (Formby No 57) being claimed
- c) The evidence relied upon is not listed as required in the application form
- d) The application seeks to record a Footpath and not a Byway Open to All Traffic

The savings provided by Section 67(3)(b) of the Natural Environment & Rural Communities Act 2006 do not apply to this Order because the DMMO Application sought to record a Footpath and not a Byway Open to All Traffic.

Evidential Points

A brief assessment of the user evidence suggest that it is supportive primarily of public pedestrian rights, which are not disputed. The remaining documentary evidence falls short of meeting the evidential burden of proof which rests firmly with those seeking to assert the alleged public vehicular rights.

It is noted that the routes contained within the Order are cul-de-sacs in nature. There is a presumption in law against cul-de-sac highways, the onus being on those asserting the public rights to provide evidence to demonstrate that the presumption does not apply.

In a similar respect, if the Order Route (Formby No 57) is a Restricted Byway, then none of the routes which rely upon the Order Route for access can, as a matter of law, be of a higher status than Restricted Byway because, by definition, a highway must terminate at each end on a highway of equal or higher status.

We are conducting further research into a number of lines of enquiry relating to a number of evidential uses, but are not in a position to comment on these at this point in time

Conclusions

The Order Route (Formby No 57) is already, as a matter of law, and by virtue of the 2019 Dedication Agreement made under Section 25 of the Highways Act 1980, a Restricted Byway. For the reasons set out above, public rights for mechanically propelled vehicles (if they existed at all) have been extinguished by Section 67 of the Natural Environment & Rural Communities Act 2006. The Order therefore has no reasonable chance of being confirmed

The Way Forward

Given that a number of the routes contained within the Order are already subject to public rights of way confirmed by formal dedication agreements, it is suggested that the Order Making Authority seek to abandon the current Order in its entirety. To do so they will still have to refer the Order to the Secretary of State, but this should be done with a package of new Orders. This approach should help to avoid multiple public inquiries into the Order.

Having decided to abandon the Order the Order Making Authority should make Legal Event Modification Orders (LEMOs) to add the routes already established by the dedication agreements to the Definitive Map. Such LEMOs are not subject to objections. Copies of the LEMOs should be included with the referral documentation seeking to abandon the current Order.

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Any routes included in the Orders, but not subject to a LEMO should be the subject of new Definitive Map Modification Orders which, if subject to objections can be referred to the Secretary of State at the same time as the current Order (to be abandoned). This will allow all matters to be dealt with as part of a single process. No party is prejudiced by this approach.

If the Order Making Authority chooses to refer the current Order to the Planning Inspectorate and seek an amendment to the status of the route (from Byway Open to All traffic to Restricted Byway), such modifications must be advertised and potentially leaves the matter open to a second public inquiry. The expense of such a second Inquiry may be avoided if our recommended course of action is followed.

In the alternative, if the Order Making Authority considers it expedient to proceed with the current Order, given the content of this initial and preliminary objection, we should invite the Authority to adopt a neutral stance and allow those who support the Order (i.e. the Parish Council as applicants) put the case in support of Byway Open to All Traffic rights etc.

Other Matters

Having identified grounds upon which it is evident that the Order has little or no chance of success, I am obliged to put the Council on notice that pursuing the confirmation of the Order, as made, would constitute unreasonable behaviour, and that this may have significant cost implications. We should therefore respectfully suggest that adopting one of the above courses of action would be in the public interest.

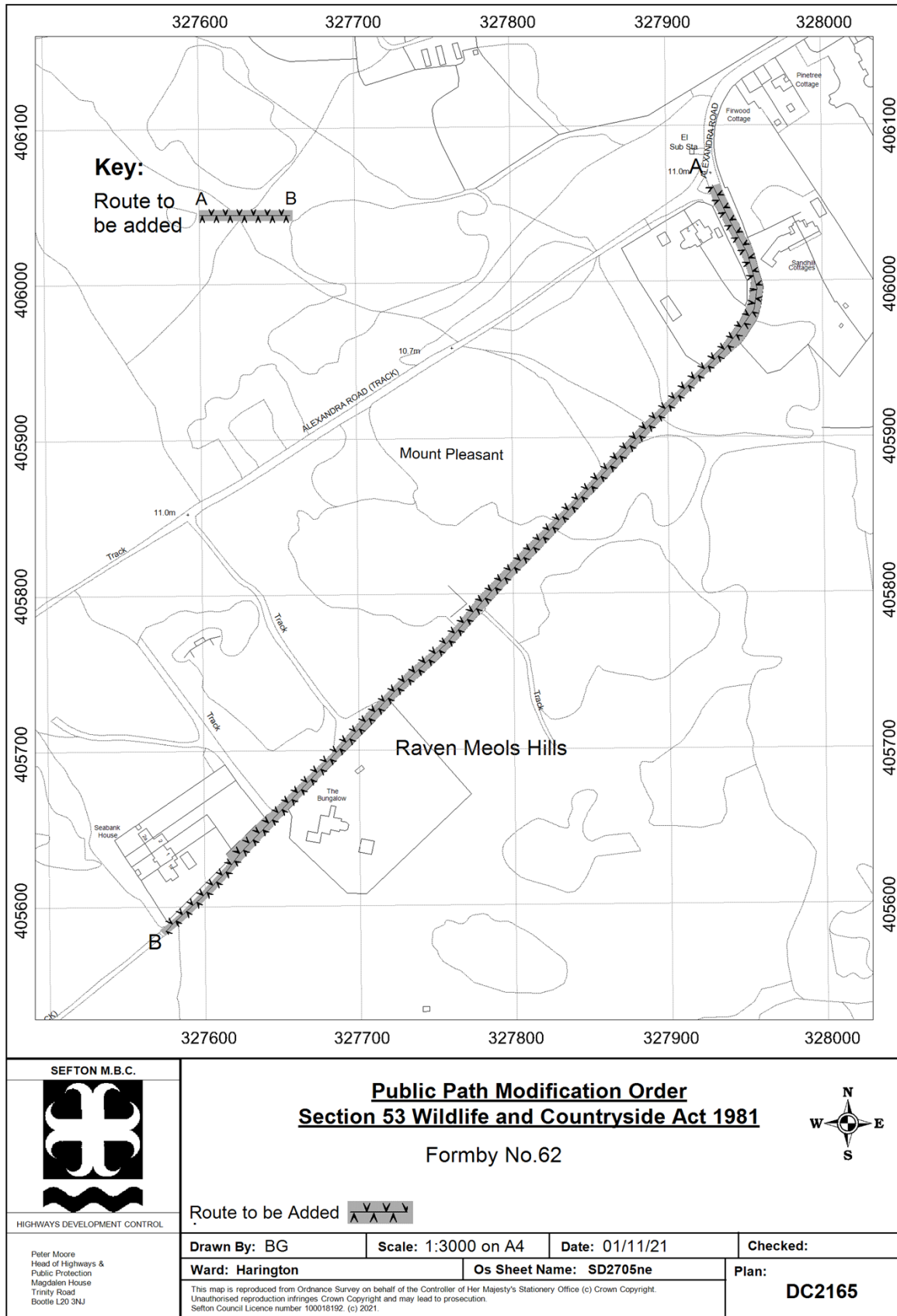
Finally, in the event of this matter proceeding, my Clients are currently minded to invoke their right to be heard. The matter will therefore be heard at a local public inquiry. At that time, we shall expand further upon our objections. My Client's will review their position on this matter subject to the future actions of the Council and Applicants.

Yours faithfully

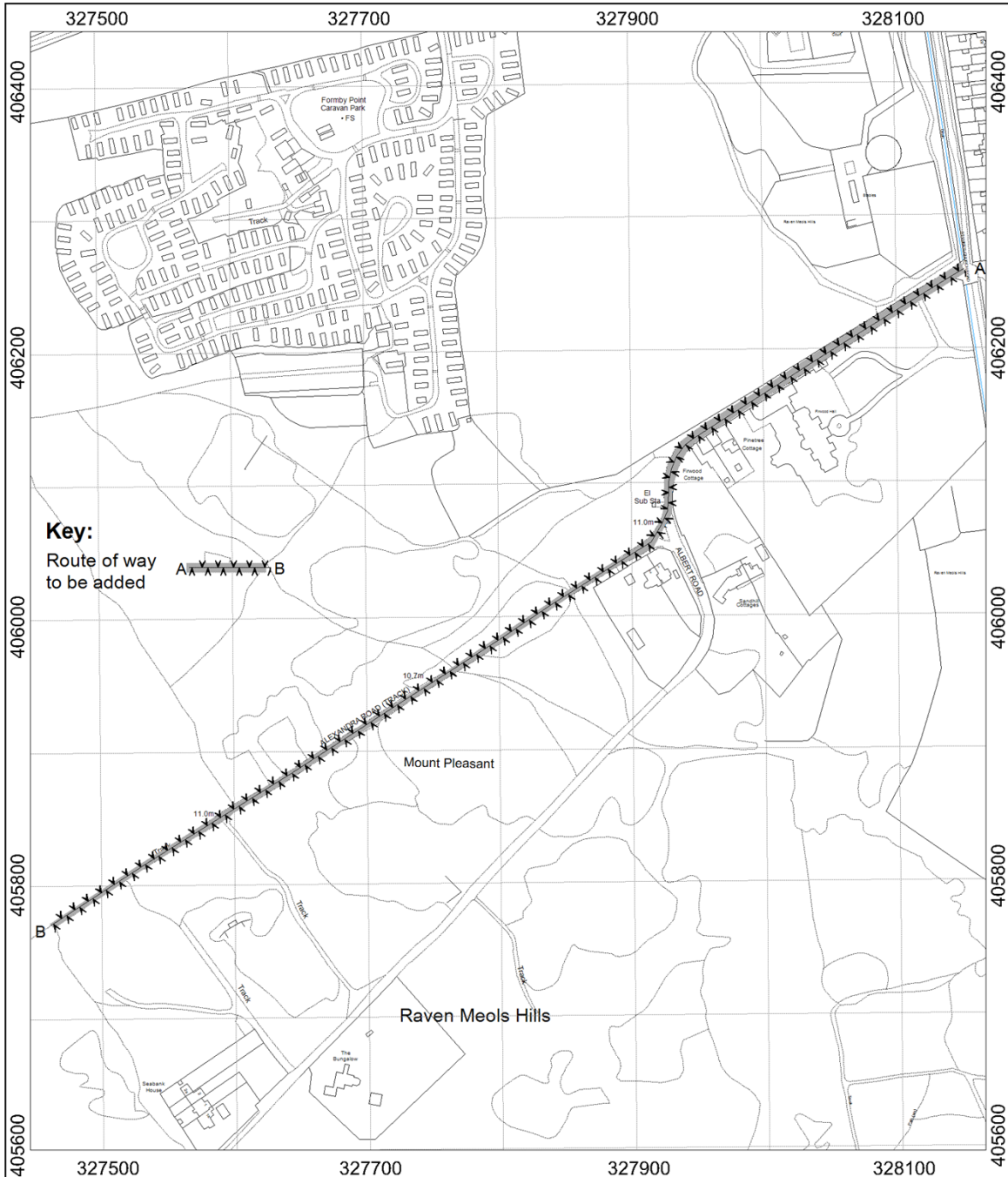





Robin Carr FIPROW
Principal Consultant

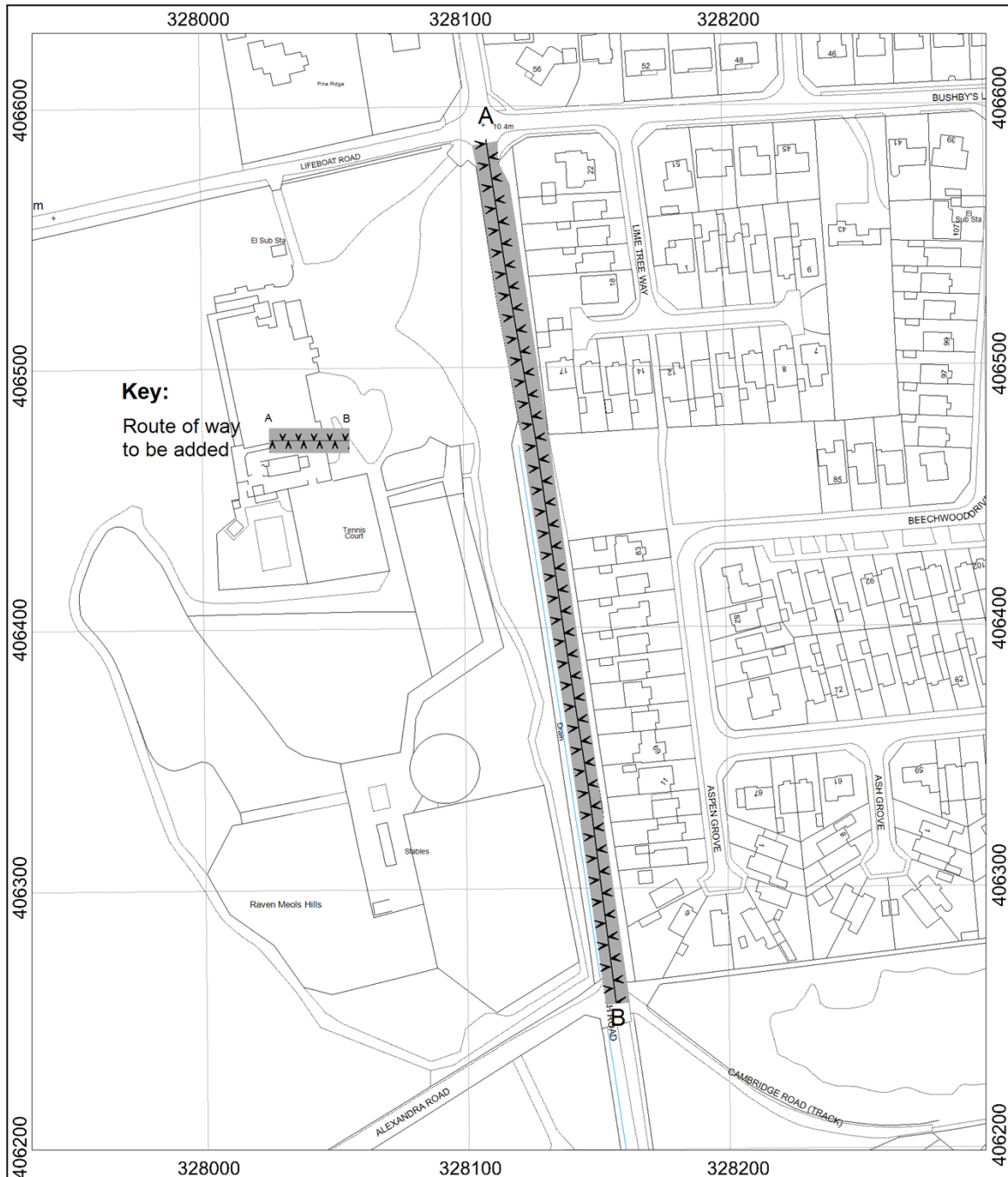
APPENDIX C






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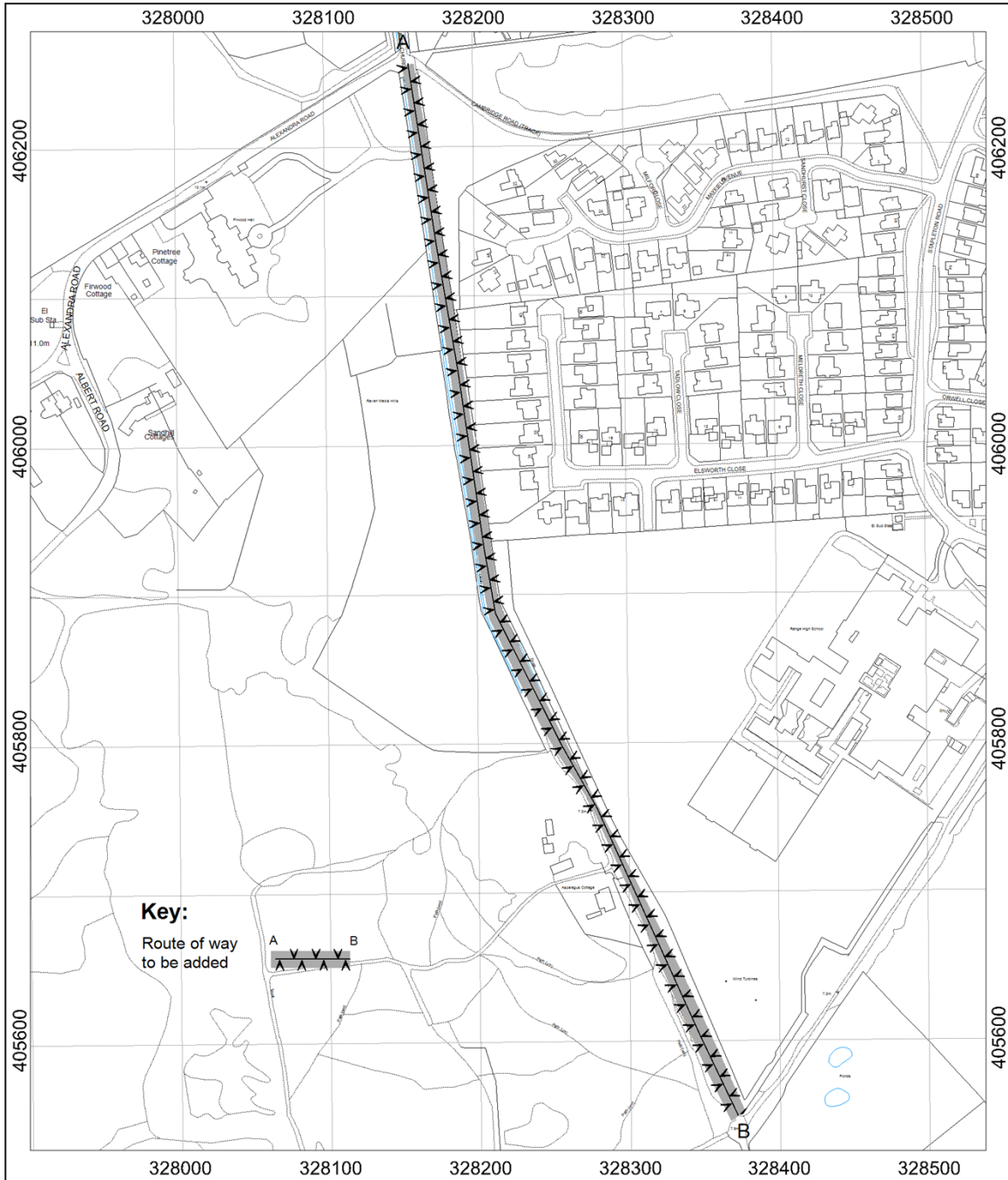





| | | | | |
|--|---|-------------------------|----------------|---|
|  SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL | Public Path Modification Order Section 53 Wildlife and Countryside Act 1981 Formby No.60 | | |  |
| | Route to be Added  | | | |
| Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ | Drawn By: BG | Scale: 1:4000 on A4 | Date: 01/11/21 | Checked: |
| | Ward: Harington | Os Sheet Name: SD2706se | | Plan: |
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|---|--|-------------------------|----------------|---|
|  SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL | Public Path Modification Order Section 53 Wildlife and Countryside Act 1981 Formby No.57 | | |  |
| | Route to be Added  | | | |
| Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ | Drawn By: BG | Scale: 1:2000 on A4 | Date: 01/11/21 | Checked: |
| | Ward: Harington | Os Sheet Name: SD2806sw | | Plan: DC2167 |
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

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|---|---|-------------------------|----------------|---|
|  SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL | Public Path Modification Order Section 53 Wildlife and Countryside Act 1981 | | |  |
| | Formby No.58 Route to be Added  | | | |
| Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ | Drawn By: BG | Scale: 1:3500 on A4 | Date: 01/11/21 | Checked: |
| | Ward: Harington | Os Sheet Name: SD2805sw | | Plan: DC2168 |
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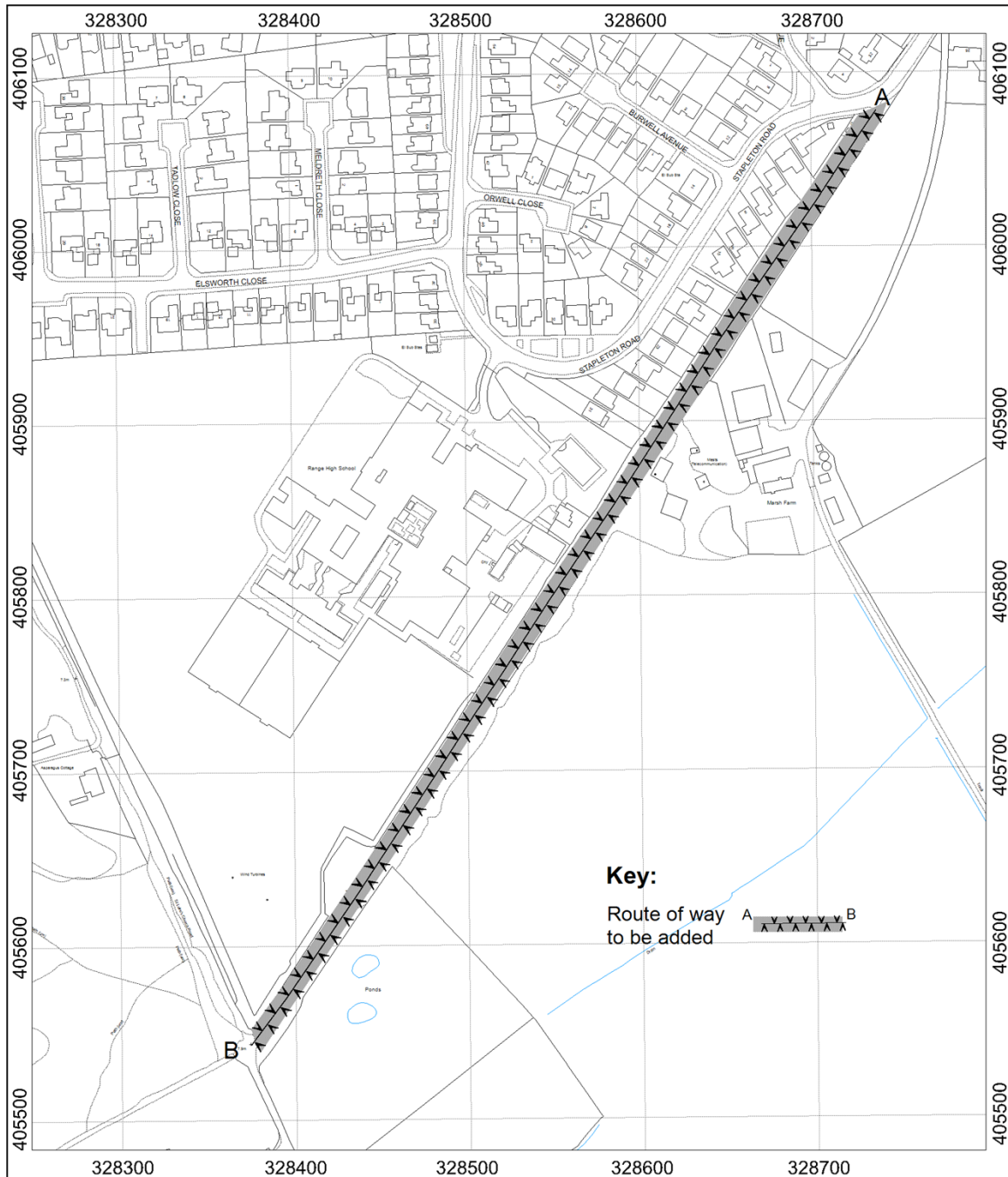





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|  SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL | Public Path Modification Order Section 53 Wildlife and Countryside Act 1981 | | |  |
| | Formby No.59 Route to be Added  | | | |
| Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ | Drawn By: BG | Scale: 1:2500 on A4 | Date: 01/11/21 | Checked: |
| | Ward: Harington | Os Sheet Name: SD2805sw | | Plan: |
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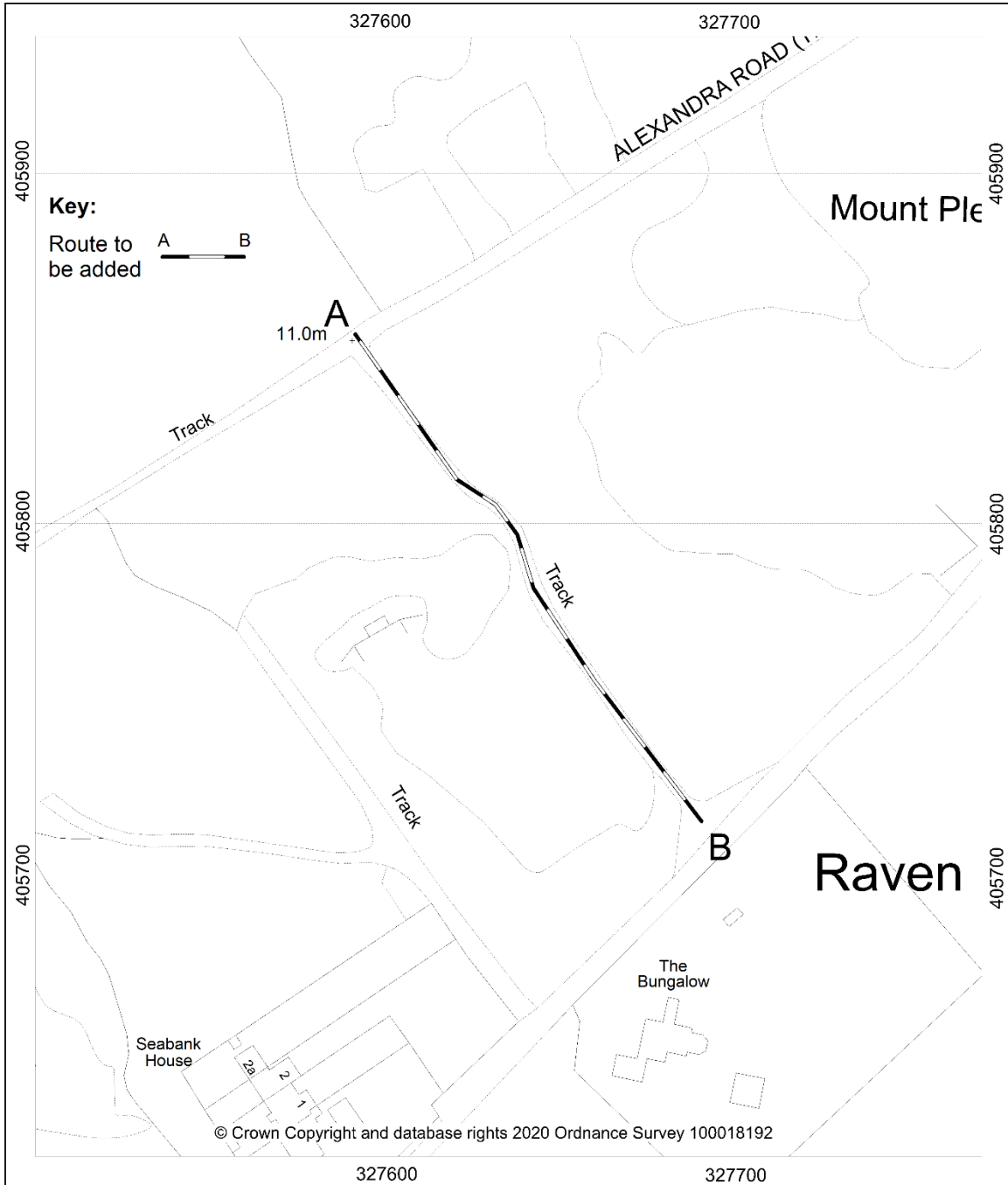


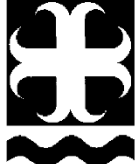


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| <p>SEFTON M.B.C.</p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p> | <p>Public Path Modification Order Section 53 Wildlife and Countryside Act 1981</p> <p>Formby No.67</p> <p>Route to be Added </p> | | |  |
| <p>Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ</p> | <p>Drawn By: BG</p> | <p>Scale: 1:2500 on A4</p> | <p>Date: 01/11/21</p> | <p>Checked:</p> |
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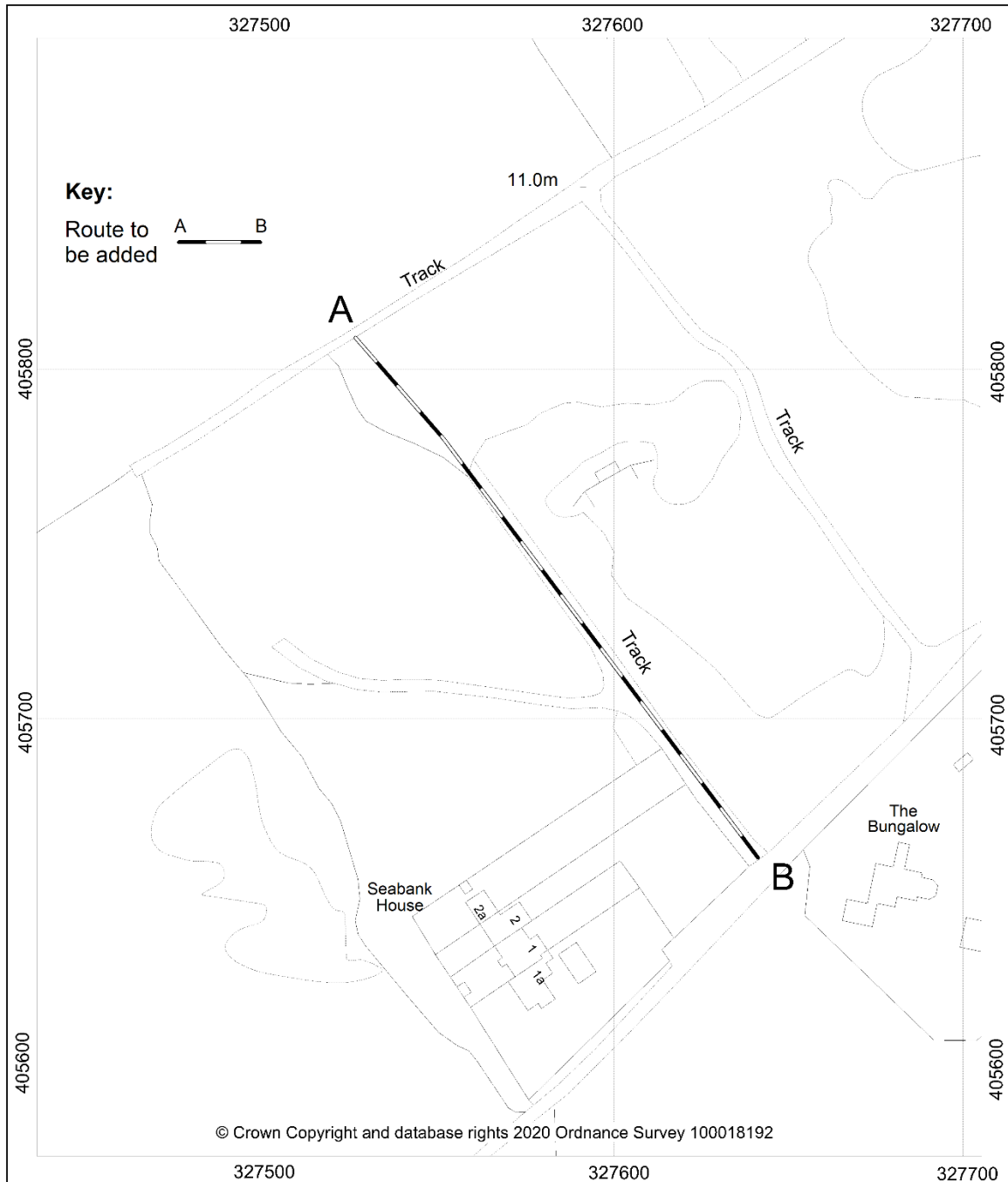


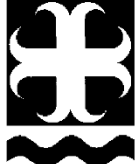

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|  SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL | Public Path Modification Order Section 53 Wildlife and Countryside Act 1981 Formby No.68 | | |  |
| | Route to be Added  | | | |
| Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ | Drawn By: BG | Scale: 1:3000 on A4 | Date: 01/11/21 | Checked: |
| | Ward: Harington | Os Sheet Name: SD2805ne | | Plan: DC2170 |
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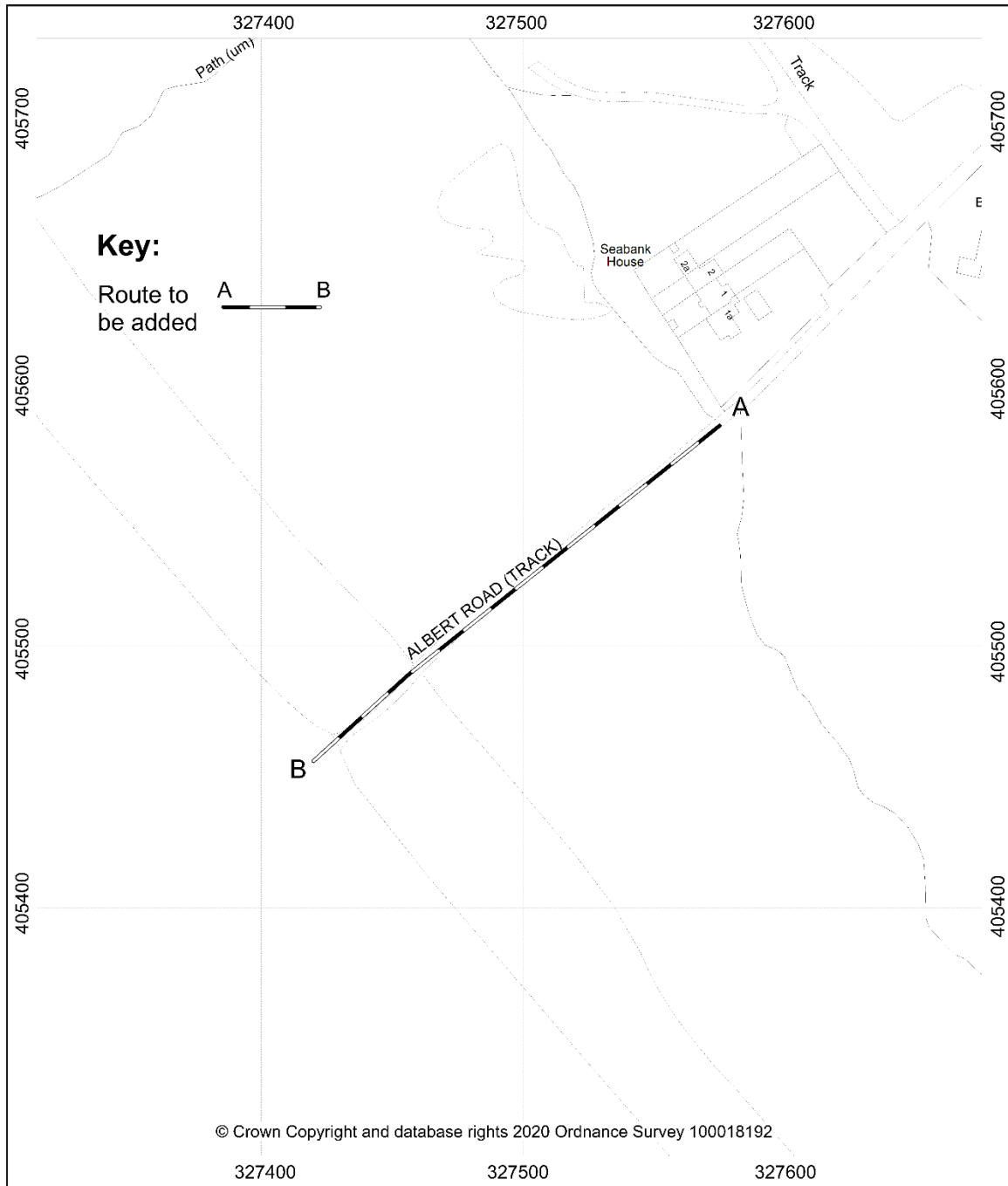




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|---|--|-------------------------|----------------|---|
|  SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL | Definitive Map Modification Order section 53 Wildlife and Countryside Act 1981 Formby No.63 - Alexandra Road link to Albert Road Formby | | |  |
| | Route to be Added  | | | |
| Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ | Drawn By: BG | Scale: 1:1500 on A4 | Date: 22/12/20 | Checked: |
| | Ward: Harington | Os Sheet Name: SD2705ne | | Plan: DC2126 |
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|  SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL | Definitive Map Modification Order section 53 Wildlife and Countryside Act 1981 Formby No.64 - Alexandra Road link to Albert Road Formby | | |  |
| | Route to be Added ——— | | | |
| Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ | Drawn By: BG | Scale: 1:1500 on A4 | Date: 22/12/20 | Checked: |
| | Ward: Harington | Os Sheet Name: SD2705ne | | Plan: DC2127 |
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|  SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ | Definitive Map Modification Order section 53 Wildlife and Countryside Act 1981 Formby No.61 - Albert Road Formby | | |  |
| | Route to be Added ——— | | | |
| Drawn By: BG | Scale: 1:2000 on A4 | Date: 22/12/20 | Checked: | |
| Ward: Harington | | Os Sheet Name: SD2705ne | | Plan: |
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Agenda Item 6

| | | | |
|--------------------------------------|--|----------------------------------|------------------------|
| Report to: | Licensing and Regulatory Committee | Date of Meeting: | Monday 10 January 2022 |
| Subject: | Molyneux Road area, Waterloo - results of consultation | | |
| Report of: | Head of Highways and Public Protection | Wards Affected: | Church; |
| Portfolio: | | | |
| Is this a Key Decision: | No | Included in Forward Plan: | No |
| Exempt / Confidential Report: | No | | |

Summary:

To report on the results of a consultation with residents regarding the implementation of a Residents' Privileged Parking (RPP) scheme in the Molyneux Road area of Waterloo.

Recommendation(s):

- (1) That Licensing & Regulatory Committee note the results of the consultation;
- (2) That the proposed Residents' Privileged Parking scheme for the Molyneux Road area not be progressed, with the exception of the section of highway fronting Nos. 1 to 7 Hicks Road;
- (3) That Licensing & Regulatory Committee request Cabinet Member – Locality Services to authorise the progression of the necessary Traffic Regulation Order for Hicks Road, Waterloo;
- (4) That residents be informed of the results of the consultation.

Reasons for the Recommendation(s):

Authorisation to proceed with Highway schemes fall under the remit of the Licensing & Regulatory Committee.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

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What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

All costs associated with the proposed RPP scheme on Hicks Road will be funded from Church Ward allocations.

Implications of the Proposals:

| | |
|---|---|
| Resource Implications (Financial, IT, Staffing and Assets): There are no costs arising from this report. | |
| Legal Implications: There are no legal implications | |
| Equality Implications: There are no equality implications. | |
| Climate Emergency Implications: The recommendations within this report will | |
| Have a positive impact | N |
| Have a neutral impact | Y |
| Have a negative impact | N |
| The Author has undertaken the Climate Emergency training for report authors | Y |
| This report seeks to inform members on the results of a consultation which involved the proposal to implement a Traffic Regulation Order to control parking. It does not include any Climate Change implications, positive or negative. | |

Contribution to the Council's Core Purpose:

| |
|--|
| Protect the most vulnerable: Not Applicable |
| Facilitate confident and resilient communities: Not Applicable |
| Commission, broker and provide core services: Not Applicable |
| Place – leadership and influencer: Not Applicable |
| Drivers of change and reform: Not Applicable |

| |
|--|
| Facilitate sustainable economic prosperity: Not Applicable |
| Greater income for social investment: Not Applicable |
| Cleaner Greener: Not Applicable |

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6645/21.) and the Chief Legal and Democratic Officer (LD.4846/21.) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Consultation with 319 property occupiers in the Molyneux Road area, Waterloo.

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

(Please delete as appropriate and remove this text)

| | |
|-------------------------|------------------------------|
| Contact Officer: | Steve Johnston |
| Telephone Number: | Tel: 0151 934 4258 |
| Email Address: | steve.johnston@sefton.gov.uk |

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

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1.0 Introduction

- 1.1 As part of the current Policy for the introduction of Residents' Privileged Parking (RPP) schemes, whereby all Ward funded schemes are progressed in chronological order, officers have recently completed consultation on the next scheme on the waiting list, covering an area adjacent to Molyneux Road, Waterloo.
- 1.2 This has been requested by Church Ward Members following a number of complaints and requests from residents in the area.
- 1.3 Consultation with residents has now taken place, and as per the Council's constitution, the results are now reported to Licensing & Regulatory Committee for information and to seek their views with regards to progression of the scheme.

2.0 Consultation

- 2.1 A total of 319 consultation documents were hand delivered to every property in the area. Copies of the consultation documents, showing a plan of the proposed scheme, covering letter, questionnaire and 'Frequently Asked Questions' sheet is attached as Annex A.
- 2.2 Out of the 319 documents delivered, 117 (36.7%) were returned, of which 69 (59%) were in favour and 48 (41%) were against.
- 2.3 Previous return rates in other locations for this type of scheme, where the availability of parking for residents is being improved, has usually been in the region of 66% and it is concerning that approximately two thirds of the residents chose not to respond.
- 2.4 In order to analyse these figures, the table below shows the number of questionnaires returned from each road. It should be noted that on Crosby Road North, multiple photocopied questionnaires were received from one shop, voting against the scheme, but these have been omitted from the totals and only one vote attributed to that property. No other duplications occurred.

| ROAD NAME | YES (%) | NO (%) | TOTAL RETURNED FROM ROAD (%) |
|-------------------|------------|------------|------------------------------|
| Crosby Road North | 2 (33.3%) | 4 (66.6%) | 6 (35.3%) |
| Galloway Road | 16 (66.7%) | 8 (33.3%) | 24 (48%) |
| Hicks Road | 4 (80%) | 1 (20%) | 5 (71.4%) |
| Milton Road | 23 (59%) | 16 (41%) | 39 (44.8%) |
| Molyneux Road | 12 (54.5%) | 10 (45.5%) | 22 (24.8%) |
| Stuart Road | 0 (0%) | 4 (100%) | 4 (26.7%) |
| Winstanley Road | 12 (70.6%) | 5 (29.4%) | 17 (32.1%) |
| | | | |
| Total | 69 | 48 | 117 (36.7% response) |

- 2.5 It should also be noted from the plan shown in Annex A, that the scheme only encompasses the 5 side roads, but property occupiers on Stuart Road and Crosby Road North were also consulted as they may also park in the side roads and it was only right that they should be able to offer their views on the scheme.
- 2.6 From the results, it can be seen that response rates from the five side roads, where residents would mostly be affected, ranged from 71.4% (Hicks Road) to 24.8% (Molyneux Road).
- 2.7 Out of the 117 responses, 93 of the residents chose to include comments. Generally, many of them related to common themes and these can be broken down into seven categories, which are shown below. The number against each comment relates to the number of residents making that comment. Some residents chose to make more than one comment.
- Make road one way due to rat run / driver confrontations / speeding (35)
 - Too many cars parked in the evening / weekend / overnight / multi car households (32)
 - No daytime parking problems (10)
 - Can't park 9am-6pm (9)
 - Comments about paying for permits (4)
 - Where would our staff / customers park (4)
 - Strongly oppose these proposals (2)
 - Remove illegal parking cones (2)
- 2.8 As can be seen, there were a large number of comments relating to two issues. The first related to making the roads one-way, to avoid confrontations. The second related to the perception that there were too many vehicles vying for parking spaces during the evening and overnight, exacerbated by multi-car households. Neither of these issues would be solved by the introduction of RPP in the area.

3.0 Discussion

- 3.1 The results of the consultation have been shared with the three Church Ward Members, in order to obtain their views, especially due to the fact that the response rate was much lower than expected for a scheme which would supposedly assist the residents. In addition, it was pointed out that the largest number of comments suggested that the residents' issues were with driver confrontations, with the second largest number of comments suggesting that the parking problems occurred in the evening and overnight due to the fact that car ownership by the residents themselves was so high.
- 3.2 Under Sefton's current policy on the issuing of permits, all vehicles registered at any of the properties in the five side roads will be eligible for a resident's permit, and each property owner will be eligible for one visitor's permit. This will include every flat in houses of multiple occupancy. Effectively, this means that if residents are currently experiencing difficulty parking in the evening and overnight, the introduction of an RPP scheme will not assist.

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4.0 Response from Church Ward Members

- 4.1 Having reviewed the results from the consultation, Church Ward Members considered that, with the exception of Hicks Road, the introduction of the proposed RPP scheme was not supported by enough residents and would not assist due to the high volume of car ownership by the residents themselves and as a consequence should not be progressed.
- 4.2 With regards to Hicks Road, it was considered that support for the scheme by residents was sufficiently high, probably due to the fact that many of the vehicles currently parking there were displaced from the new residential apartments in Crosby Gardens rather than the volume of vehicles owned by the residents themselves. An RPP scheme fronting the four properties on Hicks would certainly assist these residents and should be progressed.
- 4.3 Given the number of comments and requests about one-way working, Church Ward Members further requested that officers consider the implications and costs associated with such a proposal. Any further scheme arising from this suggestion, or subsequent consultation with residents would be reported back to this Committee.

Proposed Residents' Permit Parking Scheme Molyneux Road area, Waterloo

CONSULTATION

Following complaints from residents regarding lack of on-street parking for residents in the side roads east of Crosby Road North, Church Ward Councillors have agreed to fund the introduction of a Residents' Parking scheme in this area.

The roads which are proposed to receive the Residents' Privileged Parking (RPP) scheme are:-

- Hicks Road
- Winstanley Road
- Galloway Road
- Molyneux Road
- Milton Road

As you will know, all of these roads provide parking for adjoining businesses and shops on Crosby Road North, and it is important to ensure that there is still a reasonable amount of available on-street parking for these businesses to maintain the viability of your thriving community, whilst at the same time allowing residents to park in their own roads.

In order to achieve a good balance of parking for residents and shoppers, it is proposed to introduce a mix of waiting restrictions. On all of the roads, with the exception of Hicks Road, it is proposed to have Residents' parking bays on the north side of the road and Limited Waiting bays on the south side. The Limited Waiting bays will have an exemption for vehicles displaying residents permits. For clarity, residents will be able to park on both sides of the roads. Shoppers will only be able to park on the south side up to a maximum of two hours. On Hicks Road, due to the width and general lack of parking, only a Residents' parking bay will be provided outside Nos. 1,3,5 & 7.

A plan showing the proposed RPP bays and Limited Waiting bays is attached with this letter.

If the scheme is progressed, both the RPP bays and Limited Waiting bays will operate Monday to Saturday 9.00 a.m. to 6.00 p.m. Outside of these hours, any vehicle is permitted to park, for any length of time or without displaying a permit.

The purpose of this consultation is to seek your views on the proposals. Included with this letter is a plan showing the proposals and a questionnaire. Please take the time to fill in the questionnaire and return it in the pre-paid envelope provided, to reach us **no later than Friday 30th October 2021**.

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Frequently Asked Questions

How much will the permits cost?

Each resident can apply for a Residents' permit for each vehicle which is registered at their address. In addition, they may also apply for one Visitor's permit per property. Each permit (Resident's or Visitor's) will be subject to a one-off £30 registration fee, i.e. if you have two vehicles and also want the Visitor's permit, you will be charged a total of £90 for the three permits. If you change your vehicle in the future, you will be charged another £30 registration fee to change the Resident's permit.

Do I have to pay for a new permit every year?

No – you will only have to pay once, when you initially apply for the permits. The only exception to this is if you change your vehicle and need a new permit with the new registration number on it.

Why should I pay to park in my own road?

Any vehicle can park on any public road provided it is legally taxed, tested and insured. What the residents' parking scheme does is prevent any vehicle from parking in your road unless it is displaying a permit. Effectively you are paying to prevent outsiders from taking up the parking spaces throughout the day in your road.

Will the permit guarantee a parking space outside my own house?

No – all it will guarantee is that it will prevent outsiders taking up parking spaces for long periods of time in your road. You and your visitors will be able to park anywhere in the road, but generally most residents will tend to park outside their own houses.

Why are you still allowing non-residents to park on the south side of each road?

It is recognised that some on-street parking is still required for shoppers and clients of the shops and businesses on Crosby Road North. Without this parking, shops and businesses will suffer and may close. In order to stop long term parking in the side roads, users of the shops and businesses will be able to park on the south side of each road, up to a maximum of 2 hours. Residents will also be able to park in these 'Limited Waiting' bays, longer than 2 hours, provided they are displaying their permit.

Why have you chosen the south side to have the 'Limited Waiting' bays?

The north side of each road has marginally more parking spaces, so these have been dedicated as 'Resident Only' bays. The south side, which has marginally less, has been designated as the 'Limited Waiting' bays. Residents can still use the 'Limited Waiting' bays if they wish to park directly outside their own house.

Who will enforce the scheme?

Sefton's own parking attendants will regularly patrol each of the roads throughout the day, and issue tickets on any vehicle which does not display a valid permit.

...Cont'd overleaf

What will be the hours of operation?

The scheme is aimed at preventing office and shop workers from parking in your road during working hours, so the scheme will operate Monday to Saturday, 9:00 a.m. to 6:00 p.m. In the evenings and on Sundays, vehicles may park without having to display a permit.

Will I be able to receive deliveries?

Yes – Any vehicle will be able to park and unload goods without having to display a permit.

Will tradespeople be able to park when working on my house?

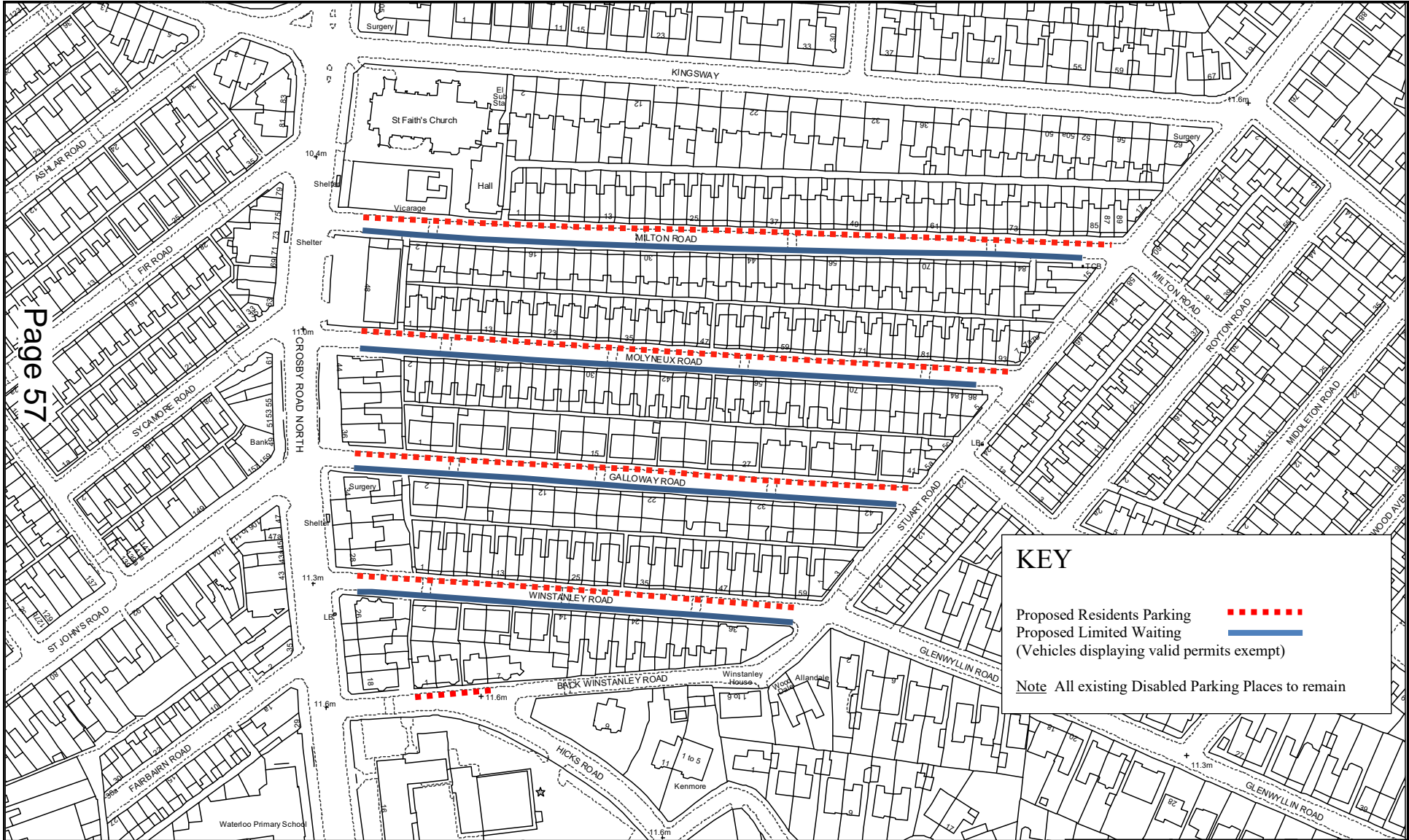
Yes, but they will need to display your visitor's permit. (Don't forget to get it back before they leave)

This is just a way of the Council making money!

The £30 registration fee for each permit simply covers staff time in receiving applications, inputting your details onto our records, printing off the permit and posting the permit out to you. All other costs, such as this consultation, production of Committee reports, advertising the legal Order in the local Papers and provision of signs and carriageway markings are being funded by the Council in order to provide a service to residents. Sefton Council will make no money from this scheme.

What happens after the end of the consultation?

The results will be collated and presented to show the number of votes, for and against the scheme. Councillors on the Licensing and Regulatory Committee will use this information to decide whether to proceed with the scheme as shown on the plan.



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|---|--|--|--|--|
| <p>METROPOLITAN BOROUGH OF SEFTON</p> <p>Peter Moore</p> <p>Head of Highways and Public Protection</p> | <p>Title Molyneux Road area, Waterloo</p> <p>Proposed RPP / Limited waiting scheme</p> | <p>Drawn</p> <p>Scale</p> <p>Date</p> | <p><i>SJ</i></p> <p><i>NTS</i></p> <p><i>July 2021</i></p> | |
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Agenda Item 7

| | | | |
|--------------------------------------|--|----------------------------------|------------------------|
| Report to: | Licensing and Regulatory Committee | Date of Meeting: | Monday 10 January 2022 |
| Subject: | Determinations made under the Licensing Act 2003 and the Gambling Act 2005: period covering 8 October 2021 to 30 November 2021 | | |
| Report of: | Head of Highways and Public Protection | Wards Affected: | (All Wards); |
| Portfolio: | | | |
| Is this a Key Decision: | N | Included in Forward Plan: | N |
| Exempt / Confidential Report: | N | | |

Summary:

To update Members regarding those applications, made under the Licensing Act 2003 and the Gambling Act 2005, that have been determined by Officers.

Recommendation(s):

That Members:

- i) note this Report and its contents;
- ii) note that further Reports will be brought forward to up date Members as and when necessary.

Reasons for the Recommendation(s):

The Openness of Local Government Bodies Regulations 2014 requires that a written record of delegated decisions that would otherwise be made by a committee be published to the Council's website. The publication of this report satisfies that requirement for the delegated decisions made in relation to the administration of the Licensing Act 2003 and the Gambling Act 2005.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

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There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications of the Proposals:

| | |
|---|---|
| Resource Implications (Financial, IT, Staffing and Assets): None. | |
| Legal Implications: None. | |
| Equality Implications: There are no equality implications. | |
| Climate Emergency Implications: The recommendations within this report will | |
| Have a positive impact | N |
| Have a neutral impact | Y |
| Have a negative impact | N |
| The Author has undertaken the Climate Emergency training for report authors | Y |
| This is an information only Report and contains no proposals that will alter any impact on climate change . | |

Contribution to the Council's Core Purpose:

| |
|---|
| Protect the most vulnerable: Yes |
| Facilitate confident and resilient communities: |
| Commission, broker and provide core services: Yes |
| Place – leadership and influencer: |
| Drivers of change and reform: |
| Facilitate sustainable economic prosperity: |
| Greater income for social investment: |
| Cleaner Greener |

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates no direct financial implications for the Council. (FD 6638/21/21).

The Chief Legal and Democratic Officer has been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 4839/21).

(B) External Consultations

None.

Implementation Date for the Decision

Immediately following the Committee meeting.

| | |
|--------------------------|---------------------------|
| Contact Officer: | Kevin Coady |
| Telephone Number: | Tel: 0151 934 2946 |
| Email Address: | kevin.coady@sefton.gov.uk |

Appendices:

Annex 1: Numbers determined – Licensing Act 2003

Annex 2: Numbers determined – Gambling Act 2005

Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 Members will recall that the Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling Licensing Policy (issued under the Gambling Act 2005) both follow the recommended delegation of functions contained within the Guidance issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005.
- 1.2 In effect this means that where there are no relevant representations to applications then these matters are dealt with by Officers. This ensures that decisions and functions, particularly for non-contentious applications and purely administrative functions, are taken or carried out in a speedy, efficient and cost-effective way.
- 1.3 The Openness of Local Government Bodies Regulations 2014 requires that a written record of delegated decisions that would otherwise be made by a committee be published to the Council's website. The publication of this report

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satisfies that requirement for the delegated decisions made in relation to the administration of the Licensing Act 2003 and the Gambling Act 2005.

2. Numbers determined – Licensing Act 2003

2.1 During the period covering 8 October 2021 to 30 November 2021 the following number of applications have been determined under this Act:

- Applications made under Premise Licences **48**
- Applications made under Personal Licences **20**
- Notification of Temporary Event Notices **28**
- Notification of Late Temporary Event Notices **14**

2.2. Details of determinations made under Premise Licences are attached within Annex 1 to this Report.

3. Numbers determined – Gambling Act 2005

3.1 During the period 8 October 2021 to 30 November 2021 the following number of applications have been determined under this Act:

- Notifications given for Licensed Premises Automatic Gaming **2**

3.2. Details of determinations made under the above are attached within Annex 2 to this Report.

| name | address2 | address3 | action | closeddate |
|----------------------------|--------------------------|-----------------|--|-------------------|
| Enelles Glass House | 241b Lord Street | Southport | Variation of DPS | 08/10/2021 |
| Bridge Road News and Booze | 58 Bridge Road | Litherland | Change of Name and/or Address | 11/10/2021 |
| Nags Head Hotel | Green Lane | Thornton | Variation of DPS | 13/10/2021 |
| Bargain Booze | 187 Altway | Aintree | Variation | 15/10/2021 |
| London Street Mini Market | 53 London Street | Southport | Grant | 15/10/2021 |
| Furusato Bar & Grill | 2 Westway | Maghull | Variation of DPS | 18/10/2021 |
| Little World Market Ltd | 2 Dunnings Bridge Road | Netherton | Transfer | 18/10/2021 |
| Spar Pop Up Shop | 54/58 Harington Road | Formby | Grant | 19/10/2021 |
| Iceland Frozen Foods Plc | 5-9 King Street | Southport | Variation of DPS | 20/10/2021 |
| Little World Market Ltd | 2 Dunnings Bridge Road | Netherton | Variation of DPS | 20/10/2021 |
| McColls | 19-21 Liverpool Road | Crosby | Variation of DPS | 20/10/2021 |
| Elephantas Restaurant | 60 Bridge Road | Litherland | Grant | 22/10/2021 |
| Bargain Booze | 278 Liverpool Road | Birkdale | Variation of DPS | 25/10/2021 |
| Railway Hotel | 5 Brighton Road | Waterloo | Variation of DPS | 25/10/2021 |
| Royales | 13 Lord Street | Southport | Variation | 29/10/2021 |
| Toby Carvery | 13 Church Road | Formby | Variation of DPS | 01/11/2021 |
| The Fuel Cabin Ltd | 108 Liverpool Road South | Maghull | Grant | 02/11/2021 |
| Ranchers Chicken & Pizza | 310 Stanley Road | Bootle | Licence Holder Transfer & Variation of DPS | 02/11/2021 |
| Enelles 21 | 21 Stanley Street | Southport | Grant | 03/11/2021 |
| Tik Taco | 5 Coronation Walk | Southport | Licence Holder Transfer & Variation of DPS | 03/11/2021 |

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|-------------------------|----------------------|------------|--|------------|
| The Crosby Nook Limited | 81 Liverpool Road | Crosby | Grant | 04/11/2021 |
| Netherton Snooker Club | 1A The Marian Square | Netherton | Variation of DPS | 04/11/2021 |
| PizzaExpress | 253-255 Lord Street | Southport | Variation of DPS | 04/11/2021 |
| The Gild Hall | Church Road | Formby | Variation of DPS | 05/11/2021 |
| Aldi | Washington Parade | Bootle | Variation | 10/11/2021 |
| Aldi | Moor Lane | Thornton | Variation | 10/11/2021 |
| Seaforth Arms Hotel | 26-30 Seaforth Road | Seaforth | Variation of DPS | 10/11/2021 |
| Aldi Store | Park Lane West | Netherton | Variation | 11/11/2021 |
| Mai Thai | 122 Lord Street | Southport | Licence Holder Transfer & Variation of DPS | 11/11/2021 |
| Asda | Derby Road | Southport | Variation of DPS | 15/11/2021 |
| KFC | Ormskirk Road | Aintree | Minor Variation | 15/11/2021 |
| Tesco Express | Unit 1 23 Edge Lane | Crosby | Variation of DPS | 15/11/2021 |
| The Jasmin Tree | 10 Union Street | Southport | Transfer | 16/11/2021 |
| The Jasmin Tree | 10 Union Street | Southport | Variation of DPS | 16/11/2021 |
| The Phoenix | 4-6 Coronation Walk | Southport | Transfer | 16/11/2021 |
| Railway Hotel | 2 Duke Street | Formby | Minor Variation | 16/11/2021 |
| Aldi | Liverpool Road | Birkdale | Variation of DPS | 17/11/2021 |
| Asda Supermarket | Orrell Lane | Bootle | Variation of DPS | 17/11/2021 |
| Jubilee Inn | 41A Hatton Hill Road | Litherland | Transfer | 17/11/2021 |
| One Stop Shop | 30-32 Belmont Street | Southport | Change of Name and/or Address | 18/11/2021 |
| Scotch Piper Inn | Southport Road | Lydiate | Minor Variation | 18/11/2021 |

| | | | | |
|-------------------------|--|----------------------|------------------|------------|
| The Thatch and Thistle | 147 Norwood Road | Southport | Variation of DPS | 18/11/2021 |
| The Fire Pit Restaurant | 30 West Street | Southport | Grant | 22/11/2021 |
| Addison Arms | Podium Level Units 1-3 Triad Buildings | Stanley Road, Bootle | Variation of DPS | 23/11/2021 |
| Cock & Rabbit | 69 Manchester Road | Southport | Variation of DPS | 23/11/2021 |
| The Waterfront | 6 The Waterfront, Promenade | Southport | Variation of DPS | 23/11/2021 |
| Meadows Hotel | 89A Liverpool Road South | Maghull | Variation of DPS | 24/11/2021 |
| The Frank Hornby | Eastway | Maghull | Variation of DPS | 29/11/2021 |

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| name | address2 | address3 | action | closeddate | activity |
|-------------|---------------------|-----------------|---------------|-------------------|------------------------------------|
| Rubber Duck | 5 Strand Road | Bootle | Grant | 18/10/2021 | Licensed Premises Automatic Gaming |
| Jubilee Inn | 41 Hatton Hill Road | Litherland | Grant | 09/11/2021 | Licensed Premises Automatic Gaming |

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