



Licensing and Safety Committee

Agenda and Reports

For consideration on

Wednesday, 2nd April 2008

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



www.chorley.gov.uk

This page is intentionally left blank

20 March 2008

Dear Councillor

LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 2ND APRIL 2008

You are invited to attend a meeting of the Licensing and Safety Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 2nd April 2008 commencing at 2.00 pm.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 4)**

To receive as a correct record the Minutes of the meeting of the Licensing and Safety Committee 27 February 2008 (enclosed)

4. **Review of the Licensing Committee Structure (Pages 5 - 8)**

Report of Corporate Director of Governance (enclosed)

5. **Review of Hackney Carriage Vehicle Licences (Pages 9 - 26)**

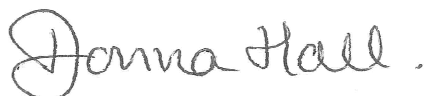
Report of Corporate Director of Governance (enclosed)

6. **Review of Guidelines on the Relevance of Convictions and Review of Guidelines on the Relevance of Convictions and and Police Cautions for use in Determining Applications for Hackney Carriages and Private Hire Drivers Licences (Pages 27 - 38)**

Report of Corporate Director of Governance (enclosed)

7. **Local Government (Miscellaneous Provisions) Act 1976 Display of Signs on Hackney Carriages and Private Hire Vehicles and Review of Style and Format of Licence Plates (Pages 39 - 44)**
Report of Corporate Director of Governance (enclosed)
8. **Licensing and Registration - Summary of Activity from 09 February - 14 March 2008 (Pages 45 - 48)**
Report of Corporate Director of Governance (enclosed)
9. **Allocation of Hackney Carriage Plate (Pages 49 - 52)**
Report of Corporate Director of Governance (enclosed)
10. **Any other item(s) that the Chair decides is/are urgent**
11. **Exclusion of the Public and Press**
To consider the exclusion of the press and public for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.
12. **Private Hire Driver Suspension on the Grounds of Public Safety (Pages 53 - 66)**
Report of Corporate Director of Governance (enclosed)
13. **Private Hire Operator/Private Hire Vehicle Licence Holder and Private Hire Driver Licence - Failure to Notify of Conviction (Pages 67 - 78)**
Report of Corporate Director of Governance (enclosed)

Yours sincerely



Donna Hall
Chief Executive

Gordon Bankes
Democratic Services Officer
E-mail: gordon.bankes@chorley.gov.uk
Tel: (01257) 515123
Fax: (01257) 515150

Distribution

1. Agenda and reports to all Members of the Licensing and Safety Committee (Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair), Councillors Judith Boothman, Terry Brown, Magda Cullens, David Dickinson, Mrs Doreen Dickinson, Pat Haughton, Keith Iddon, Margaret Iddon, Hasina Khan, Margaret Lees, Marion Lowe, Thomas McGowan, Ralph Snape, John Walker and Mrs Stella Walsh) for attendance.

2. Agenda and reports to Andrew Docherty (Corporate Director of Governance) Samantha Marland-Fitzell (Solicitor), Stephen Culleton (Licensing Manager), Bob Beeston (Licensing Enforcement Officer) and Janet Brereton (Legal Assistant (Licensing and Registration)) Gordon Bankes (Democratic Services Officer) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

This page is intentionally left blank

Licensing and Safety Committee

Wednesday, 27 February 2008

Present: Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Judith Boothman, Terry Brown, Magda Cullens, David Dickinson, Mrs Doreen Dickinson, Keith Iddon, Margaret Iddon, Hasina Khan, Ralph Snape, John Walker and Mrs Stella Walsh

08.LS.16 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Pat Haughton, Thomas McGowan and Margaret Lees.

08.LS.17 DECLARATIONS OF ANY INTERESTS

No declarations of interest were received.

08.LS.18 MINUTES

RESOLVED – That the minutes of the meeting of the Licensing and Safety Committee held on 6 February 2008 were confirmed as a current record and signed by the Chairman.

08.LS.19 LICENSING LIAISON PANEL 4 FEBRUARY 2008

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 4 February 2008.

RESOLVED – That the minutes be noted.

08.LS.20 DRUG TESTING IN PUBS AND CLUBS

The Councils Licensing Manager informed Members of the recent scheme of testing for drugs in pubs and clubs.

Officers had received Home Office approved drug testing kits and with the cooperation of the licensees would be invited to the premises to detect for cocaine, amphetamines, cannabis, heroin etc. The scheme had received the full cooperation of the licensing trade and would assist in developing an admission policy and keep premises free from drugs.

08.LS.21 AMENDMENT TO LICENCE CONDITION IN RELATION TO CONVICTIONS

The Committee considered a report of the Corporate Director of Governance seeking approval to a change in an existing license condition relating to convictions.

The report indicated that a condition attached to a hackney carriage/private hire driver licence required the licence holder to “notify the Council in writing of any conviction recorded against him/her by any Court and/or the imposition of any endorsable or non-endorsable fixed penalty within 7 days of such conviction or penalty being imposed.”

It had become apparent that there had been an increasing use of cautions for dealing with certain offences and to ensure that drivers are not confused about the need to notify the Council of offences and cautions it was proposed that the above condition be amended.

RESOLVED – That the condition be amended as follows:

Conviction

The licensee shall notify the Council in writing of any convictions or caution recorded against him/her and/or the imposition of any endorsable fixed penalty within 7 days of such conviction or caution or penalty being imposed.

08.LS.22 LICENSING AND REGISTRATION - SUMMARY OF ACTIVITY FROM 1ST JANUARY 2008 - 8TH FEBRUARY 2008

The Committee received and noted a report of the Corporate Director of Governance on the activity of the Licensing Section for the period 1 July 2008 to 8 February 2008 under Licensing Act 2003 and Gambling Act 2005.

RESOLVED – That the report be noted.

08.LS.23 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following item on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

08.LS.24 HACKNEY CARRIAGE DRIVER - APPLICATION TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

The Committee received a report of the Corporate Director of Governance to consider an application for a Hackney Carriage/Private Hire vehicle driver's licence.

The report indicated that the applicant's driving licence stated that he had held a full driving licence since 25 January 2006 and had a date of birth of 24 October 1988. Applicants should be over 21 years of age and have three years driving experience as a holder of a full driving licence.

Enquiries made had revealed that the applicant had no driving convictions on his driving licence and a Criminal Record Bureau check had revealed that there were no previous convictions.

It had not been possible to satisfy Officers that the applicant had the necessary driving experience and therefore the application had to be determined by the Committee.

The applicant attended the meeting along with his brother to put forward representations in support of his application.

RESOLVED – That after careful consideration of the application the Committee agreed that it be refused on the basis that he was not considered to be a fit and proper person to hold a private hire/hackney carriage drivers licence. The grounds on which this was based are as follows:

- **The applicant had not held a full driving licence for the required period of time and is not the required age.**
- **The Committee carefully considered the representations made and considered that they were not sufficient to move away from the Councils adopted policy.**

Chair

This page is intentionally left blank



Report of	Meeting	Date
Director of Corporate Governance	Licensing and Safety Committee	2 April 2008

REVIEW OF THE LICENSING COMMITTEE STRUCTURE

PURPOSE OF REPORT

1. To consider changes to the Licensing Committee structure which will be submitted to the Council meeting on 22 April 2008 for approval.

RECOMMENDATION

2. That the Licensing and Safety Committee receive the proposals and refer any comments to the full Council meeting on 22 April 2008.

EXECUTIVE SUMMARY OF REPORT

3. The proposals aim to simplify the licensing structure, combining the current Statutory Licensing and Licensing and Safety Committee functions, including taking on the determination of Alcohol Designation Orders. It is further proposed that the process on hearing licensing applications be dealt with by Licensing Sub Committees for all individual applications and reviews including hackney carriage/private hire licences.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. The proposals aim to simplify the structure and bring some parity by having Sub Committees of three members determining all individual applications/reviews, including for hackney carriage and private hire licences.

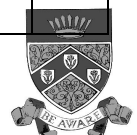
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. The alternative is to make no changes to the current structure for licensing decisions.

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances	/	Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	/



BACKGROUND

7. The current structure is as follows:
 - The Licensing and Safety Committee meets 8 times a year considering monitoring, enforcement and consultative issues plus hearing applications/reviews for individual hackney carriage and private hire licences. Additional meetings are arranged as and when required to determine hackney carriage/private hire applications that occur outside the normal meetings timetable. The Licensing and Safety Committee also has responsibility for some aspects of health and safety within the Council, although no items of health and safety business have been considered for a long time. The Committee does however have a proactive role in public safety.
 - The Statutory Licensing Committee (with the same membership as the Licensing and Safety Committee) meets as and when required, to consider licensing policy.
 - Statutory Licensing Sub Committees A and B meet as and when required, with a rotating membership, to consider licensing application and reviews under the Licensing Act 2003 and the Gambling Act 2005. This is in line with the legislation, which is specific in quoting three members to hear such cases.

PROPOSALS FOR CHANGE

8. It is proposed that there be one overarching Licensing Committee taking on the functions of the current Statutory Licensing Committee and Licensing and Safety Committee (except for consideration of individual licensing matters).

In addition it is suggested that the Licensing Committee also to takes on responsibility for the determination of Alcohol Designation Orders and that the Committee is renamed the Licensing and Public Safety Committee to reflect its proactive role in public safety matters.

It is felt that on the basis of the revised workload for the Committee, meetings on a quarterly basis would be sufficient. It is suggested that Membership of the Committee should remain at 17 Councillors.

In terms of considering individual licensing applications and reviews, currently hackney carriage/private hire licence applicants who have been called before the Committee, appear before 17 Members. Applicants under other licensing legislation face a Sub Committee of just three members. There is an anomaly here that needs addressing as there is a potential equality issue. It is therefore suggested that parity be introduced and that all hackney carriage/private hire licensing applications/reviews be also heard by a Sub Committee of three members.

On this basis, the Licensing Sub Committee would be scheduled to meet once a month, meeting either as a Licensing Act 2003 Sub Committee (to consider personal and premises licences issued under the 2003 and 2005 Acts) or as a General Licensing Sub Committee (to consider hackney carriage/private hire or other licensing matters). The separation is required by the relevant legislation. Membership of the Licensing Sub Committee would rotate as currently and the scheduled meetings would be cancelled if there was no business for consideration. Sub Committee meetings will be scheduled to meet at 10.00am but the time may vary depending on the business required, as it does now. On occasions there may be a need for other meetings to be scheduled. The quarterly Licensing and Public Safety Committee will meet on the same date as a scheduled Sub Committee meeting.

Licensing Liaison Panel will continue as it does currently.

IMPLICATIONS OF REPORT

9. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	/
Legal	/	No significant implications in this area	

COMMENTS OF THE ASSISTANT CHIEF EXECUTIVE (POLICY & PERFORMANCE)

- 10.

**ANDREW DOCHERTY
DIRECTOR OF CORPORATE GOVERNANCE**

Report Author	Ext	Date	Doc ID
Carol Russell	5196	18 March 2008	***

Background Papers			
Document	Date	File	Place of Inspection
Council's Constitution plus relevant legislation			Democratic Services Council website

This page is intentionally left blank

Report of	Meeting	Date
Director of Corporate Governance	Licensing & Safety Committee	2 April 2008

REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCES

PURPOSE OF REPORT

- The purpose of this report is to advise members of the Government's request for local authorities to review quantity control policies.

RECOMMENDATION(S)

- That members approve the commissioning of a survey as outlined below.
 - That the Director of Corporate Governance be authorised to proceed with a tender for the independent survey.
 - The results of the survey be reported back to this Committee.

EXECUTIVE SUMMARY OF REPORT

- Members are asked to consider the recommendations as presented in the report and reminded that the Council has established a limit to the number of Hackney carriage licences it issues. Should Members decide not to commission the significant unmet demand survey then the Council would be exposed to a possible legal challenge in maintaining a limited Hackney Carriage fleet.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances	✓	Develop the Character and feel of Chorley as a good place to live	✓
Involving people in their communities	✓	Ensure Chorley Borough Council is a performing organization	

BACKGROUND

LEGAL POSITION

- The primary legislation governing the licensing of the hackney carriage vehicles is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- Prior to the Transport Act 1985 Licensing Authorities had an unlimited power to restrict the number of hackney carriage vehicles that it would licence.

7. Section 16 of that Act removed the discretionary power to limit the number of hackney carriage vehicles and replaced it with a stringent test which must be satisfied if a licensing authority wish to refuse a licence in order to limit numbers.
8. Where a licensing authority has a limitation policy, in order to comply with Section 16, it must be satisfied there is no significant unmet demand, before it can refuse a licence for the purpose of limiting numbers.
9. Any person who is refused a licence has the right of appeal to the Crown Court.
10. In 1985, the Department of Transport issued Circular 3/85 giving guidance on the new restriction of the power of Local Authorities to limit the number of hackney carriage vehicles that they would licence.
11. Paragraphs 27 and 28 are reproduced below: -

“District Councils may wish to review their policy on the control of hackney carriage numbers in the light of the section. Limitation of numbers can have many undesirable effects - an insufficiency of taxis, either generally or at particular times or in particular places; insufficient competition between the providers of taxi services, to the detriment of their customers; and prices for the transfer of taxi licences from one person to another which imply an artificial restriction of supply. Under the section a district Council may refuse a licence to restrict numbers only if satisfied that there is no significant unmet demand for taxis in the relevant area. If there is an appeal, it will be for the Council to convince the Court that they had reasonable grounds for being so satisfied. It will not, in general, be sufficient for a district council to rely on the assertion of existing taxi licence holders that the demand is already catered for. They have evidence only of the demand which they satisfy and it will be for the Council themselves to seek for and examine the evidence of unmet demand. There may be those who have given up trying to use taxis because of the inadequacy of the service and there may be latent demand in parts of a district that have not been adequately served - where those who wish to use taxis may not have demonstrated their demand since there had been no opportunity of having it satisfied. Moreover, if the applicant for a new taxi licence proposed to use it for instance – under Section 12 - and had reasonable grounds to believe that there would be a demand for his service if he provided it, a Council which wished to refuse a licence would have to satisfy themselves that the demand would not be forthcoming. Over crowding at taxi ranks is not itself evidence that there is no unmet demand. It may be that the provision of ranks has been too limited and that the Council should look actively for sites for further ranks.
12. There are a number of district councils, which already exercise no control over the number of taxis in their areas without causing problems of over supply. However, the Department accepts that in some areas the total abandonment of quantity control could lead to an initial over-supply of taxis before market forces could bring about an equilibrium between supply and demand. In order to avoid possible disruption, a district council faced with a large number of applicants could in the Department’s view, reasonably grant a proportion of the applications, deferring consideration of the remainder until the effects of granting the first tranche could be assessed.”
13. There is no legal requirement that a Licensing Authority needs to be satisfied that there is unmet demand in order to remove any numerical limitation of hackney carriages licensed. R -v- Great Yarmouth Borough Council is authority for the proposition that a Licensing Authority can at any time decide to de-limit the number of hackney carriages it will licence subject to the proviso that the decision to do so must not of itself be irrational or unlawful.
14. This Authority has a mixed fleet, that is, it licences saloon vehicles which meet certain criteria, as well as the traditional style ‘London’ taxi’s as hackney carriage vehicles and vehicles designed to accommodate disabled passengers.

15. This Authority has maintained a limit on the number of hackney carriage vehicles that it would issue at thirty-seven.
16. Following the publishing of the Transport Act 1985 Chorley Borough Council commissioned a survey to ascertain whether or not there was any significant unmet demand for hackney carriage provision in the Borough. The result of this survey published in 1986 was that there was no significant unmet demand. The number of licensed hackney carriages at this time was 30.
17. A further survey was commissioned in 1993, which reported in August 1993. Again the result of this survey was that there was no case to increase the number of hackney carriages.
18. A further survey carried out in 2001 which was reported in March 2001. At this time there were 29 licensed hackney carriages, one of the licences having been revoked. The report recommended that one further hackney licence be issued to a specially adapted accessible vehicle.
19. This recommendation was placed before the Licensing & Safety Committee, which authorised the issue of a further hackney carriage licence, which brought the total number of licensed vehicles back to 30.
20. The latest survey was carried out in February 2005 and was reported to Committee on 29 April 2005. The report contained that a further 7 Hackney Carriage vehicles would be required to meet the identified significant unmet demand. The Licensing and Safety Committee accepted the findings of the report with regards to the number of additional vehicles recommended, and in March 2007 a further 7 Hackney Carriage vehicles joined the existing provision of 30 vehicles.
21. The number of private hire vehicles has increased to 137 this is an increase of 27 from 2005. The number of Hackney Carriage licence plates issued is 36, with one plate that is currently unallocated.
22. The increase in private hire vehicles has remained fairly constant since the last survey.
23. The Office of Fair Trading published a market study into the regulation of taxi's and private hire vehicles in November 2003. The Government responded by means of a Written Statement in the House of Commons, this included an Action Plan, a copy of which is attached hereto at Appendix 1.

OFT RECOMMENDATIONS

24. The OFT recommended that local authorities should not retain the power to restrict the number of hackney carriage vehicle licences because it considered that such restrictions can:
 - (a) reduce the availability of taxis
 - (b) increase waiting times for consumers
 - (c) reduce choice and safety for consumers
 - (d) restrict those wanting to set up a taxi business

GOVERNMENT'S POSITION

25. The Government is of the view that consumers should enjoy the benefits of competition in the taxi market and considers that it is detrimental to those seeking entry to a market if it is restricted.
26. The Government believes restrictions should only be retained where there is shown to be a clear benefit for the consumer. Thus, the Government considers that, unless a specific case can be made, it is not in the interests of consumers for market entry to be refused to those who meet the application criteria.
27. The Government is requesting those licensing authorities who maintain a restriction, to review the case for making such a restriction in their area, and to make the review public.
28. The Government recognises that local authorities should be given the opportunity to assess their own needs.
29. The Government is also of the view that local authorities will need to know whether there is any unmet demand for taxi services in their area. It indicates that consideration may be given to an unmet demand survey, unless a recent survey has been carried out. It indicates that latent demand should be taken into account in any survey carried out.
30. The Government has also provided a checklist of questions, to assist Council's formulate and carry out a comprehensive review. A copy of the checklist is attached at Appendix 2.
31. The Government has also requested local authorities take into account guidance issued regarding local accessibility policies, a copy of which is attached at Appendix 3. In particular, with regard to those Councils who are considering whether to lift restrictions or issue new licences.
32. The Government is of the view that the outcome of the review will be either:
 - i) to remove restrictions and grant licences to anyone meeting the application criteria.
 - ii) to continue restricting the number of licences issued. In this instance three scenarios would appear to be possible outcomes:
 - maintaining the current limit of taxi licences
 - granting a number of new licences to meet any identified unmet demand
 - granting a specific number of licences each year.
33. There will be on-going arrangements for council's continuing to restrict hackney carriage licences to conduct a three yearly review with published conclusions.
34. Any Local Transport Plan will have to justify local policy for quantity restrictions. The Council has not published a local transport plan.
35. The Government is to review the situation regarding quantity controls in three years time, with a view to further action if necessary. The Council is at present unaware of any further published review.

LOCAL LICENSING FORUM

36. The issue was discussed at the local licensing forum, where the trade were of the view that there was no significant unmet demand for additional hackney carriage vehicle licences. The Hackney Carriage proprietors have all been written to to establish the need for a further survey or not, 34 have responded indicating they agree to a further survey and are willing to contribute on an equal basis to the cost incurred for the survey. 3 proprietors have not responded, and, one proprietor who has the benefit of 2 hackney carriage vehicle licences is non-contactable as he is out of the country.

PROPOSED ACTION

- 37. In view of the fact that we will need to establish whether there is any significant unmet demand and our last survey is over 3 years old, a new survey is necessary. If Members approve the commissioning of a survey it is recommended that in addition to the issue of unmet demand (including latent demand) that the survey would also include accessibility of current vehicles, and provision of ranks.
- 38. Should the Licensing and Safety Committee approve the commissioning of a significant unmet demand survey, and in order that the Council is not disadvantaged in terms of budgeting control, Members are asked to consider that the cost of the survey be attached proportionally to each Hackney Carriage licence fee at the next renewal of the Hackney Carriage licence for each of the thirty seven vehicles as a condition of next renewal for that licence. The cost will be proportioned as follows (and will include the un-allocated Hackney Carriage licence when allocated).

Cost of survey + cost of administration (30 officer hours) / number of hackney carriages @ 37.

Members are reminded that there is no provision within the licensing budget for a significant unmet demand survey and that four hackney carriage vehicle proprietors affecting five vehicle licences have not responded to the questionnaire.

IMPLICATIONS OF REPORT

- 39. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

- 40. There are no comments.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	14 March 2008	1803JA2

This page is intentionally left blank

APPENDIX 1

The Government's Action Plan for Taxis and Private Hire Vehicles in England and Wales**Restrictions on the numbers of taxis**

- 1 In England and Wales outside London, local authorities (district/borough councils or unitary authorities) have been able to restrict the number of taxi licences that they issue since at least 1847. In practice, some 45% of authorities do so at present, but the legislation allows them to control numbers only if they are satisfied that there is no significant unmet demand.
- 2 Local authorities with quantity restrictions must be able to justify their policy in the event of an appeal by a taxi licence applicant who has had his application refused on the grounds of quantity controls. The usual method of ascertaining the level of demand is by means of a survey. The legislation does not stipulate any specific frequency for the surveys, but any licensing authority which controlled taxi numbers would want to ensure that its policy was based on up to date and sound information.
- 3 The OFT recommended that local authorities should not retain this power because they considered that such restrictions can:
 - a) reduce the availability of taxis
 - b) increase waiting times for consumers
 - c) reduce choice and safety for consumers
 - d) restrict those wanting to set up a taxi business.
- 4 The Government agrees that consumers should enjoy the benefits of competition in the taxi market and considers that it is detrimental to those seeking entry to a market if it is restricted. The Government is therefore strongly encouraging all those local authorities who still maintain quantity restrictions to remove restrictions as soon as possible. Restrictions should only be retained if there is a strong justification that removal of the restrictions would lead to significant consumer detriment as a result of local conditions.
- 5 However, the Government received a significant number of representations expressing the view that ultimately local authorities remain best placed to determine local transport needs and to make the decisions about them in the light of local circumstances. The Government believes that local authorities should be given the opportunity to assess their own needs, in the light of the OFT findings, rather than moving to a legislative solution.
- 6 Nevertheless the Government believes that local authorities should publish and justify their reasons for restricting the number of taxi licences issued. The Government will therefore write shortly to each district/borough council or unitary authority maintaining quantity restrictions and ask them to review by 31st March 2005 the local case for such restrictions, and at least every three years thereafter, and make their conclusions available to the public.

- 7 The Government intends that the letter will include guidelines on quantity restrictions, including a review of the level of service available to consumers and consumer choice. The guidelines will cover:
- a) **effective surveys** to measure demand, including latent demand, for taxi services;
 - b) **consultation** with:
 - i) all those working in the market;
 - ii) consumer and passenger (including disabled) groups;
 - iii) groups which represent those passengers with special needs;
 - iv) the police
 - v) a wide range of transport stakeholders e.g. rail/bus/coach providers and traffic managers.
 - c) **publication of conclusions.** This will include an explanation of the particular local circumstances which justify restrictions, what benefits they deliver to consumers and how decisions on numbers have been reached. Authorities will be encouraged to make all the evidence gathered to support the decision-making process available for public scrutiny.
- 8 This is to ensure that decisions to impose restrictions are based upon strong up-to-date evidence of benefits to consumers locally for their retention, and that the decision-making process is transparent and consultative. The Government considers that this would help local authorities with quantity restrictions to justify their policy if they were challenged about refusing to issue a taxi licence in the courts. If restrictions are not shown to be delivering clear benefits to consumers, it is the view of Government that local authorities should remove them.
- 9 The Government itself will review in association with the OFT the extent of quantity controls in three years' time to monitor progress towards the lifting of controls. If necessary, the Government will then explore further options through the RRO or legislative process if insufficient progress has been made.
- 10 The Local Transport Plan process requires local transport authorities to look holistically at how the transport provision for their area contributes to wider objectives such as economic growth, accessibility and the environment. Taxis and private hire vehicles are an integral part of local transport provision and should be properly taken into account in this process. The Government intends that the next 5-year Local Transport Plans, due to be submitted by authorities in 2005, will include justification of any quantity restrictions in the wider local transport context³.
- 11 The Government will also include guidelines on quantity restrictions in its best practice guidance on taxi licensing.

³ Those few authorities that will not be required to produce a Local Transport Plan will still be expected to justify their quantity restriction policy if any of the districts in their area have such restrictions.

Maintaining quality in service provision

- 12 The OFT states that there is a strong case for regulating quality and safety both for taxis and PHVs as:
- a) consumers cannot judge certain standards when getting into a taxi or PHV; and
 - b) taxi services can have a role to play in broader social welfare policy.
- 13 The OFT concludes that quality and safety standards should be maintained and supported by effective enforcement. The Government agrees.
- 14 The OFT recognises that local authorities should be able to apply quality and safety regulations to suit their needs. In doing this, local authorities should ensure that any quality and safety specifications set do not go beyond what is required to achieve their policy aim. To help them, OFT recommended that the Department for Transport promote and disseminate local best practice in applying quality and safety regulations.
- 15 The Government agrees with OFT that quality standards have an important role to play in securing the safety of the travelling public and ensuring that they are provided with a high level of service. The Government also agrees that these decisions should continue to be made by local authorities, but considers that there is scope for more sharing of best practice, particularly in ensuring proportionality.
- 16 The Government will therefore consult local authorities and other stakeholders in order to develop and publish best practice guidance as OFT recommend. The Government intends that this will comprehensively cover licensing issues, including suitable criteria for licensed vehicles, drivers and PHV operators; driver training; safety; security and other topical issues. The draft guidance will also include sections on quantity controls; fares (see below); enforcement; taxi zones; flexible transport services; and a model taxi/PHV policy for the Local Transport Plan process.
- 17 The aim would be to consult on draft guidance later this year, with a view to publication by the end of the year.

Fares

- 18 The OFT recommends that local authorities should not set fixed or minimum fares. They should only set taxi fare tariffs which represent the maximum that can be charged:
- a) to protect vulnerable consumers;
 - b) to address a lack of price competition; and
 - c) to allow consumers to negotiate lower fares in certain situations.
- 19 The Government agrees that where taxi fares are set by local authorities they should be a maximum. As the OFT notes, this is already the case in England and Wales outside London. The Government agrees that the situation in London should be clarified and is therefore grateful that the licensing authority for London has agreed to make clear through secondary measures that fares set in London are a maximum

rather than mandatory as soon as it is feasible to do so.

- 20 The Government also notes OFT's advice that consumers should be encouraged to negotiate for lower fares, particularly when booking taxi services over the telephone. In promoting more competition in the market, the Government will ask the OFT to advise on guidance as part of the Government's best practice guidance for local authorities (which will also encompass best practice on quality and quantity controls including unmet demand surveys as outlined above). The guidance will make clear that initiatives to promote greater competition should not jeopardise the safety of consumers or drivers, or create enforcement issues. There is scope to encourage some firms to differentiate their services thereby providing a greater range of choice for consumers (for example by providing a "happy hour" of lower cost journeys for, say, pensioners).

Further issues

- 21 The OFT also commented on several further issues that concern taxi and PHV licensing but which are outside the remit of the report:

Regulatory Reform Action Plan

- 22 The Government's Regulatory Reform Action Plan published in 2002 contained a number of proposals to use the streamlined order-making procedure in the Regulatory Reform Act 2001 to amend burdensome primary legislation. The plan included four proposals for taxi and PHV legislation in England and Wales outside London, which were subject to Ministerial decision. These were:
- a) removing the requirement for Secretary of State approval of local authority resolutions to amalgamate taxi zones
 - b) standardising driver and operator licence duration
 - c) removing local authority powers to restrict taxi licence numbers in their area
 - d) clarifying/simplifying the position on PHV cross border hirings across the borders of different licensing authorities.
- 23 The OFT considered that these proposals represented areas of concern and recommended that they should be addressed. The issue of restrictions of taxi licences is covered earlier in this action plan. The Government is taking forward the repeal of the need for the Secretary of State to approve taxi zone amalgamation resolutions in the regulatory reform order that will repeal various local authority consent regimes. The Government will include the issues of driver and operator licence duration and cross border hirings of PHVs (and taxis) for consultation in the draft best practice guidance.

Taxi Licensing Zones

- 24 The OFT considers that where taxi licensing areas are divided into more than one zone, greater clarity would be brought to the market if local authorities removed the zones and established a single licensing area. The Government agrees and will include a statement to this effect in the draft best practice guidance.

APPENDIX 2

Useful questions when assessing quantity controls of taxi licences

- Have you taken into account the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you taken into account latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

This page is intentionally left blank

APPENDIX 3.**Extract from DfT advice letter of September 2002****Local accessibility policies for taxis prior to taxi regulations being made under the Disability Discrimination Act 1995**

1. As you know, we planned to make taxi accessibility regulations under the Disability Discrimination Act 1995 (DDA) effective between 2002 and 2012. When we realised that this could not be achieved in a way that would be acceptable to both disabled people and the taxi trade, the Minister announced in 2000 that regulations would not be introduced in 2002. Since that time we have been exploring a range of options to help to increase the number of accessible taxis available to disabled people throughout the country. We hope to issue further information on our future plans shortly.
2. In the meantime, local licensing authorities may of course make their own policy with regard to accessible taxis for their area, and many do so.
3. As we suggested in our letter to Chief Executives of 31 January 2000, local licensing authorities wishing to set local accessibility standards are advised to look at the various accessible vehicles on offer and judge their suitability against local circumstances and operating conditions. One effective way of making comparisons is to invite several manufacturers to present vehicles on the same day and to invite local disability organisations to try out the options and to offer comments. There are a number of vehicles currently available, which offer good accessibility, and from discussions with industry the Department expects that several vehicles are likely to be suitable.
4. We would stress that the adoption of a policy for accessible taxis is entirely a matter for local consideration and decision. There are several options for such policies which could result in the taxi fleet being wholly or partly accessible. Some authorities require the whole taxi fleet to be accessible whilst others require all new taxi licences issued to be for accessible vehicles only. Moreover, some authorities in areas where the number of taxi licences is controlled have issued additional licences specifically for accessible vehicles in order to improve the number of accessible taxis in their area.
5. In assessing the accessibility of particular vehicles, licensing authorities will want to ensure that they meet the needs of the widest range of disabled people, not only those who are wheelchair users. They will also wish to assure themselves that the equipment provided for wheelchair access and securing is appropriate. For example, the design should allow for wheelchair users to travel facing forward or rearward – never sideways.
6. The choice of vehicle is clearly important. However, unless the drivers know how to use the equipment which is provided for disabled people, for example, the ramps for wheelchair access, and have an understanding of the needs of disabled people, then many of the benefits of accessible transport will be lost. Licensing

authorities will therefore want to consider what training is necessary for drivers, both would-be and existing, to help them better meet the needs of their disabled passengers.

7. We know that some authorities have been holding back on any local initiative in this area in anticipation of national regulations. We would urge them not to do so. As and when any national requirements are introduced there will be a sufficient lead-time for any necessary changes to be made. In the meantime licensing authorities may be able to make significant improvements in the availability of taxis to disabled people in their area.
8. Some points to consider and questions which we consider might be useful for licensing authorities when making an accessibility policy for their area are attached as an annex to this letter. Please note that neither list is meant to be exhaustive.

Annex to September 2002 letter:

POINTS TO CONSIDER WHEN ASSESSING VEHICLES

- Other authorities may already have experience of introducing accessible vehicles, or are in the process of doing so. Sharing experience and resources may be useful.
- The vehicles should be available for viewing, but it might also be useful to invite the companies involved to provide data on the basic specification of their vehicles, and information on any optional extras. This information can then be made available to those attending the viewing or to others with an interest who are unable to attend in person. The companies should also make clear what specification of their vehicle is on display.
- It will be important to involve local disabled people and their organisations in the assessment process. In doing so authorities will want to consider the accommodation provided – which should preferably be somewhere with weather protection and access to facilities such as toilets and refreshments. They will also need to ensure disabled people can get to the venue and may wish to provide transport support.
- Authorities will want to ensure that the vehicles meet the needs of the widest range of disabled people, not only those who are wheelchair users.
- The wheelchair users who participate should ideally represent a cross-section of wheelchair users, eg users of both manual and powered wheelchairs. They should be invited to look at wheelchair entry, exit and the restraint equipment provided for wheelchairs and occupants.
- This exercise should help authorities to establish their minimum standard for accessible taxis which ideally should provide for a range of vehicles, catering for the needs of the widest range of disabled people. A list of the vehicles, including the specifications, which are accepted for licensing should be publicly available.

- It is important, however, that new designs of vehicle are not excluded because they do not feature on the published list. The minimum standard set by the authority could, therefore, be used as the benchmark against which to assess any new vehicle presented to the authority for licensing as a taxi.

USEFUL QUESTIONS WHEN ASSESSING VEHICLES

Entry for Ambulant and Semi-ambulant Passengers

How easy do people find it to enter and exit the vehicle?

How easy is it to open and close the door from both inside and outside the vehicle?

Are grab handles provided in appropriate places; are they highly visible and are they helpful?

Would the doors be sufficiently illuminated at night?

Assisted Entry

On vehicles with a high floor height, is a step provided and how easy is it to use?

Is a swivel seat provided and how helpful is it?

Entry for wheelchair users

How easy is it for wheelchair occupants to enter, exit and manoeuvre within the vehicle?

Are the wheelchair and occupant restraint systems suitable for a range of wheelchairs?

Internal Features

How easy is it for people with different disabilities to locate and operate passenger controls within the passenger area?

Safety Considerations

Is there a slip-resistant surface to the ramp, step (where fitted) and vehicle floor?

What is the Safe Working Load of the ramp?

Do the wheelchair and occupant restraint systems secure the wheelchair and occupant safely? Have they been tested in the vehicle?

Are the wheelchair and occupant restraint systems easy to use?

To which one of the following has the vehicle been tested in the converted state:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval
- Single Vehicle Approval?

This page is intentionally left blank



Report of	Meeting	Date
Corporate Director of Governance	Licensing & Safety Committee	2 April 2008

REVIEW OF GUIDELINES ON THE RELEVANCE OF CONVICTIONS AND POLICE CAUTIONS FOR USE IN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS’ LICENCES

PURPOSE OF REPORT

1. To enable Members to approve for consultation a draft statement of policy and revised guidelines on the relevance of convictions and Police cautions for use in determining applications for Hackney Carriage and Private Hire Drivers’ Licenses.

RECOMMENDATION(S)

2. Members are recommended to approve the draft policy and revised guidelines attached at Appendix B to this report for consultation.

EXECUTIVE SUMMARY OF REPORT

3. The adoption of the attached guidelines on convictions will enable members to consider the relevance of offences in the light of certain changes to the Rehabilitation of Offenders Act 1974. The document will also offer both officers and applicants better guidance to the realistic outcome of an application to drive Hackney Carriage or Private Hire vehicles in advance of the lengthy application process.

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	✓
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	✓

BACKGROUND

5. Under section 59 of the Local Government (Miscellaneous Provisions) Act 1976 District Council shall not grant a licence to drive a Hackney Carriage unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence. The same provisions apply to applications for Private Hire drivers’ licences under section 51 of the above Act.



- 5.1 As Members are aware the Council has adopted guidelines on the relevance of convictions and Police cautions for use in determining whether an applicant for a driver’s license is a fit and proper person. Members are referred to the Home Office guidance in respect of Police Cautions which is annexed hereto and marked as Appendix C. The existence of guidelines helps achieve consistency and reduces the risk of decisions being challenged
- 5.2 The current guidelines have been used since 1992 are attached at Appendix A for Members’ information. Members are reminded however, that notwithstanding the guidelines, the overriding factor is that each case should be treated on its own individual merits.
- 5.3 The existing guidelines were derived from the Department of Transport Circular 2/92 and Home Office Circular 13/92 and were never more than a suggestion for local authorities to consider and adapt as appropriate.
- 5.4 The guidelines relate closely to the terms of the Rehabilitation of Offenders Act 1974 which provides that certain convictions may be treated as being ‘spent’ after certain periods of time. However, the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 provides that in respect of taxi drivers, the normal rehabilitation arrangements do not apply, and where relevant, older convictions can be considered when assessing an individual’s suitability to hold a licence.
- 5.5 Current guidance from the Department of Transport both reflects changes in attitude within society and reflects the importance of the licensing regime in ensuring public protection and states:

“In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack.”
- 5.6 In light of this officers consider that the existing guidelines on the relevance of convictions and Police cautions need to be reviewed and updated. Accordingly, revised draft guidelines together with a statement of policy regarding the relevance of convictions and Police cautions have been drawn up. A copy of the draft Statement of Policy and revised guidelines is attached at Appendix B for Members’ consideration.
- 5.7 If Members approve this draft document it is intended to consult with representatives of the trade and other bodies before bringing a final version to Committee for approval.

IMPLICATIONS OF REPORT

- 6. This report has implications in the following areas and the relevant Corporate Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

7. Comments are contained within the report

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	13 March 2008	LEGREP1803JA1

APPENDIX A

**GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS
GENERAL POLICY***[Adopted 1992]*

Each case will be decided upon on its own merits.

1. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be protection of the public.
2. The following examples afford a general guide on the action to be taken where convictions are admitted:

a) **Minor Traffic Offences**

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding, etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence, then a hackney carriage or private hire vehicle licence may be granted after its restoration, but a warning should be issued as to future conduct.

b) **Major Traffic Offences**

An isolated conviction for reckless driving or driving without due care and attention, etc. should normally merit a warning as to future driving conduct and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction of this type of offence within the last two years should merit refusal and no further application should be considered until a period of one to three years free from convictions have elapsed.

c) **Drunkenness**

i) **With Motor Vehicle**

A serious view should be taken of convictions for driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period the five years should elapse, after treatment is complete, before a further licence application is considered.



ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem, necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

NOTES TO ASSIST THE LICENSING AND SAFETY COMMITTEE IN INTERPRETING THE GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

The legislation requires that the Council must be satisfied that an applicant is a 'fit and proper person' before a licence can be granted.

The guidelines are to be used as a general guide only, and it is stressed that each application must be decided upon its own merits.

Where offences are not specifically listed in the guidelines, the Committee must decide the relevance they should attach to these offences.

The guidelines relate only to the relevance of convictions, and the Committee must decide the relevance they should attach to these offences.

The guidelines relate only to the relevance of convictions, and the Committee is entitled to take into account any other matters that it considers appropriate in determining the fitness, or otherwise, of an applicant.

Although it is necessary to consider the circumstances and interests of each individual applicant, the overriding consideration should always be the protection of the public.

It is recommended that local authorities adopt their own guidelines relating to the relevance of convictions for use in determining applications for hackney carriage and private hire vehicle (PHV) drivers' licences. The following are examples only and are based on criteria used by the Metropolitan Police.

d) **Drugs**

An applicant with a conviction for a drug related offence should be required to show a period of at least three years free of convictions for an application is entertained or five years after detoxification treatment if s/he is an addict.

e) **Indecency Offences**

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a licence until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case, if a licence is granted, a strict warning as to future conduct should be issued.

- f) **Violence**
As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and even then, a strict warning should be administered.
- g) **Dishonesty**
Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Overseas visitors can be confused by the change in currency, and become 'far game' for an unscrupulous driver.

For these reasons, a serious view should be taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

APPENDIX B

**STATEMENT OF POLICY CONCERNING THE RELEVANCE OF
CRIMINAL CONVICTIONS RELATING TO THE DETERMINATION OF APPLICATION
OR RENEWAL FOR A HACKNEY CARRIAGE OR
PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

Adopted *** 2008

1. When submitting an application for the grant or renewal of a Hackney Carriage/Private Hire Vehicle Driver's Licence, applicants are required to declare all convictions and cautions they may have.
2. The Council recognises that employment plays an important part in preventing exoffenders from reoffending. Therefore we will also pay due attention to the principles of rehabilitation, so there are no unnecessary barriers for the employment of exoffenders. However, the Council's role as licensing authority is to protect members of the public who travel in Hackney Carriages and Private Hire Vehicles. The safety of the public will therefore be the overriding concern of the Council.
3. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that **all** convictions and cautions (including motoring convictions and fixed penalties) **must** be declared.
4. We will in all cases verify an applicant's identity and require an enhanced criminal record check (CRB) to be undertaken. Where the check reveals that the applicant has a record of convictions or cautions and warnings, we will consider these carefully on the basis of:-
 - How relevant the offences were to the licence applied for;
 - How serious the offences were; and
 - How recent they were.

We reserve the right to seek intelligence from all 'approved sources' such as the Police, Social Services Alcohol and Drug Rehabilitation Units, Probation Services, Child Protection Agency, General Practitioners, etc.
5. We will consider all convictions based upon the Council's guidelines. However we will pay special attention to criminal offences involving dishonesty, violence, drugs, alcohol, criminal damage and sexual offences, together with serious offences connected with the driving of a motor vehicle.
6. Whilst a licence is in force, we shall receive updates from the Police and Courts, of new convictions and cautions for licence holders. This will allow us to decide whether action needs to be taken on the continuation of the licence. It is the responsibility of each licence holder to inform the Council of any conviction, caution or fixed penalty arising during the currency of the licence. A criminal record check is required on application, and thereafter every three years.
7. Any applicant refused a driver's licence on the ground that he/she is not a fit and proper person to hold such a licence has the right of appeal to a Magistrates' Court. Such appeal must be made within 21 days of being notified of the Council's decision.



GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

NOTE:

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

A. General Arrangements for Determining an Application when a Criminal Conviction has to be taken into account.

- A.1 All convictions will be considered on merit, having regard to the Council's Statement of Policy and these guidelines relating to the Relevance of Criminal Convictions, and will be weighed against the need to protect the public. The protection of the public is though the Council's overriding concern.
- A2 The Licensing Section will determine the application and if any conviction or caution, as laid down in the following relevant conviction guidance, is disclosed through either the application or the Criminal Records Bureau check, the application will be referred to the appropriate licensing committee.
- A3 These guidelines set out minimum periods during which a person should be free of conviction before an application will normally be entertained. It does not follow that a license should be granted after the minimum period has expired.

Specific Guidance on the Relevance of Convictions

B.1.1 Traffic Offences

B.1.2 Traffic Offences [Minor]

- B.1.2.1 Isolated convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc., should not normally prevent a person from being granted a licence.
- B.1.2.2 If an applicant has received more than six points within the last two years for speeding or other minor offences, the application will be considered by the appropriate licensing committee to determine his/her suitability.
- B.1.2.3 Convictions relating to minor driving offences committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered in a more serious light.

B.1.3 Traffic Offences [Major]

- B.1.3.1 More than one conviction for driving without due care and attention or similar offence etc., within the last two years will usually merit refusal and normally no further application will be entertained until a period of at least three years free from convictions has elapsed.
- B.1.3.2 A conviction for more serious motoring offences such as causing death by dangerous, careless driving or manslaughter will be treated more seriously and a longer period free of conviction (normally a period of



between 5 and 10 years) will be required before an application is entertained.

B.1.3.3 If an applicant has been disqualified from driving, a period of at least 12 months (after the restoration of the driving licence) should normally be required before an application is entertained.

B.1.3.4 A conviction committed when the applicant was driving a Hackney Carriage or Private Hire Vehicle whilst engaged on licensed activities will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.

C Drunkenness & Drugs

C.1 With a Motor Vehicle

C.1.1 A serious view will be taken of convictions of driving or being in charge of a vehicle under the influence of drink or drugs. A conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence. A period of 3 years (after restoration of the driving licence) would normally be required before a licence application is entertained.

C.1.2 If there is any suggestion that the applicant is an alcoholic or has a drug problem, a medical examination with a doctor nominated by the Council will be arranged (the costs of which will be born by the applicant) before an application is entertained. If the applicant is found to be an alcoholic or a drug addict, normally a period of between 5 to 10 years will need to elapse after completion of treatment before a licence application is entertained.

C.1.3 Convictions for offences relating to alcohol or drug abuse commissioned when the applicant was driving a Hackney Carriage or Private Hire will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.

C.1.4 In this instance confirmation may be sought from a doctor nominated by the Council that the rehabilitation programme has been effective.

C.2 Not in a Motor Vehicle

C.2.1 An isolated conviction for drunkenness or drugs need not debar an applicant from gaining a licence, although further consideration of the application should be required having regard to the circumstances of the offence. However, a number of convictions would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from convictions has elapsed.

D Indecency Offences

- D.1 As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for rape, indecent assault or other similar offences will normally be refused a license.
- D.2 For less serious indecency offences applications will be refused in cases where the applicant remains on the Sex Offenders Register. In any case an application will only be entertained after a substantial period of rehabilitation after removal from the sex offenders register.

E Violence and Abusive Behaviour

- E.1 As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violent or abusive offences. This category includes public order offences and criminal damage.
- E.2 At least five years free of such convictions will normally be necessary before an application is entertained and even then a strict warning as to future conduct will be given.
- E.3 A conviction for an offence relating to violence committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained. Convictions for racially motivated offences will be treated in a similar way.

F Dishonesty

- F.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Foreign visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver.
- F.2 For these reasons a serious view will be taken of any conviction involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.
- F.3 A conviction for an offence relating to dishonesty committed when the applicant was driving a Hackney Carriage or Private Hire Vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.

- G Offences Under The Town Police Clauses Act 1847 And Part II Of The Local Government (Miscellaneous Provisions) Act 1976 And Any Hackney Carriage Byelaws (Taxi legislation).**
- G.1 One of the main purposes of the licensing regime set out in the taxi legislation is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.
- G.2 In particular, an application will normally be refused where an applicant has more than one conviction for an offence under the taxi legislation in the five years preceding the date of the application.
- G.3 A conviction for an offence relating to the taxi legislation committed while licensed as a Hackney Carriage or Private Hire Driver, Proprietor or Operator will be considered in a more serious light and a revocation of the appropriate licences may be instigated.

Report of	Meeting	Date
Corporate Director of Governance	Licensing & Safety Committee	2 April 2008

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 DISPLAY OF SIGNS ON HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES AND REVIEW OF STYLE AND FORMAT OF LICENCE PLATES

PURPOSE OF REPORT

1. The report is to enable Members to consider officers proposals to amend the current conditions attached to hackney carriage and private hire vehicle licences in relation to the display of identification signage and the style and format of licence plates.

RECOMMENDATION(S)

2. Members are recommended that:
 - a) The Council's signage for hackney carriage and private hire vehicles should be compulsory
 - b) The Council's signage should be displayed on both front doors of the vehicle.
 - c) The Council's internal disc should be attached to the inside of the front windscreen outside the swept area of the glass or to be fixed in a vertical position on the dashboard as not to obstruct the drivers view.
 - d) The sample signs circulated at the meeting should be the adopted signs, in terms of shape, size, colour and content and the supply to hackney carriage and private hire proprietors from the Council's licensing office as detailed in the report.
 - e) In addition to the above, hackney carriage and private hire proprietors may display other signs on their vehicles acquired from a supplier of their own choice, advertising the name and telephone number of their business. Where applicable, such signs to comply with the specifications contained within this report.
 - f) The Council's sampled licence plates circulated at the meeting should be compulsory.

EXECUTIVE SUMMARY OF REPORT

3. The adoption of the proposals contained within the report will raise the confidence of the customers who use Hackney Carriages and Private Hire Vehicles within the Chorley Borough, in respect that the vehicle is a bone fide licensed vehicle by this authority. The proposed livery will aid in the instant recognition of legitimate licensed vehicles by taxi users and contribute to the health and safety of such customers. The provision of date expiry licence plates will ease the enforcement burden of the Council's Licensing and Enforcement officers and allow transparency to other enforcement and partner agencies to the legitimacy of the licence of that vehicle.

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	✓
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

BACKGROUND

5.

5.1 Conditions are currently attached to hackney carriage and private hire licences regulating the display of advertising signs on vehicles. The display of door signage is optional, allowing the proprietor to choose whether he/she wishes to display signs on a vehicle. However officers have observed that very few hackney carriages and private hire licensed by the Council actually carry any form of identification signage other than the display of a licence plate, although hackney carriages are also subject to an additional requirement to display a roof sign on the vehicle. The types of licence plates currently issued to proprietors of vehicles by the Council have been in circulation for many years. The sizes of the existing plates along with the limited particulars they contain provide no information to verify that the vehicle is in licence. In view of the above, officers consider that it is often confusing to identify a licensed hackney carriage or a private hire vehicle, particularly where no door signs are displayed.

5.2 Members may be aware that a Licensing Liaison Panel (LLP) operates to enable consultation with the hackney carriage and private hire licensed trade on varying issues, including proposed changes to licence conditions. This is chaired by the chair or vice-chair of the licensing and safety committee, they have been nominated to partake in the LLP meetings to enable awareness of issues arising as any proposed changes to licence conditions or reviews of taxi fares need to be referred to the full Committee for determination.

5.3 At the last LLP meeting held on 4 February 2008 amongst other issues discussions were held on officers' proposals to change the style and format of licence plates, and also to change the licence conditions regarding the display of signs on vehicles. Representatives of the hackney carriage and private hire trade, Councillor Iris Smith, Councillor Ted Smith, the Licensing Manager, Enforcement Officer and Licensing Officer attended the above meeting. It was decided at that meeting that the Licensing Manager progress this issue and present examples of the proposed livery to a working party of the LLP. Representative members of the hackney and private hire trade were invited to attend on 9 March along with the chair and vice-chair of licensing along with the Police Crime Prevention Officer responsible for Chorley and surrounding boroughs.

6. A summary of the discussions held at the LLP meeting regarding the above issues is shown below: Review of style and format of hackney carriage and private hire licence plates. Officers presented samples of licence plates, internal plates and door signs for display on hackney carriages and private hire vehicles.

Following some discussion on proposals made by officers, the representatives of the taxi trade present at the meeting agreed in principle to the following:

- a) Red background licence plate (9" by 7") to be displayed on the rear of hackney carriage vehicles.
- b) Yellow background licence plate (9" by 7") to be displayed on the rear of private hire vehicles.
- c) Internal plate (approximately 6" by 4") to be attached to the inside of the front windscreen. Such plate to show the serial number of the licence plate for the vehicle, the seating capacity and perhaps other information-advising customers on how to make a complaint.
- d) Licence plates affixed to the rear of vehicle to include serial number, vehicle registration number, seating capacity and expiry date of licence.
- e) There should be no requirement to display a plate on the front exterior of licensed vehicles.

7. Review advertising livery and signage for hackney carriage and private hire vehicles. Officers showed some samples of uniform signs for both hackney carriage and private hire vehicles. Such signs show the Chorley Council logo and the serial number of the vehicle's licence plate. It was acknowledged by the trade representatives that the display of a sign as a compulsory arrangement would assist in the enforcement of the licensing of hackney carriage and private hire vehicles with the borough. The licensed trade representatives agreed the following in principle:

- a) Red background oval shaped uniform sign to be displayed on the front doors of all licensed hackney carriage vehicles.
- b) The above sign to clearly state that the vehicle is licensed as a hackney carriage and to include the licence plate number of the vehicle to which it relates.
- c) Yellow background oval shaped uniform sign to be displayed on the front doors of all licensed private hire vehicles.
- d) The above sign to clearly state that the vehicle is licensed as a private hire vehicle and to include the words 'private hire pre-booked journeys only'. The sign to also include the licence plate number of the vehicle to which it relates.
- e) In addition to the above, proprietors may display other signs on their vehicles (acquired from a supplier of their own choice) advertising the name and telephone number of their taxi business. For this purpose, the existing conditions attached to hackney carriage and private hire vehicle licences to remain unchanged save that no livery other than the Council's approved signs will occupy any area of the front doors of any licensed vehicle.
- f) As with present arrangements, the proprietor's own sign advertising their taxi business may also include advertising relating to other organisations or businesses. However, the predominant feature of the sign must be advertising of the proprietor's own taxi business and any further advertising relating to other businesses must be incidental to that and approved by officers prior to it being apportioned to the vehicle.

Licence plates and uniform signs for display on the front doors of vehicles to be provided by Chorley Council Licensing office at an approximate cost (excluding VAT) of:

- £9.00 for rear plate (payable on first issue and for each subsequent licence renewal – or at the time of replacing a licensed vehicle)
- £16.50 for a pair of uniform signs (payable on issue only, although new signs will be required if the vehicle is replaced)
- £7.00 for an internal identity plate showing the licence number (payable on first issue only – will be portable when vehicle replaced, although a new plate will be needed if replacement vehicle has a different seating capacity). A plate holder will be required at

an additional cost the cost will vary according to the type of holder required for differing vehicles.

(Any single item i.e. 'replacement item' will be charged at the Council's minimum charge of £21.00)

8. Representations were made at the meeting by members of the Hackney Carriage trade to give consideration to the merits of signs a fixed to rear windows due consideration was given to this and it is felt these would not be as easily visible to recognisable as door signs and would be obstructed if the windows were lowered.
9. In order to provide the above products, the Licensing office intends to acquire all associated materials and IT software etc from an organisation called MOGO. The above charges have been calculated on the basis that all materials will be provided to proprietors at no cost to the Council. Samples of the proposed licence plates and identification signage to be displayed on licensed vehicles will be circulated at the meeting.
10. It is proposed that the proposed changes to vehicle livery and licence plates will be introduced on an incremental basis where the licensed vehicles are required to renew their licence. No operator shall be disadvantaged as any operator will be welcome to take up the option to display the new livery and plate at any time prior to renewal at their own cost. It is proposed that the Council will be in a position to launch the new livery conditions in June 2008. In conjunction with alternative arrangements for the testing of licensed vehicles which have yet to be determined.
11. At the above LLP meeting, it was noted that under existing arrangements proprietors have been required to pay a fee £10 deposit upon issue of a licence plate. It was therefore raised that proprietors will be entitled to a refund of the above sum from the Council upon return of their existing licence plate and production of a receipt for any deposits paid they could use that money to offset a portion of the costs incurred in paying for the items outlined in number 7 above.
12. Officers maintain that in the interests of the safety and welfare of the public hackney carriage and private hire vehicles should be clearly identifiable. This argument is supported by the fact that during the past 12 months the Licensing and Enforcement Officers have dealt with at least 18 issues where problems associated with insufficient identification signage on licensed vehicles has been highlighted.
13. In addition to the above one of the objectives of Chorley Council Crime and Disorder Reductions Partnership (CDRP) is to influence the provision of safe routes from town centres, particularly late at night when people are leaving pubs and other places of entertainment. The CDRP therefore supports any move to ensure that licensed taxis can be easily identifiable by the public. Crime Prevention Officer, Margaret Rushton also supports the proposal.
14. The Council at present issue a windscreen disc to identify whether or not the vehicle is in test. This disc is renewable twice a year and is designed to operate in much the same way as a tax disc. However it is proved to be ineffective as a control measure in practical terms of enforcement as no other enforcement agency understands its relevance or significance in relation to the validity of the licence attached to the vehicle. The disc only indicates that the vehicle has a valid taxi test and may or may not be in synchronisation with the licence, this further causes confusion in terms of enforcement issues and in administration. The inclusion of an expiry date on the rear plate will contribute to the disc being redundant along with the changes to be determined on vehicle testing.
15. In order to maintain the integrity of hackney carriage and private hire licence plates, it is recommended that it is a condition of licensing that any expired plate is handed to the Council at the same time as any renewal is issued. Also that a written statement is

produced by a vehicle proprietor where a request for a replacement plate is requested, stating the reason for the replacement and that the plate is not in the possession of that person and its whereabouts are unknown.

16. For members' information, the authority to attach conditions to hackney carriage and private hire vehicles licensed is contained within relevant Sections of the Local Government (Miscellaneous Provisions) Act 1976.

Section 47 of the Act states:

- 1) A district Council may attach to the grant of a licence of a hackney carriage such conditions, as the District Council consider reasonably necessary.
- 2) Without prejudice to the generality of the foregoing sub-section, a District Council may require any hackney carriage licensed by them to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- 3) Any person aggrieved by any conditions attached to such licence may appeal to a Magistrates' Court.

With regard to private hire vehicles Section 48 of the above Act includes:

- 1) A District Council may attach to the grant of a licence under this Section conditions, as they may consider reasonably necessary including conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- 2) Any person aggrieved by any conditions specified in such a licence may appeal to the Magistrates' Court.

IMPLICATIONS OF REPORT

17. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

18. The governing legislation and public interest considerations have been identified in the body of the report.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	5726	14 March 2008	LEGREP/1703JA4

This page is intentionally left blank



Report of	Meeting	Date
Corporate Director of Governance	Licensing and Safety Committee	02 April 2008

LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 09 FEBRUARY 2008 – 14 MARCH 2008

PURPOSE OF REPORT

1. To inform the Committee of the various licences and permits issued, registrations effected and enforcement activity for the above period.

RECOMMENDATION(S)

2. Members are asked to note the report.

EXECUTIVE SUMMARY OF REPORT

3. This report is for information only.

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

BACKGROUND

5. This report is for information only.



LICENSING ACT 2003

6. The table below shows the number of licences/registrations issued during this period under the Licensing Act 2003.

Number of	New	Variations	Change of Address	Transfer of Premises Licence	Change of DPS
Personal Licences	4	0	1	0	0
Premises Licences with alcohol	0	0	1	2	18
Premises Licences without alcohol	0	0	0	0	0
Club with alcohol	0	0	0	0	0
Club without alcohol	0	0	0	0	0
Temporary Event Notice with alcohol	7	0	0	0	0
Temporary Event Notice without alcohol	0	0	0	0	0
Interim Authority Notice	0	0	0	0	0

REVIEW OF PREMISES LICENCES

7. There have been no applications for review of premises licences.

HEARINGS

8. One hearing has taken place in respect of an application for a premises licence. This application was withdrawn at the time of the hearing by the applicant.

GAMBLING ACT 2005

9. The table below shows the number of licences/permits issued during this period under the Gambling Act 2005.

Number of	Conversion	New	Variations
Betting Premises Licence (other)	0	0	0
Bingo Premises Licence	0	0	0
Adult Gaming Centre	0	0	0
Family Entertainment Centre Premises Licence	0	0	0
PERMITS	0	1	0
Family Entertainment Centre Gaming Machine Permit	0	0	0
Notification of Intent to have 2 Gaming Machines	0	7	0
Small Society Lottery Registration	0	0	0

HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS

10. The table below shows the number of licences/registrations issued during this period. Generally, renewal of Private Hire/Hackney Carriage Vehicle/Drivers Licences and renewal of Private Hire Operator Licences are now done by the One Stop Shop.

Number of	New	Renewals	Transfers	Vehicle Change
Private Hire Vehicles	6	24	2	1
Private Hire Drivers Licence	15	14	0	0
Private Hire Operator	0	1	0	0
Hackney Carriage Drivers Licence	3	9	0	0
Hackney Carriage Vehicle	0	1	0	0

SECOND HAND GOODS

11. There have been no applications granted for second hand goods licences during this period.

HOUSE TO HOUSE COLLECTIONS

12. There has been one application made for a House to House Permit during this period for African Orphans. This application was refused due to the total amount applied for charitable purposes as a result of the collection being inadequate in proportion to the value of the proceeds likely to be received.

Name of Charity	Date of Collection

STREET COLLECTION PERMITS

13. There have been 3 applications granted for a Street Collection Permit during this period for the following charities.

Name of Charity	Date of Street Collection
Jessica's Fund	16/02/2008 & 23/02/2008
Chorley South Premier Inn	26/02/2008

MOTOR SALVAGE OPERATOR

14. There have been no applications for Motor Salvage Operator Licences during this period.

ENFORCEMENT/INSPECTION VISITS FOR PERIOD FROM 09 FEBRUARY 2008 TO 14 MARCH 2008

11. There have been eleven enforcement visits for the above period. 5 plates have been removed from un - licensed private hire vehicles. and 1 plate has been removed from a private hire vehicle on the grounds of public safety.

SUSPENSION OF VEHICLES

12. There has been one suspension of a private hire vehicle on the grounds of public safety.

JOINT OPERATIONS

13. There have been no joint operations during this period.

COMPLAINTS

14. There has been one complaint received on the grounds of public safety.

IMPLICATIONS OF REPORT

15. There are no implications arising from this report.

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

16. Not applicable.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jayne Day	5161	17 March 2008	



Report of	Meeting	Date
Director of Corporate Governance	Licensing & Safety Committee	2 April 2008

ALLOCATION OF HACKNEY CARRIAGE PLATE

PURPOSE OF REPORT

- Members are asked to consider the contents of the report and approve a method to issue one Hackney Carriage licence.

RECOMMENDATION(S)

- Members are asked to approve the contents of this report and to delegate the administrative process to the Licensing Manager who will report back to the Chair of the Licensing and Safety Committee as necessary.

EXECUTIVE SUMMARY OF REPORT

- The Council at present restrict the number of Hackney Carriage vehicle licences; at the present time thirty-seven are issued. One of the Hackney Carriage vehicle licences has now returned to the Council as the proprietor failed to renew the licence within the prescribed period. Members are now asked to consider methods to re-allocate the Hackney Carriage vehicle licence that will best serve the Hackney Carriage trade and the taxi travelling public.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances	4	Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

BACKGROUND

- As Members will be aware that the Council has restricted the number of Hackney Carriage Vehicle licences it issues. The holders of Hackney carriage licences are responsible for the maintenance of the licence by way of its renewal at a four, six or twelve monthly interval depending on the age of the vehicle it is attached to.



6. In order to assist proprietors in the process of renewal of their Hackney Carriage Vehicle licence, the licensing office send reminder letters out to the proprietor approximately four weeks prior to the date of its expiry. This is a courtesy reminder and the licensing office provide this service to both the Hackney Carriage and the Private Hire trade. Members are reminded that there is no statutory requirement for a licensing authority to provide this service.
7. The licence relating to hackney Carriage number 9 was due to expire on 31 October 2007 and the proprietor was sent a renewal letter on the 20 September 2007 giving 41 days notice to renew the licence. The present licensing system would allow the renewal of that licence at any time prior to its expiry once the renewal letter had been sent. There was no application made to renew this licence prior to its expiry, the licence has therefore lapsed. In order for a Hackney Carriage vehicle licence to be renewed it must by virtue of its allocation be a valid licence. Should a proprietor fail to renew the licence, the provision of that licence will be the responsibility of the Council to grant the licence to any person who can fulfil the criteria attached to the an application for a Hackney Carriage Vehicle licence and pay the required fee.
8. As the Council maintains a restriction to the number of Hackney Carriage vehicle licences within the borough, Hackney Carriage vehicle licence do command an intrinsic value which can be realised should a proprietor wish to transfer such a licence and vehicle. It is therefore appropriate that special measures are taken when allocating a Hackney Carriage vehicle licence that are available in a fair and transparent way. The Council have at present received eleven expressions of interest with regard to the allocation of Hackney Carriage vehicle licence number nine and the Council does not maintain a waiting list for Hackney Carriage vehicle licences.
9. It would in this instance for the allocation of one Hackney Carriage vehicle licence be appropriate to adopt those conditions and criteria that were recommended by the Licensing and Safety Committee in 2007 for the issue of seven Hackney Carriage vehicle licences.
10. However further consideration to point 9g which refers to 'owner / drivers', Members may wish to consider that this be replaced by Hackney Carriage driver licence holders, licensed with Chorley Council for more than two years' as a condition of application. This would offer up the possibility of a new proprietor within the Hackney taxi trade within the borough and would by virtue of the length of time he / she has held the licence eliminate the need to interview those applicants who meet the essential criteria.
11. This would facilitate selection by way of a tombola type draw, with a second draw serving as a back up should the first drawn applicant fail to meet the application requirements ie not provide a suitable vehicle by a specified time, pay the fee. The draw would be made at the next Licensing & Safety Committee meeting. This would ease the administrative burden of interviewing applicants to ensure suitability as part of the selection criteria, contained at 10 of attached document.
12. The document 'A Guidance to Persons Interested in Obtaining a hackney Carriage Licence (2007)' is attached as appendix 1.

IMPLICATIONS OF REPORT

13. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF CORPORATE GOVERNANCE

14. No comments

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	17 March 2008	LEGREP/1803LM1

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank