

Licensing and Safety Committee

Agenda and Reports

For consideration on

Wednesday, 25th April 2007

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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Chief Executive's Office

Please ask for: Gordon Banks
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Date: 16 April 2007

Chief Executive: Donna Hall

Chorley
Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Dear Councillor

LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 25TH APRIL 2007

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, 25th April 2007 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 confirm as a correct record the minutes of the meeting of the Licensing and Safety committee held on 28 March 2007 (enclosed)

4. **Licensing Liaison Panel (Pages 5 - 8)**

To receive the minutes of the Licensing Liaison Panel held on 2 April 2007 (enclosed)

5. **Vocational Training for Hackney/Private Hire Drivers - Further Report (Pages 9 - 14)**

Report of Director of Customer, Democratic and Legal Services (enclosed)

6. **Any other item(s) that the Chair decides is/are urgent**

7. **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 it involves the likely disclosure of exempt information as defined in

Continued....

Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

8. **Licensed Private Hire Proprietor - Allowing a Vehicle to be used without Insurance and Road Tax (Pages 15 - 18)**

Report of Director of Customer, Democratic and Legal Services (enclosed)

Yours sincerely



Chief Executive

Distribution

1. Agenda and reports to all Members of the Licensing and Safety Committee (Councillor Mrs Iris Smith (Chair), Councillor Edward Smith (Vice-Chair), Councillors Thomas Bedford, Henry Caunce, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Daniel Gee, Keith Iddon, Hasina Khan, Margaret Lees, Marion Lowe, Thomas McGowan, Ralph Snape, John Walker and Mrs Stella Walsh) for attendance.
2. Agenda and reports to Claire Hallwood (Deputy Director of Legal Services), Janet Brereton (Legal Assistant (Licensing and Registration)), Gordon Bankes (Democratic Services Officer) and Keith Ogden (Enforcement 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:

Licensing and Safety Committee

Wednesday, 28 March 2007

Present: Councillor Mrs Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Thomas Bedford, Henry Caunce, Magda Cullens, David Dickinson, Anthony Gee, Daniel Gee, Hasina Khan, Margaret Lees, Marion Lowe, Thomas McGowan, Ralph Snape and John Walker

07.LS.24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Doreen Dickinson and Keith Iddon.

07.LS.25 SENIOR SOLICITOR

The Chairman informed the meeting that this was the last meeting that Rosaleen Brown the Senior Solicitor was attending as she was taking up a new post at another authority. The Chairman and members of the Committee thanked her for her assistance and advice she had given to the Committee.

07.LS.26 DECLARATIONS OF ANY INTERESTS

Councillor Ralph Snape declared an interest in relation to Item 10 on the agenda. (Minute 07.LS.33).

07.LS.27 MINUTES

RESOLVED – That the Minutes of the meeting of the Licensing and Safety Committee held on 28 February 2007 were confirmed as a correct record and signed by the Chairman.

07.LS.28 LICENSING SUB-COMMITTEE

RESOLVED – That the minutes of the meeting of the Licensing Sub-Committee held on 19 February 2007 be noted.

07.LS.29 LICENSING & REGISTRATION - SUMMARY OF ACTIVITY FROM 01 FEBRUARY 2007 TO 09 MARCH 2007

The Committee received a report of the Director of Customer, Democratic and Legal Services on the various licences and permits issued and the registrations effected by the Licensing Section between the period 1 February 2007 to 9 March 2007.

RESOLVED – That the report be noted.

07.LS.30 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

07.LS.31 APPLICATION FOR PRIVATE HIRE DRIVERS LICENSE - FAILURE TO MEET MEDICAL STANDARDS

The Committee received a report of the Director of Customer, Democratic and Legal Services requesting the Committee to consider an application to drive private hire

vehicles following the failure of the applicant to pass Group 2 medical on the grounds of vision. The applicant had explained that he lost one eye when he was aged 11 years old.

The report indicated that under Section 51(1) of the Local Government (Miscellaneous Provisions) Act 1976 it was a requirement that a Council should not grant a licence to drive hackney carriages or private hire vehicles unless they are satisfied that the applicant was a fit and proper person to hold a drivers licence. Chorley Borough Council had adopted Group 2 standards for medical checks on 7 June 2000.

The applicant attended the meeting to put forward representations in support of his application and the Committee carefully considered the representations made.

RESOLVED - 1) That after fully considering the application and the Council policy in this respect, agreed to grant the applicant a licence to drive private hire vehicles provided that he attains Group 2 medical standard in all aspects apart from vision.

2) That the applicant must show that the visual field in the remaining eye is normal.

3) That the Committee in reaching this decision took into account the fact that the applicant had only ever driven with sight in one eye, with many years of driving experience and excellent accident record.

4) That the applicant ensures that his employer and any future employer are aware of the fact that he only has sight in one eye.

07.LS.32 LICENSED PRIVATE HIRE PROPRIETOR - ALLOWING VEHICLE TO BE USED WITHOUT INSURANCE AND ROAD TAX.

The Committee received a report of the Director of Customer, Democratic and Legal Services bringing to the attention of Members a complaint made by a member of the public that two private hire vehicles were being used on a public road without current tax discs.

The report indicated that on 15 March 2007 suspension notices were served in respect of two private hire vehicles and when the person who was in charge of running the taxi firm at that time attended the Council Offices no explanation was offered.

The Committee had previously received a report at its meeting on 11 October 2006 following information received that the firm was running a vehicle in a dangerous condition and ordered that all vehicles licensed by the firm be suspended, with all vehicles subjected to a vehicle test by an accredited testing station.

The person who was running the firm at the time attended the meeting along with a colleague to put forward an explanation as to why the vehicles were being used on a public road without current tax discs and the insurance on one vehicle.

RESOLVED – That the Committee was not satisfied with the explanation given to the person running the firm and agreed that the person who is currently the holder of the private hire operator’s licence be invited to a future meeting of the Committee to give a full explanation and to answer any questions the Committee may have.

07.LS.33 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES WITHIN THE BOROUGH.

Further to Minute 07.LS.21 the Committee received a report of the Director of Customer, Democratic and Legal Services requesting the Committee to consider an application for a licence to drive Hackney Carriage/Private Hire vehicles within the Borough of Chorley.

The applicant (Mr GS) had been invited to attend the meeting along with his legal representative but had notified officers that he requested his application to be adjourned to a future meeting.

RESOLVED – That consideration of the application be adjourned to the next ordinary meeting of the Committee to be held on 23 May 2007, to allow an opportunity for the applicant and his representative to give representations.

(Councillor R Snape had left the meeting prior to consideration of the above item).

Chair

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LICENSING LIAISON PANEL – 2 April 2007

PRESENT Councillor Iris Smith, Councillor Edward Smith, Keith Ogden, Janet Brereton, Shakail Ahmed, Yaqoob Illahi, Julie and Antony Price, Ann Clitheroe, Mohammed Siddique Ahmed, Margaret Redshaw.

- 1 WELCOME AND INTRODUCTION TO ‘NEW FACES’** – Keith Ogden explained that an invitation had been sent out to all Private Hire Operators to attend the Licensing Liaison Panel. Unfortunately, no new panel members attended.
- 2 UPDATE ON LICENSING SECTION** - Keith Ogden informed everyone that Howard Bee (Licensing Manager) had left for another post and that Keith would be Acting Licensing Manager for the time being.
- 3 MATTERS ARISING FROM LAST MEETING –**
 - 3.1 Traffic Lights at Hartwood Roundabout** – Janet Brereton passed around a reply from Lancashire County Council, which set out the reasons why the traffic lights at the Hartwood Roundabout could not be made part time.
 - 3.2 Signage in Town Centre** - following this matter being raised at the last licensing liaison panel, Janet Brereton had taken the matter to the Town Centre Working Party. She had been informed that there is to be an audit of all the signs within the town centre to see what is required.
 - 3.3 One stop shop – length of time taken to process some applications** – this matter had been raised at the last licensing liaison panel and Howard Bee had met with the manager over the One Stop Shop. It was felt that additional training would be of benefit and this had been arranged to place during April. However, the situation would continue to be monitored and be brought up again if necessary.
 - 3.4 Pub Watch membership** – this item was deferred as there was no one present for this discussion. It would be placed on the agenda for the next Licensing Liaison Panel.
 - 3.5 Café Culture** – deferred as above.
- 4 LICENCE FEES – INCREASE FROM 1 APRIL 2007** – Keith Ogden passed round the new licence fees showing the increase. He explained the reasons behind the increases. Discussion followed. A panel member asked about the amount outstanding for the unmet demand survey. He pointed out that as 6 licences out of the 7 additional hackney carriages had been issued, there was additional revenue from that which could be used to offset the survey fees. Keith Ogden pointed out that those licences had actually been issued in the last financial year, namely 2006/07. Keith Ogden said that he anticipated a reduction in fees next year.

- 5 DRIVER TRAINING** – Keith Ogden updated the panel. The report regarding driver training had been taken to the Licensing and Safety Committee on 28 February 2007 where it had been decided to obtain further information before taking it to a future meeting for a decision. Discussion followed regarding various options such as following the same line as South Ribble or Preston City Councils or reviewing and deferring a decision. The majority present took the view that whilst training was a good thing, they felt that the cost may put new applicants off applying for licences to drive. Keith Ogden asked everyone to put their views/objections in writing and they would be taken to the next Licensing and Safety Committee on 25 April 2007. Councillor Iris Smith reminded everyone that no decision had yet been made. It was an open table for discussion, where the proprietors/operators would be able to make their views known and they would be taken into account.
- 6 DRIVER MEDICALS (UPDATE)** – Keith Ogden informed everyone that this report had now been through Licensing and Safety Committee and it had been agreed that it was no longer necessary for applicants/licensed drivers to go to their own GP. The medical forms had been changed to reflect this and the for the purpose of private hire/hackney carriage drivers licences, the Licensing Section would accept any medical carried out by any registered medical practitioner. Keith Ogden said that if anyone was having problems finding a registered medical practitioner they should contact the Licensing Section for assistance.
- 7 SMOKEFREE CHORLEY/SMOKING SHELTERS** – Janet Brereton informed the panel that the smokefree legislation comes in on 1 July 2007. There would be no lead-in period and as from 1 July, it would be an offence to smoke in an enclosed public area or a public vehicle. A workshop had taken place in March to start the 100-day countdown. Samples of a ‘credit card style’ card were handed round. The card gave details of smoking cessation services on one side and made the holder aware that the premises/vehicle were smokefree. These would be available at no charge from 1 July 2007. The Council Officer in charge of bringing in the smokefree legislation would be attending a future meeting of the Licensing Liaison Panel. There is also a guidance sheet available from the Licensing Section giving information regarding smoking shelters for licensed premises.
- 8 BEST BAR NONE** – Keith Ogden explained that Lancashire Constabulary had taken the lead on this initiative and letters would be sent out to everyone concerned. The Council’s Alcohol Reduction officer was also involved.
- 9 CONTACT CENTRE** – Janet Brereton informed everyone that the Licensing Section could not now be contacted directly. The Council’s Contact Centre would take all telephone calls in line with the Council’s policy on bringing all services under telephone number. Email communication had not been affected and the section’s email address is licensing@chorley.gov.uk
- 10 INFORMATION FOR OPERATORS RE EMPLOYING ‘MIGRANT WORKERS’** – Janet Brereton pointed out that it was an employer’s obligation to check that staff were legal under Section 8 of the Asylum and Immigration

Act 1996. This would apply to staff other than drivers, such as radio operators for example. Further information is available at www.employingmigrantworkers.org.uk

- 11 TALK OF THE TOWN PUBLICATION** – Janet Brereton passed round a copy of this publication which was produced quarterly and circulated round the traders and business in the town centre. The Council's Communication's Officer had offered a page in each publication to the hackney carriage/private hire trade. It was generally agreed that this would be good publicity. Janet Brereton would look into progressing this further.
- 12 ANY OTHER BUSINESS**
- 12.1 Parking on Rank** – It was acknowledged that the additional hackney carriages meant that there was less room on the town centre rank. The law states that if there is no room available on a rank, drivers should drive on to the next available Rank. Keith Ogden suggested that the rank stay as it is at present. There was new development planned for the town centre and this may affect where ranks are required. The Hackney Carriage Association could take this matter to the next Town Centre Forum. It was noted that the Hackney Carriage Association had contacted the MP regarding the problems with parking on the rank.
- 12.2 Enforcement/Rank** – A panel member suggested that the enforcement officer be issued with a uniform to assist with enforcement. It was noted that Sefton Borough Council use uniformed officers who are able to issue fixed penalties for vehicles parked on the rank. Keith Ogden explained that once the Licensing Section is re-organised and a new Licensing Manager in place this matter could be looked into further.
- 12.3 Additional Hackney Carriage Licences** – A panel member pointed out 6 of the 7 additional licences had been issued and what would happen to the 7th licence. Keith Ogden stated that the successful applicants had until the end of April to take up the licence and if not taken up, the matter would go back to the Licensing and Safety Committee.
- 12.4 Vehicle Insurance** – A panel member pointed out that it should be for the driver/proprietor to produce insurance documents on time and referred to recent press reports on a case which said that 5 cars had been suspended due to having no insurance. The general view of the panel was that the private hire company should have been named and shamed as such press reports affect the whole of the trade. Keith Ogden explained that it was a condition of the vehicle licence that the responsibility is on the vehicle's proprietor to supply the Licensing Section with up to date insurance documents.
- 12.5 Chorley Town Centre** – there was a general discussion regarding concerns about the decline of trade in the town centre. Janet Brereton explained that there was a new Economic Development Officer, Cath Burns, and gave contact details to panel members.
- 13 DATE AND TIME OF NEXT MEETING** – The next meeting will take place on Monday 11 June 2007 at 10.30am in the Committee Room, Town Hall, Chorley.

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Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Licensing and Safety Committee	25/04/07

TRAINING FOR HACKNEY/PRIVATE HIRE DRIVERS – FURTHER REPORT

PURPOSE OF REPORT

1. For Members to consider the introduction of vocational training for all new applicants for hackney carriage and private hire driver licences.
2. A report to consider driver training was submitted to this Committee on 7 June 2006 and 28 February 2007. It was recommended that a report be submitted to a future meeting of this Committee after further enquiries had been made with the proposed training providers and with the Licensing Liaison Panel.

CORPORATE PRIORITIES

3. This report is relevant to further the key corporate priorities of the Council, ie making a safer Chorley by ensuring as far as practicable that all licensed drivers are fit and proper persons and that they are adequately trained to carry out their duties in particular their duties in conveying disabled people.

RISK ISSUES

4. The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	4	Information	
Reputation	4	Regulatory/Legal	4
Financial	4	Operational	4
People	4	Other	

5. There will be cost involved, members of the trade could ask for a judicial review of any decision made, there are operational considerations with the extra work involved in setting up and running a training scheme and it is important that the overall cost of obtaining a hackney or private hire driver's licence does not have an adverse effect upon the recruitment of new drivers.

BACKGROUND

6. The Disabled Persons Transport Advisory Committee, in its good practice guide 2003, emphasised the need for driver training for taxi drivers in dealing with disabled people.

7. In a speech by the Transport Minister Karen Buck to the National Taxi Association on 25 October, concerning best practice, she stated that driver training is something that is mentioned in a draft best practice note and that in future licensing authorities might stipulate that those applying for their first licences undergo a certain amount of training.
8. The chairman of the national private hire association has given his support for the need for driver training to a BTEC level and there is clearly a growing impetus for Councils to introduce driver training.
9. At a regional meeting of the national association of licensing enforcement officers (NALEO) held on 23 June 2005 a presentation was made on a national qualification (the BTEC) which had been introduced and piloted with a great deal of success by Bournemouth District Council. An article also appeared in the Private Hire and Taxi monthly Magazine.
10. In its best practice guidance (October 2006) the Department for Transport states that there is advantage in encouraging drivers to obtain a nationally recognised vocational qualification for the taxi and private hire trades.
11. Since the first committee meeting on 7 June 2006 research has been conducted to find suitable alternative to the BTEC course at Runshaw. There is no other suitable training currently available, and there is no funding available for this course.
12. The syllabus for the BTEC course offered by Runshaw College is as follows:
 - Customer service for passenger transport
 - Passenger Transport and equal opportunities
 - Passenger Transport and Disability Awareness
 - Taxi and Private Hire Safety
 - Carriage of luggage and parcels
 - Route planning
 - Taxi and Private Hire regulation (London)
 - Taxi and Private Hire regulation (UK)

The full breakdown of the course is attached to the report

13. Preston City Council has agreed to make the BTEC training, with Runshaw College as provider, mandatory for all new drivers from 1 April 2007. All new drivers must first successfully complete the BTEC course before a licence is issued.
14. South Ribble Borough Council has also agreed to make the BTEC training mandatory for all new drivers from 1 April 2007. All new drivers will be required to successfully complete the o BTEC course within 6 months of being granted a licence.
15. As outlined in the previous reports on this subject the three Councils would prefer adopting a uniform approach to driver licensing in order to prevent applicants choosing any of the three authorities that they believe operates a lower standard.
16. Representatives from Preston City Council and Runshaw College have attended a previous meeting of this Committee to answer questions regarding the training.
17. This Council requires applicants for driver licences to complete a knowledge test before a licence is issued. This test would need to be maintained in order to screen applicants as to their ability to undergo a BTEC training course.

18. Following the meeting of this Committee on 28 February 2007, letters were sent to all private hire operators and the chairman of the hackney association inviting them to attend the meeting of the licensing liaison panel on 2 April 2007 in order to allow a further opportunity to discuss the subject of driver training.
19. Representatives of the hackney carriage proprietors attended the licensing liaison panel on 2 April 2007 but in spite of the letters sent to all private hire operators, only representatives from Yellow Cabs attended and expressed their views. No written or other communication was received from the other private hire operators.
20. The view of those who attended the licensing liaison panel was that although training was seen as a positive step there was a risk that the extra costs incurred by new drivers may discourage them from taking up "taxi" work leading to a shortage of drivers. A suggestion was made that the decision be deferred for six months in order to monitor the effect in Preston and South Ribble Councils who have already made this training compulsory for new drivers.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

21. N/A

COMMENTS OF THE DIRECTOR OF FINANCE

22. N/A

RECOMMENDATION(S)

23. That the Committee considers:-
- (a) introducing driver training to BTEC standard as provided by Runshaw College for all new applicants, who must either (i) complete their training before being granted a licence or (ii) within a specified time of being granted a licence. OR
 - (b) deferring the decision for six months in order to assess the impact of compulsory driver training upon Preston and South Ribble Councils.

ANDREW DOCHERTY
DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

Background Papers			
Document	Date	File	Place of Inspection
Report re driver training	7 June 2006	-	The loop (Committee Files)

Report Author	Ext	Date	Doc ID
Keith Ogden	5726	11 April 2007	LEGREP/1104LM2

TRANSPORTING PASSENGERS BY TAXI AND PRIVATE HIRE EDEXCEL LEVEL 2 BTEC AWARD

Level 2 Vocationally Related Qualification on the National Qualifications Framework QAN-100/3594/1

Unit 1 – Customer Service for Passenger Transport

Good communication and positive working relationships

Good customer service

Difficult customers and situations

- Communication
- Working relationships
- The customer
- The employee
- Good customer service
- Benefits of good customer service
- Difficult situations and customers
- Resolving situations
- Resolving complaints

Unit 2 – Passenger Transport and Equal Opportunities

Legislation

Discrimination

Duties and responsibilities

- Aims of legislation
- Implications
- Scope of legislative Acts and Codes of Practice
- Sector specific legislation
- Definition and occurrence
- Situations where discrimination occurs
- Providing a non-discriminatory passenger service
- Amendments to service

Unit 3 – Passenger Transport and Disability Awareness

Disabilities and the barriers they present

Sensitive assistance

Technology and equipment

- Disabilities
- Recognising disabilities and impairments
- Barriers
- Assistance
- Empathy, discreetness and dignity
- Technology and equipment
- Types of equipment

Unit 4 - Taxi and Private Hire Safety

Hazards and risks

Consequences of road accidents or emergencies

Vehicles

- Hazards and risks
- Addressing hazards and risks
- Common causes
- Passenger emergencies
- Reducing risks
- Procedures
- Vehicle maintenance
- Operation

Unit 5 – Carriage of Luggage and Parcels

Obligations

Health and Safety

Dangerous goods

- Main obligations
- Lost property
- Safe lifting and carrying
- Operator responsibilities
- Legislation and regulations
- Responsibilities
- Risk assessment

Unit 6 – Route Planning

Maps

Interpret maps

Routes and timings

- Types and sources of maps
- Contribution to route planning
- Map symbols
- Topographical detail
- Routes
- Timings
- Communications

Unit 7 - Taxi and Private Hire Regulation (UK)

Licensing legislation

Obligations

Regulatory authority requirements

- Types of licence
- Legislation
- Requirements
- Insurance requirements
- Providing a suitable vehicle
- Obligations
- Plying for hire and fares
- Fares meter
- Other operating requirements
- Private Hire operators

Unit 8 – Taxi and Private Hire Regulation (London)

Licensing Legislation

Obligations

Regulatory authority requirements

- Types of licence
- Legislation
- Requirements
- Insurance requirements
- Providing a suitable vehicle
- Obligations
- Plying for hire and fares
- Fares meter
- Other operating requirements
- Private Hire operators

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

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