

LICENSING AND PUBLIC SAFETY COMMITTEE

WEDNESDAY, 22ND JULY 2015, 2.00 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 DECLARATIONS OF ANY INTERESTS

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

2 MINUTES

(Pages 3 - 8)

To confirm the minutes of the Licensing and Public Safety Committee meeting held on 12 March 2015 (enclosed)

3 APPROVAL OF THE MINUTES OF THE GENERAL LICENSING SUB COMMITTEE'S

3A MINUTES OF THE GENERAL LICENSING SUB-COMMITTEE - 1 APRIL 2015

(Pages 9 - 14)

3B MINUTES OF THE GENERAL LICENSING SUB-COMMITTEE HELD - 27 MAY 2015

(Pages 15 - 16)

4 APPROVAL OF THE MINUTES OF THE LICENSING ACT 2003 SUB COMMITTEE'S

4A MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE - 23 MARCH 2015

(Pages 17 - 24)

4B MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE - 11 JUNE 2015

(Pages 25 - 28)

5 MINUTES OF LICENSING LIAISON PANEL

(Pages 29 - 32)

To note the minutes of the Licensing Liaison Panel meeting held on 15 June 2015 (enclosed)

- | | | |
|---|---|-----------------|
| 6 | AMENDMENT TO THE SCHEME OF DELEGATION FOR LICENSING

Report of the Director of Public Protection, Streetscene and Community (enclosed)

Background Report that was approved at Licensing and Public Safety Committee on 11 March 2009: Scheme of Delegation 2009 | (Pages 33 - 40) |
| 7 | REVIEW OF THE COUNCILS POLICY WHICH LIMITS THE NUMBER OF HACKNEY CARRIAGE VEHICLE LICENCES ISSUED TO 36

Report of the Director of Public Protection, Streetscene and Community (enclosed) | (Pages 41 - 78) |
| 8 | ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR | |

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing and Public Safety Committee Councillor Roy Lees (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Jean Cronshaw, Doreen Dickinson (Chorley Borough Councillor For Lostock Ward), Gordon France, Margaret France, Keith Iddon, Mark Jarnell, Hasina Khan (Chorley East), Margaret Lees, Matthew Lynch, Mick Muncaster (Clayton-le-Woods West and Cuerden), Steve Murfitt, Ralph Snape and John Walker.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk



MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE **Thursday, 12 March 2015**

MEMBERS PRESENT: Councillor Marion Lowe (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Doreen Dickinson, Gordon France, Margaret France, Mike Handley, Hasina Khan, Adrian Lowe, Matthew Lynch, Mick Muncaster, Steve Murfitt, Pauline Phipps, Ralph Snape and John Walker

OFFICERS: Elizabeth Walsh (Solicitor), Lesley Miller (Regulatory Services Manager), Stephen Culleton (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)

APOLOGIES: Councillor David Dickinson, Keith Iddon and Mark Jarnell

OTHER MEMBERS: None

15.LPS.1 Minutes

RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 23 July 2014 be confirmed as a correct record for signing by the Chair.

15.LPS.2 Declarations of Any Interests

No declarations of any interests were received.

15.LPS.3 Approval of the minutes of the General Licensing Sub Committees

RESOLVED – That the minutes of the General Licensing Sub Committee's held on 23 July, 17 September, 30 September, 5 November, 19 November, 17 December 2014, 26 January and 4 February 2015 be agreed as a correct record.

15.LPS.4 Approval of the minutes of the Licensing Act 2003 sub Committees

RESOLVED – That the minutes of the Licensing Act 2003 Sub Committee's held on 9 December 2014, 9 December and 26 January 2015 be agreed as a correct record for signing by the Chair.

15.LPS.5 Taxi Licence Administration Process and Policy Review

The Director of Public Protection, Street Scene and Community submitted a report to advise Members of a review that had recently been undertaken of the taxi licensing

administrative processes and sought approval for the implementation of new policy and processes for the administration of Taxi Licences, with delegated authority to the Director of Public Protection, Street Scene and Community to make appropriate amendments to the application forms and processes should the need become evident during their implementation.

It had been agreed at the last meeting of the Licensing and Public Safety Committee held on 23 July 2014 that officers would undertake a review of the Taxi licensing processes. There had been a number of cases brought before the Sub-Committee and the Chair for consideration, where it had been identified that a change in process or procedure could have avoided such issues. The matters were also discussed at the Licensing Liaison Panel.

Offices had considered all the process undertaken with regard to taxi licensing functions and identified a number of proposals to streamline existing procedures, including changes to forms, administration and processing of licences and some policy changes that would better align the expiry dates of medicals, DBS disclosures and taxi tests with licence expiry.

It was considered that these changes would reduce the likelihood and necessity for enforcement relating to such anomalies, proposals sought to avoid these issues occurring and better direct resources in proactive campaigns and partnership working.

The proposed changes would also assist in addressing concerns raised by the trade with regard to waiting times, repeat visits and lack of expertise in the one stop shop, which is a criticism that had been raised at a number of Licensing Liaison Panels.

Draft application forms, checklists and guidance notes were appended to the report to assist members and the trade to visualise the way processes are proposed to be administered in the future. The documents were still to be tested by the transactional team and therefore may be subject to some minor variation and amendment as required. The forms have been designed to ensure that the requirements for each licence are clear and enable customer service staff to process the applications more efficiently. It should also reduce the number of queries that need to be passed to the back office for clarification and confirmation which was also another concern that had been raised by the trade as a cause of frustration and delay.

Members thought that the question relating to attending a Speed Awareness Course should be moved to another section of the form as attendance on such a course was not deemed to be a declaration of a conviction, caution or pending prosecution. However, the information was still appropriate for the Council to ask for when considering if they were a fit and proper person.

The Council had extensively consulted with the trade throughout the review and had taken their view and thoughts into consideration as much as was possible.

The Regulatory Services Manager and Lead Licensing and Enforcement Officer outlined the report in detail and pointed out where the Council had amended aspects of the proposal in line with trade representations.

In order to approve the changes to process and policy Members needed to consider a number of options and these were agreed as follows:

It was proposed by Councillor Anthony Gee, seconded by Councillor Mike Handley and subsequently **RESOLVED to approve Option 2 – agree the trade representatives suggestion that vehicles could be presented for the taxi test up to 28 days prior to the renewal date, to reflect the same periods provided by the MOT and allow more time and flexibility in seeking any necessary repairs.**

It was proposed by Councillor Adrian Lowe, seconded by Councillor Gordon France and subsequently **RESOLVED to approve Option 1 – allow the driver 5 years to return to the trade from the lapse of his previous licence.**

It was proposed by Councillor Margaret France, seconded by Councillor Steve Murfitt and subsequently **RESOLVED to approve Option 3 – to adopt the extension of the Private Hire Operators (PHO) licence from 1 to 3 years and condition that any changes, including any criminal convictions are reported to the Council within 7 days AND in addition, include Basic DBS Disclosure requirement within the revised PHO application process to provide a degree of confidence about the operator being fit and proper. The Private Hire Operator can only be subject to a basic DBS and is not exempt in respect of the Rehabilitation of Offenders Act 1974. Therefore the basic DBS would need to be aligned with the licence in renewal and of sufficient frequency to guarantee that all relevant offences appeared to ensure that the checks were meaningful, 3 years is considered an appropriate period to satisfy this.**

Members of the Committee discussed all the information contained within the reports giving consideration to all the amendments suggested by the trade and subsequently

RESOLVED

That the Licensing and Public Safety Committee adopts the contents in the report and approves the implementation of updated processes for the administration of Taxi Licences from 1 April 2015.

That the Licensing and Public Safety Committee approves the policy changes summarised in Appendix 1 and the transitional arrangements identified in paragraphs 51-58 of the report. The application guidance notes and forms will replace existing guidance forms and established Taxi Licensing Policy.

That the Licensing and Public Safety Committee approves the following process and policy changes as summarised below:

- a) **To remove the current provision to allow a change of vehicle process thereby requiring a full six month Vehicle Licence to be granted following the application process.**
- b) **To reinstate the expiry dated Vehicle Licence Plate. Requiring expired License Plates to be returned and a new plate issued at the time of each Vehicle Licence renewal.**
- c) **To allow the proprietor to present the vehicle for the Taxi Test for a Vehicle Licence Renewal up to 28 days before the expiry of the licence date, aligning the test expiry date to the date of the Licence expiry date.**
- d) **To include a mandatory road test within the current taxi test.**
- e) **Allow for the use of manufacturer's approved inflation kits where no spare wheel well or hanger is provided for with the construction of the vehicle.**
- f) **To align the Disclosure and Barring Services (DBS) disclosure with the expiry date of the Private Hire (PH) and Hackney Carriage (HC) Driver**

licence and therefor require that a new DBS disclosure application is made within 3 months prior to the License Renewal date.

- g) To require that the Group II medical forms are completed by the drivers own GP or the Doctor conducting the test confirming the test confirming that medical records have been checked at the time of the examination and to provide their GP number and registration details.
- h) That the requirements of Group II medical check are retained, the frequency of these checks is increased to every three years for all drivers (up to the age of 65 and annually thereafter) in line with the duration of the Hackney Carriage/Private Hire Driver Licence, this following best practice guidance published by the Department for Transport.
- i) To retain the requirement for annual medicals after the age of 65 and also align this with the Private Hire/Hackney Carriage Driver licence expiry date.
- j) To allow a previously licensed Chorley Council Private Hire/Hackney Carriage Driver five years to make an application for a Private Hire/Hackney Carriage Driver licence without the need for the driver to re-sit the Councils knowledge test.
- k) To make a distinction between Private Hire/Hackney Carriage Driver licences and badges, where the Driver has completed the DSA Disabled Access Vehicle Driver assessment, by applying the Standard Wheelchair symbol to the licence and badge. To be known as "Private Hire/Hackney Carriage Disabled Access Vehicle (DAV) Driver Licence.
- l) To give officers delegated authority to revoke and immediately grant to an existing Chorley Private Hire/Hackney Carriage Driver licence to include the DAV Driver provision where the appropriate conditions have been met.
- m) To give officers delegated authority to grant and renew upon application a Private Hire/Hackney Carriage DAV licence where the appropriate conditions have been met.
- n) To extend the Private Hire Operators licences from 1 to 3 years.
- o) To cease sending Private Hire/Hackney Carriage Driver, Vehicle, Operator Renewal Notices, including vehicle insurance, DBS, driver licence and medical reminders, and to include renewal information at the time the relevant Licence is granted.

That the Licensing and Public Safety Committee also approved that delegated be granted to the Director of Public Protection, Street Scene and Community to make appropriate amendments to the application forms and processes should the need become evident during their implementation.

15.LPS.6 Review of Hackney Carriage Vehicle Licence Numbers - Scoping the Unmet Demand Survey

The Committee received a report of the Public Protection, Street Scene and Community advising Members of the Council's policy to review quantity control every three years where the Council intend to continue to limit the number of available hackney carriage vehicle licences it uses.

The Council has established a limit to the number of hackney carriage vehicle licences it issues. This currently stands at 36 hackney carriage vehicle licences including provision for disabled access vehicles, of which there are 9 currently licenced.

The Council is not obliged to maintain a limited number of hackney carriage vehicle licences, however where a limit exists, the Council has to be satisfied that there is no significant unmet demand.

A Department for Transport Circular 3/85 provides guidance on the restriction of the power of licensing authorities to limit the number of hackney carriage vehicles, stating that district councils may wish to review their policy on the control of hackney carriage numbers as limitation of numbers can have many undesirable effects as 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 of the transfer of taxi licences from one person to another which imply an artificial restriction of supply.

Members were asked to consider different options that included whether to undertake a scoping exercise in accordance with the Council's Contract Procedure rules to identify and appoint an appropriate consultant to undertake an unmet demand survey, instructing officers to provide a report for the Committee that considered the Council's position on maintaining limited Hackney Carriage vehicle licence numbers or removing the limit.

After careful consideration of the information contained within the report, it was proposed by Councillor Adrian Lowe, seconded by Councillor Anthony Gee and subsequently **RESOLVED to instruct the Director of Public Protection, Street Scene and Community to undertake a scoping exercise to identify appropriate consultants to undertake an unmet demand survey following a procurement exercise under the Council's Contract Procedure Rules, and also include in this report, the Council's position on maintaining limited Hackney Carriage vehicle Licence numbers or removing this limit.**

15.LPS.7 Thank you and Best Wishes

The Committee thanked the Chair Councillor Marion Lowe for her work and support on Licensing and extended their best wishes for her Mayoral role next year.

Chair

Date

This page is intentionally left blank

General Licensing Sub-Committee

Wednesday, 1 April 2015

Present: Councillor Anthony Gee (Chair), Councillor (Vice-Chair) and Councillors Doreen Dickinson, Hasina Khan, Matthew Lynch and Ralph Snape

Also in attendance

Officer: Alex Jackson (Legal Services Team Leader), Lesley Miller (Regulatory Services Manager) and Dianne Scambler (Democratic and Member services Officer)

15.LSC.31 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interest.

15.LSC.32 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 1 of Part 1 of schedule 12A of the Local Government Act 1972.

15.LSC.33 APPLICATION FOR THE GRANTING OF A PRIVATE HIRE DRIVER'S LICENCE UNDER SECTION 51 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report of the Director of Public Protection, Street Scene and Community to determine whether an applicant was a fit and proper person to hold a private hire driver's licence.

On 29 September 2014, the Council had received an application made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 for the granting of a private hire driver's licence (PHD). The application was attached to the report for Members information. The applicant had previously held a private hire drivers licence with Salford City Council and had a number of convictions reported against him. The applicant had successfully passed the Council's Knowledge Test, DSA Private Hire Driver Test Assessment.

Members were informed that this application was first considered on 4 February 2015 and had been adjourned as the medical report had not arrived at the time of the hearing. The Councils Group II Medical requirements had revealed that the applicant had been drug dependant within 3 years of the date of the medical and that he had a resting ECG. The Councils Medical Advisor recommends that the applicant should be subject to a spontaneous drug test to determine whether he has any drug dependency. However the practical implications of administering such a test would be difficult for the Council to resource. The Committee were also advised that he did not appear to have completed a drug rehabilitation programme.

The applicant had disclosed with his application a number of convictions recorded against him, in addition to the information contained in the Disclosure and Barring Service (DBS) disclosure certificate and Members were informed of the full details of his convictions. In 2012, the applicant was convicted of Possessing Controlled Drug with Intent to Supply, Class A – Cocaine on Misuse of Drugs Act 1971 Section 5(3), and was sentenced to imprisonment for 3 years.

Members noted that there seemed to be a considerable gap in the applicant's record when there were no convictions recorded against him and asked him to explain the reason for this. He explained that after an unsettled time in his younger years, he had managed to sort his life out; he had married, had a family and obtained a good job where he was highly respected and progressed to a senior position within the company. His life however had spiralled out of control once again when the company was taken over and he was forced to make hundreds of people redundant including himself. He lost his marriage and family under the strain of it all and it was at that point that he got involved with the drugs scene as he was back in touch with people from his old life that were a bad influence on him.

He stated that he was extremely sorry for his actions and that it was one of the worse periods of his life. He had been fortunate to meet a new partner and he had made a life changing decision to cut all ties with Salford and move to Chorley to start a fresh life.

The applicant explained that he had been asked to deliver three small bags of white powder for a drug dealer which he very much regretted.

In relation to the caution for possessing an offensive weapon the applicant explained that he was a keen chef and would transport his kitchen knives in the back of his car to cooking events. Due to the tension and nature of his local area the police issued him with a street caution for a paring knife in the back of his car used for cutting vegetables.

He also explained that he had been drug free for some time and was determined to stay so. He had not completed the drugs rehabilitation course at the time as he was due to serve his time in prison, but he did complete a course throughout his sentence and was willing to do what it took to prove to the Council that this would continue.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED to refuse the application for a private hire driver's licence for the following reasons:**

- 1. Members acknowledged that the applicant is trying to turn his life around and avoid repeating his past behaviour**
- 2. However members take a very dim view of drug-taking and dealing in drugs. The conviction for dealing in Class A drugs as distinct from possession for personal use puts the matter at the higher end of the scale of offending.**

3. **Members had regard to Paragraph C1.2 of the Council's Policy on Previous Convictions which provides that where an applicant has been a drug addict a period of 5 to 10 years will need to elapse after completion of treatment before an application will be entertained.**

15.LSC.34 APPLICATION FOR THE GRANTING OF A PRIVATE HIRE DRIVER'S LICENCE UNDER SECTION 51 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report of the Director of Public Protection, Street Scene and Community to enable Members to determine whether an applicant was a fit and proper person to hold a Private Hire Driver's Licence.

On 19 December 2014 the Council had received an application made under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 for the granting of a private hire drivers licence (PHD) and a copy of the application was attached for Members information.

The applicant has successfully passed the Councils Knowledge Test, DSA Private Hire Driver Test Assessment and Group II Medical. The applicant had passed his DVLA UK Driver Test in November 2013 and had a fixed penalty offence attracting three penalty points on his Licence for the offence of LC20 which is driving otherwise than in accordance with a licence on 17 October 2013. The applicant stated that he was unaccompanied at the time of the offence and as his vehicle did not display Learner Plates, the vehicle he had been travelling in at the time was seized by the police at the time of the offence.

The applicant had been driving in the UK under his international driving licence from February 2012 that was valid for 12 months. It would however appear that the provision to drive under that authority had run out prior to 17 October 2013. Members noted that the applicant had in fact been driving without a licence for approximately eight months.

Members were aware that the Council's conditions of application require applicants to have held a full DVLA driver licence for a period of least 3 years and at the time of the application the applicant did not meet this requirement. However, the applicant had presented a copy of an international permit to drive that had been issued by Republique Tunisienne, the driver's licence indicated that he has been entitled to drive from 9 December 2002 and that he had also passed a mini bus test on 27 October 2006.

After careful consideration of all the relevant facts and representations from the Council's Licensing Officer, the applicant and his representative, the Sub Committee **RESOLVED to grant the application for the private hire driver's licence for the following reasons:**

1. **The applicant has been driving in the UK for some time.**

2. **Apart from LC20, the applicant is free from other motoring convictions**
3. **Members are satisfied that the applicant is fit and proper and so do not insist on the usual policy requirement for 3 years driving on a UK licence.**

15.LSC.35 SUSPENSION OF A PRIVATE HIRE DRIVER'S LICENCE UNDER SECTION 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report to determine whether a driver was a fit and proper person to continue to hold a private hire drivers licence. Officers had been made aware that the driver had had his DVLA Driver's licence revoked and in response to this information the Director of Public Protection, Street Scene and Community had suspended his Private Hire Drivers Licence under Section 61 (1) (B) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver had held a Private Hire Driver's Licence from 6 March 2014 which would expire on 6 March 2017 and Members received a copy of his application along with his current licence for information. It was explained that the driver had attended the Council's offices on 27 February 2015 of his own accord to report a speeding conviction that he had received in June 2014, the offence related to a SP30 (exceeding the 30mph speed limit). Members were aware that a driver is required as a condition on the private hire driver's licence to inform the council in writing of any conviction within seven days of a conviction.

At that meeting the driver also explained that he had received a letter from the DVLA informing him that his DVLA Driver Licence had been revoked as he had not responded to requests regarding the offence or to the endorsing of his driver's licence in relation to the SP30 he had received.

The driver also informed the Council of his new address at the time of the visit, which again was contrary to conditions on his licence as he should have notified the authority within seven days. The driver was verbally advised at this meeting that he was suspended from driving under the authority of his licence and a written suspension notice was served by hand to his new address.

Members decided to proceed in the driver's absence since over an hour had elapsed since the published time of the hearing and there had been no communication from him of any sort explaining his absence or requesting an adjournment.

Having considered all the information contained within the report and the licensing officer's representation at the meeting, the Sub Committee **RESOLVED to suspend the driver's private hire driver licence under Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.**

If the driver produces to the Licensing Unit a current UK DVLA licence without any endorsements other than those already known to the

Council by 31 May 2015 the Lead Licensing and Enforcement Officer is authorised to lift the suspension as soon as reasonably practicable.

If a current UK DVLA licence as described has not been produced to the Council by 31 May 2015 the Lead Licensing and Enforcement Officer is authorised to revoke the licence under Section 61 (1)(b) of the Local Government Miscellaneous Provisions Act 1976.

For the following reasons:

- 1. The driver does not hold a current DVLA licence and there has been no further contact from him since as he did not attend the hearing or send any documents to advise that this is no longer the case. Members noted that Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a driver licence may only be granted to someone who is fit and proper and holds a driver licence. Whilst this was not an application for the granting of a licence, members did not consider that lifting the suspension was consistent with the purpose of Section 51.**
- 2. The driver had breached two of the conditions of his private hire driver licence, namely in failing to notify the Council in writing within 7 days of his conviction for speeding and secondly in failing to notify the Council of his change of address. There had been no explanation or mitigation from the driver regarding these breaches of conditions since he did not attend the hearing or send any documents. Members considered that breach of the conditions cannot be ignored if they are to remain credible and there had been no information before members to suggest that the breaches should not be subject of sanction.**

Chair

This page is intentionally left blank

General Licensing Sub-Committee**Wednesday, 27 May 2015**

Present: Councillor Roy Lees (Chair), Councillor (Vice-Chair) and Councillors Anthony Gee, Mark Jarnell, Matthew Lynch and Mick Muncaster

Also present:

Officer: Elizabeth Walsh (Solicitor), Stephen Culleton (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)

15.LSC.36 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interests.

15.LSC.37 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 1 of Part 1 of schedule 12A of the Local Government Act 1972.

15.LSC.38 APPLICATION FOR THE GRANT OF A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE UNDER SECTION 51 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub-Committee considered the report in the presence of the applicant to determine whether he was a fit and proper person to hold a private hire and hackney carriage Driver's Licence in light of the Council's Policy in relation to convictions.

The Council's Licensing Officer outlined the report to the Members of the Committee and the applicant attended the meeting to give his representations.

The applicant had disclosed within his application a number of convictions recorded against him in addition to the information contained on the Disclosure and Barring Service (DBS) disclosure certificate, including details of a conviction for the possession of drugs.

During his interview with officers, he had also disclosed a number of convictions recorded against him in relation to his DVLA licence and at the Sub Committee meeting answered questions in relation to those offences.

Members fully considered all the facts brought to their attention both verbally and written and **RESOLVED that the applicant was a fit and proper person to hold a private hire and hackney carriage driver's licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and that his application should be approved subject to the requirements of the standard conditions for the following reasons:**

Members considered the Council's Policy on previous convictions which envisages rehabilitation periods of between 5 and 10 years. Driving without insurance is a serious offence as is the LC20 conviction which would require a substantial period to elapse before the applicant could be considered again for a private hire and hackney carriage driver licence.

In light of this Members noted that:

- a) Although it is the Council's Policy in relation to previous convictions to consider applications where a period of 5-10 years is to elapse, in this case as almost five years have elapsed since his convictions. It is within the Sub-Committee's gift to grant the taxi driver licence under paragraph B.1.3.2**
- b) The applicant has not been convicted of any further offences in the intervening period and had expressed remorse.**

However, Members noted the seriousness of his convictions and made it clear to the applicant that should he commit any further offence he will be brought back before the General Licensing Sub Committee.

Chair



MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE **Monday, 23 March 2015**

MEMBERS PRESENT: Councillor Marion Lowe (Chair), and Councillors Mike Handley and John Walker

OFFICERS: Alex Jackson (Legal Services Team Leader), Stephen Culleton (Licensing Officer), Neil Kirkham (Environmental Health Officer), Elizabeth Walsh (Solicitor) and Dianne Scambler (Democratic and Member Services Officer)

APOLOGIES: None

OTHER MEMBERS: Sergeant A Bushell (Lancashire Constabulary) and Sergeant P Elsdon (Lancashire Constabulary (Southern Division)) Mr G Gundogdu (Applicant) Mrs Gundogdu, Samantha Faud (Naphthens LLP, Solicitors) and 26 members of the public

15.LAS.45 Declarations of Any Interests

There were no declarations of any interests.

15.LAS.46 Procedure

The Chair ensured that everyone present had sight of the procedure.

15.LAS.47 Application to vary a licence under Section 34 of the Licensing Act 2003, for the Sirloin Inn, Station Road, Hoghton

The Council received an application from Black Napkins Northwest Limited made under Section 34 of the Licensing Act 2003 for the Variation of the Premises Licence for the Sirloin Inn, Hoghton. Members were asked to determine the application in light of representations received from responsible authorities and other persons. The application had received 24 representations from other persons, Lancashire Constabulary and the Council's Environmental Health Regulatory Officer.

The premises currently benefits from a premises licence PLA 0307 and the application sought to increase the licensable hours, the scope of regulated entertainment provision and to include licensable activities to both inside and outside the premises, to simultaneously remove conditions attached to the existing premises licence operating schedule and to propose new conditions to the operating schedule of the premises licence to promote the Licensing objectives.

The applicant(s) attended the Sub Committee along with their legal representative.

The Sub Committee carefully considered the applicants written and verbal representations and also took into account all the representations, both written and verbal that were made by a number of local residents who were present at the meeting, Lancashire Constabulary and the Council's Environmental Health Regulatory Officer who were all objecting to the proposals. The representation was chiefly concerned with the licensing objectives of the prevention of public nuisance and crime and disorder.

The Sub Committee have also taken into account Section 4 of the Licensing Act 2003, its Statement of Licensing Policy and the amended guidance issued by the Secretary of State under section 182 of the Act, in particular those paragraphs referred to in the Lead Licensing and Enforcement Officer's report, the licensing objectives and the Human Rights Act implications including Article 6, Article 8 and Article 1 of the First Protocol.

The Sub Committee **RESOLVED** to grant the application to vary the premises licence subject to the conditions proposed by the applicant, those conditions proposed by the police which the applicant has accepted and subject to the following amended condition and additional condition:

- (a) The requirement for use of a sound measuring device in the applicant's proposed condition at Agenda Page 31 when there are events on the car park shall be deleted as the Environmental Health Officer advised that measurements from such a device were of little use for enforcement purposes. However the same condition requiring instead audible assessments shall remain.
- (b) Members give delegated authority to the Lead Licensing and Enforcement Officer to draft a suitable condition in consultation with Chair or Vice-Chair of this sub-committee to require a suitable number of waste receptacles within the boundary of the licensed premises; the size and arrangements for the securing of which are acceptable to the Licensing Authority . This condition is to address the potential for litter nuisance referred to by residents at the hearing.

Live Music	Indoors: 11.00 – 00.00 Outdoors: 11.00 – 22.30
Recorded Music	Indoors: 11.00 – 00.00 Outdoors: 11.00 – 22.30
Late Night Refreshments	Indoors: Sunday to Thursday: 23.00 – 00.30 Friday and Saturday: 23.00 – 02.00 No outdoor Late Night Refreshments
Sale of Alcohol (on and off)	Sunday to Thursday: 11.00 – 00.30 Friday and Saturday: 11.00 – 02.00

	Alcohol sales will cease in the outside area at 22.30 with no consumption after 23.00
Opening Hours	Sunday to Thursday: 11.00 – 01.00 Friday and Saturday: 11.00 – 02.30
Plays	Indoors: 11.00 – 23.30 Outdoors: 11.00 – 22.30
Films	Indoors: 11.00 – 23.30 Outdoors: 11.00 – 22.30
Boxing or wrestling	Indoors: 11.00 – 23.30 Outdoors: 11.00 – 22.30
Performances of Dance	Indoors: 11.00 – 23.30 Outdoors: 11.00 – 22.30
Anything of a similar description as above	Indoors: 11.00 – 23.30 Outdoors: 11.00 – 22.30

Current Conditions:

The Designated Premises Supervisor is a fully qualified first aider.

Pre-opening safety checks are carried out daily.

There are notices inside the premises requesting that customers leave in an orderly manner.

Local taxi firms will be informed of any changes to opening hours.

Recorded music may be played from 00.00 until close provided that it is played at a reduced level, as to not disturb neighbours i.e. music is inaudible to the nearest noise sensitive location.

Children must be accompanied at all times.

There shall be placed at all exits from the premises and in the car park, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly, (Note this may also include a reference to vehicles.)

Conditions offered on the application:

Staff including door staff will be trained and have knowledge of fire precaution measures, illegal sales of alcohol, first aid and drug policy.

All staff training will be recorded and these records made available for inspection on request by a responsible authority.

The premises licence holder will implement a daybook to be maintained and managed to the satisfaction of Lancashire Constabulary and the local authority.

Any persons employed on the premises who are under the age of 18 shall be employed in accordance of the statutory regulations relating to employment of young persons.

Conditions agreed with the Police (some of which were offered by the applicant or are current conditions but to avoid duplication have proposed to agree to the below)

The premises shall operate and maintain a CCTV system which shall be in use during all times licensable activities are taking place at the premises and comply as follows:

- 1. The system shall cover all entrances and exits from the premises, in addition to covering all internal areas open to the public and the external decking area.**
- 2. CCTV recordings shall be evidential quality.**
- 3. The system will be capable of time and date stamping recordings and retaining said recordings for at least 21 days.**
- 4. The data controller shall make footage available to a police officer or authorised officer, where such a request is made in accordance with the Data Protection Act 1998.**
- 5. There shall be a member of staff on duty at all times the premises is open to the public, who is trained in the operation of the CCTV system and capable of providing a copy of any recording to any responsible authority on reasonable request.**

The premises will have a written drugs policy to the satisfaction of the police that will include a search policy and all staff will have a working knowledge of it.

All staff will receive ongoing training in drugs awareness; this training will be recorded and retained on the premises. These records will be made available for inspection by a responsible authority on reasonable request.

Staff will make regular checks of internal and external areas to ensure that any unused glasses and bottles are collected.

The licence holder or his representative shall conduct regular assessments of the noise (every hour) during the provision of any regulated entertainment at the premises and shall take steps to reduce the level of noise where it is likely to cause a nuisance to the residents.

A written record will be made of these assessments which shall include the time and date of the checks, the persons making them and the results of any action taken.

The Designated Premises Supervisor will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, its staff and customers, including time date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the local authority. This record will be available on request to any responsible authority.

The premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the police and local authority. This policy shall state that any person who does not appear to be at least 25 years of age, will not be served unless they can produce a recognised proof of age card accredited under the proof of age standards scheme (PASS), photo card driving licence passport.

Any challenges made by staff relating to this policy will be recorded in the incident book situated at the premises.

Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a challenge policy in relation to the sale of alcohol.

All staff will be trained in relation to the sale of alcohol to persons under 18. This training will be recorded and made available for inspection by any responsible authority on reasonable request.

Conditions proposed as a result of mediation:

When regulated entertainment is taking place after 22.00 all windows and doors will be kept closed except for access and egress and in the event of an emergency.

The car park will only be used for licensable activities for up to 12 events per year.

When there are events on the car park, the licence holder or his representative shall conduct noise assessments every hour during the provision of any regulated entertainment. The noise assessments will be taken at two points, one at the nearest noise sensitive premises and the second on the opposite side of the car park. Action will be taken to reduce the noise levels if the results are unreasonable.

The results of the noise assessments will be recorded as well as the date, time, name of person taking the assessment and details of any action taken. The sound records will be kept on the premises and produced to an authorised officer if requested.

When events are held on the car park, the two SIA door supervisors will be employed throughout the event. Between 22.30 and 23.00 the door supervisors will encourage customers to disperse from the car park. At 23.00 the door supervisors will ensure the car park is clear of customers.

Prior to events being held on the car park, the Designated Premises Supervisor or their representative will provide local residents with information relating to the event including details regarding car parking and a contact mobile number they can call during the event.

Members of staff will monitor the terrace area to the rear of the premises on a regular basis to ensure customers are not consuming alcohol there after 23.00.

The decision was made for the following reasons:

- 1) The changes introduced by the Live Music Act 2012 mean that performances of unamplified live music or amplified live music before an audience of up to 200 people up to 11:00 pm are no longer licensable in a licensed premises or a workplace. The car park even if not included within the licensed area is a workplace for the purposes of the Live Music Act 2012 so at least some of the activities proposed as regards live music could still take place until 11:00 pm (subject to the above audience limits when applicable) even without this application being granted. Members consider that the grant of the application subject to additional conditions is consistent with the licensing objectives but note that a benefit resulting from the grant of the application is to bring the activities within the licensing regime so that the activities can be properly controlled and subject to the enforceable conditions currently on the licence.
- 2) The Environmental Health Officer could not say at the hearing that complaints of statutory nuisance or even at the lower threshold of common law nuisance applicable in the Licensing Act 2003 had been substantiated despite complaints having been made in 2014 and subject to further investigation by Environmental Health officers, including provision of log sheets and recording equipment to complainants.
- 3) Members did not reach a determination on the dispute over whether live music had taken place on 7 March 2015 which is the subject matter of the two witness statements advanced by the applicant. Members considered that their task was more to decide whether over a period of time there was emitted from the premises a pattern of noise amounting to at least common law nuisance rather than focusing on one particular disputed incident. Overall members were not satisfied that there was noise nuisance given that the Council's Environmental Health Officer could not say it existed even when residents had been involved in the assessment.
- 4) The Police had stated at the hearing that granting of the application could possibly cause crime and disorder but did not support this with examples or incident logs with their written representation or at the hearing. The use of the word "possibly" and the lack of documented incidents meant that members could not reasonably decide that there was a likelihood of crime and disorder if the application were granted.
- 5) The police written representation states that crime and disorder could increase if patrons are allowed consume alcohol later. However the police object most of all to the increased times for outdoor activity as is evident from Agenda page 62 and Agenda page 33 of the additional information supplied by the applicant. Members are puzzled why the police did not object to the extra activities not currently permitted being added indoors as well since according to this reasoning crime and disorder would also increase when patrons leave the premises. This appeared to be an inconsistency in the police response.
- 6) Neither the Police nor Environmental Health objected to the licensable activities not currently on the licence (plays, films, boxing/wrestling, performance of dance etc.) being added. There was little specific opposition by local residents to these extra activities who instead concentrated more on the potential negative

effects of later hours and music based events. Overall there was nothing before members to justify not granting the application for these additional activities.

- 7) The conditions proposed by the applicant and those proposed by the police which have been accepted by the applicant are appropriate to promote the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.
- 8) Members heard of incidents of litter in residents' gardens and also that it was disputed by the applicant that at least some of this originated from the premises. Members decided that given the presence of customers at events that there was a reasonable risk of litter and that it was appropriate to require the premises to have sufficient waste receptacles for disposal of litter on the premises. This was imposed to promote the licensing objective of the prevention of public nuisance.
- 9) Members noted reference by the police and local residents to the Council's Statement of Licensing Policy regarding parking. However members gave more weight to paragraph 13.56 of the Home Office Section 182 Guidance which emphasises the separation of statutory regimes. Members consider that highway issues need to be addressed by Lancashire County Council as the Highways Authority for the area rather than attempting to rely on the Licensing Act 2003. Members welcome the commitment of the applicant to the voluntary measures to deal with parking issues such as placing of cones on event days.
- 10) Members consider that the issues raised by a local resident regarding the level crossing are too remote from the premises for it to be reasonable to make the premises responsible for irresponsible actions by some members of the public.
- 11) Members considered that the points raised by the local resident about the fire safety risk posed by events with up to 499 people related to temporary event notices which have a limit of 499 persons although the local resident concerned did not mention temporary event notices. Determination of an objection to a temporary event notice was not the issue before sub-committee and was therefore not relevant.

Members also noted that there was common ground between the parties over the Thwaite's case referred to by both the applicant and the police since the applicant's solicitor said she agreed with the article by Mr Colvin QC. Members directed themselves that the lesson of the case was to give clear reasons for a decision and state which matters they have taken into account.

Chair

Date

This page is intentionally left blank

Licensing Act 2003 Sub-Committee**Thursday, 11 June 2015**

Present: Councillor Roy Lees (Chair), and Councillors Matthew Lynch and Mick Muncaster

Also in attendance:

Officer: Elizabeth Walsh (Solicitor), Stephen Culleton (Lead Licensing and Enforcement Officer) and Dianne Scambler (Democratic and Member services Officer)

15.LAS.48 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interests.

15.LAS.49 PROCEDURE

The Chair ensured that everyone present had sight of the procedure.

15.LAS.50 APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 - HEAPEY AND WHEELTON VILLAGE HALL

The Sub Committee considered an application from Heapey and Wheelton Village Hall Committee made under Section 17 of the Licensing Act 2003 for the granting of a premises licence for the Heapey and Wheelton Village Hall, West View, Wheelton, Chorley PR6 8HJ. Members were asked to determine the application in light of a relevant representation that had been received.

The Lead Licensing and Enforcement Officer reported that a representation in support of the application had also been received from the local Parish Council but it was received outside of the deadline contained in Regulations and therefore could not be taken into consideration.

The application was for regulated entertainment only and sought to regulate the entertainment provision applied for through proposed conditions included in the operating schedule of the application to promote the Licensing objectives.

The premises is situated at the heart of the village and is surrounded by a mix of residential dwellings, it has a long history as a village hall and previously as a school. The building currently offers a range of facilities and activities for locals and groups. The application sought to offer regulated activities that one would normally be expected to be provided at such a venue. It is understood the premises has likely benefited from a Public Entertainment Licence in the past, although the Council's records did not extend sufficiently to establish this. Representatives of the Village Hall Committee brought along a copy of this licence to the meeting.

Mrs Patricia Dickenson and Mrs Kim Wisdom (acting Chairperson) spoke on behalf of the Village Hall Committee and highlighted what provisions would be undertaken to ensure compliance with the licensing objectives. In response to Members' questions they also outlined the type of events that took place at the village hall. This consisted mainly of private parties (normally for children). The Applicant claimed that last year they had served 30 temporary event notices or events, only two had finished at 9.30pm and one at 11:00pm. The hall also had a

policy of no 18year old parties and only people over the age of 21 could book the premises.

The Council had received one representation from an objector that raised issues that public safety would be compromised. The Objector attended the meeting to give their representations and to answer questions of the Sub Committee. The Objector lives next door next to the Village Hall and was concerned about the length of the opening hours that had been applied for. Although, Mr Melrose referred to a planning condition regarding the opening times of the Hall in his representation, the Council's Legal Officer reminded Members that this was not something that could be considered as part of the licensing process. Although there was only one objector to the application, Members noted the proximity to the venue.

The Sub Committee carefully considered the applicant's written and verbal representations and the written and verbal representations from the objector. The Sub Committee also had regard to the Council's Statement of Licensing Policy; in particular those paragraphs referred to within the report and gave consideration to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The Sub Committee also considered Human Rights implications, in particular Article 6, Article 8 and Article 1 of the First Protocol.

Members **RESOLVED** to grant the application as set out in the report except that the terminal hours of the regulated activities shall be 11:00pm and not 1:00am:

Regulated Provision

Regulated Provision	Days	Time
Provision of Plays	Monday to Sunday	07.30am – 11.00pm indoors and outdoors
Provision of Films	Monday to Sunday	07.30am – 11.00pm indoors and outdoors
Provision of Indoor Sporting Events	Monday to Sunday	07.30am – 11.00pm
Provision of Boxing or Wrestling Entertainment	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Provision of Live Music	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Provision of Recorded Music	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Provision of Performances of Dance	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Provision of Anything of a Similar Description to Live Music Recorded	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.

Music or Performance of Dance		
Provision of Late Night Refreshment;	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Hours Premises are Open to the Public;	Monday to Sunday	07.30am – 11.00pm

The reasons for the decision were as follows:

1. Members noted that no responsible authorities had made representations about the application, including the Environmental Health Department of the Council in respect of noise nuisance.
2. Members noted that some of the activities complained of by the objector such as noise from the yard and when the windows are open in the Village Hall would occur due to the nature of the usage and are not as a consequence of licensable activities.
3. On the information provided to the sub-committee, Members decided that it was likely to promote the Licensing Objective of Prevention of Public Nuisance if a terminal hour of 11:00pm was imposed for the licensed regulated activities rather than the proposed end time of 1:00am because there is much less ambient noise after 11:00pm.

Members noted the comments of the objector about a potential obligation to afford some protection which may relate to potential liability following a building or fire inspection and sound proofing. Whilst recognising that such obligations (if any remain to be performed) fall outside the licensing authority's remit Members requested that Officers contact the bodies concerned and encourage them to ensure that any such legally enforceable obligations are fully complied with.

Members were aware of the objector's comments about the planning applications which related to the premises. Members wanted to make clear that planning and licensing are separate systems of control and that the purpose of this sub-committee was to consider the application. There is no requirement for planning permission to be obtained before any application is made to the licensing authority under the 2003 Act.

However Members requested that Officers contact the Planning Department and encourage them to ensure that any such legally enforceable obligations are fully complied with. Members wanted to ensure that the Applicant was fully aware that it would be their responsibility to obtain all the necessary planning consents.

Chair

This page is intentionally left blank

Licensing Liaison Panel

Meeting notes for 15 June 2015

Chorley Council, Town Hall

Attendance: Chorley Council: Cllr Paul Walmsley - Exec Member Public Protection
Simon Clark – Head of Health Env and N'hoods

Licensing Trade: Peter Verhage – Licensed Premises
Charles Oakes (Hackney Drivers Association)
Shakail Ahmed – Hackney
Shamail Ahmed – Private Hire
Lynn Brakewell- Kes Cars
James Stewart- Kes Cars
Phil Cooper- Coopers Taxis
Lynne Cooper- Coopers Taxis
Yaqoob Illahi- Star cars
Andrew Price- Yellow Cabs
Anthony Price – Yellow Cabs
Paul Clitheroe – Yellow Cabs
Asaed Musa- Hackney
Mohammed Sajid - Hackney

Agenda Item	Discussion Notes	Actions
1	Apologies- None	
2	Minutes from Meeting on 12 January 2015	Agreed
3	Matters Arising – discussion on item 8 and the cancellation of an arranged consultation meeting the trade thought was fixed to discuss proposed changes to taxi policy/conditions.	
4	Constitution Chair and Representation – Cllr W explained the change in Council Member representation at the LLP. As Executive Member for responsibility in relation to policy and process for licensing he was more appropriately placed to attend which meant that the licensing committee Members who previously attended could undertake licence committee duties with a greater degree of impartiality. CO expressed his objection this change. Cllr W expressed a desire to have an open and honest dialogue with the licensing trade and to ensure that we were all working together for the benefit and public safety of visitors and residents of the Chorley area. Cllr Walmsley emphasised the Councils commitment to ensure we have a strong and healthy taxi trade in the Borough. It was agreed that this means of Member representation would be tried for several meetings and reviewed.	
5	Licensed Premises Update – PV updated on concerns expressed by Town Centre Working Group on travelling football fans stopping off in Chorley on way to matches. In addition the proposed pavement café	

	<p>licence at Pearsons on Market Street as well as established on pavement drinking areas at PoW and Sir Henry Bates, which if in use at the time may exacerbate the potential for public disorder.</p> <p>SC advised that police aware of the issue and use intelligence led approach to police activities but noted that if no intelligence to suggest travelling fans would be meeting in Chorley were then reliant on real time response to deal with issues. The Council have visited town centre pubs and advised re the use of door staff to control customer access.</p> <p>PV noted that recent events in Chorley had a positive impact on trade and was complimentary about the appearance of the town centre. Noted that the Flower Show would increase footfall but overall licenced trade was quiet at present.</p> <p>PV raised the issue of a mobile burger van parked on Mealhouse Lane and queried street trading laws in Chorley. SC advised of the Councils 'consent' scheme and that town centre streets were prohibited to street traders. So any information on the vehicle including registration plate no. and times of operation should be passed through to be investigated by officers.</p> <p>Shakail Ahmed queried why the Flat Iron Car Park was resurfaced when there is a pending proposal to build over it with Market Walk extension – Cllr W responded that the work was necessary to improve the surface where the previously installed concrete sub layer had failed the resurface work had to be undertaken</p>	
6	Gambling Act - SC advised that Gambling and Licensing Policy Statements to be revised this year	
7	Police Items- None – it was noted the lack of attendance and SC to follow up with police.	
8	<p>Taxi Items – Cllr W invited an open discussion on issues with regard to taxi policy and conditions that were of concern to the trade. He noted that policies and conditions were there to protect public safety and that would not be compromised.</p> <p>Several issues were raised including:</p> <ul style="list-style-type: none"> • 7" rear seat condition, • pre application vehicle checks • restriction on some vehicle types e.g. Dacia • use of 6 seat MPV's, • taxi plate fees – trade were given to understand additional cost of new style plates would be absorbed by the Council • licensing budget and general level of fees including why single licence fees were more than joint application fees e.g PHD cost more than combined HVD and PHD? <p>Issues around process were also raised relating to applicants rights of challenge to delegated decisions made by officers.</p> <p>Issues of providing insurance documents at time of application were raised.</p>	LM to respond

	<p>CO expressed that Chorley's policies and conditions were 'unbearable' for the trade and were impacting significantly on business profit margins.</p> <p>Several points were raised about how the Council handle implementation of policy and representatives felt this could be too inflexible and at times seem harsh. Cllr PW agreed to look into this and noted that the Council are committed to acting professionally and with flexibility if appropriate, but this does not mean allowing the flouting of policy or regulations.</p> <p>Queries were raised about who pays for officer error in terms of wrongly issued plates or mistakes with paperwork. It was explained that these were small in number and value and absorbed in the licensing budget. If the trade had evidence of widespread and high volume errors then they should make the Council aware.</p> <p>Cllr PW advised that he wished to conduct a thorough consultation on taxi trade concerns and that a consultation response sheet would be distributed to licenced operators, vehicle proprietors and drivers to seek their views. Cllr W emphasised that written responses should be sent in and SC advised that he would provide a pro-forma and send out with a deadline date for returns around August time.</p>	<p>LM and AW to review error rate in application process and plate issues</p> <p>SC to send out consultation proforma</p>
9	<p>Date and Time of Next Meeting</p> <p>SC to arrange in September following issue and response to consultation paper on taxi conditions and policies.</p>	<p>SC to arrange</p>

This page is intentionally left blank



Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Licensing and Public Safety Committee	22 July 2015

AMENDMENT TO SCHEME OF DELEGATION FOR LICENSING

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to review the scheme of delegation in relation to taxi licensing and gambling.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee recommend to full Council that it authorises the Head of Governance and Property Services to amend the current scheme of delegation to allow the Director of Public Protection, Streetscene and Community to make the decision to refuse private hire and hackney carriage vehicle renewals and to refuse to grant applications for new vehicle licences in consultation with the Chair/Vice Chair of Licensing and Public Safety Committee.
3. The Licensing and Public Safety Committee are asked to recommend to full Council to amend the Council's Scheme of delegation; To allow Officers to revoke a Gambling Premises Licence and the cancellation of licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of the non-payment of an annual fee.

EXECUTIVE SUMMARY OF REPORT

4. The current scheme of delegation was agreed in March 2009.
5. The Director of Public Protection, Streetscene and Community does not have delegated authority to refuse an application for a Hackney Carriage or Private Hire Vehicle renewal or refuse to grant a new vehicle licence. A recent case where a hackney Carriage was presented for renewal and found not to comply with the Council's Vehicle Conditions has highlighted a potential deficiency in the Licensing service in this regard.
6. The issue of refusing a renewal for a Hackney Carriage Vehicle has not presented itself in this way previously as proprietors of hackney carriage vehicle licences generally renew with a suitable vehicle in order to preserve their right to the plate. Therefore the lack of officer delegation has not been an impediment to applicants prior to this case.
7. It is recommended that members agree an amendment which allows delegation to the Director of Public Protection, Streetscene and Community to make the decision to refuse private hire and hackney carriage vehicle licence renewal applications and to refuse to grant new vehicle licences in consultation with the Chair/Vice Chair of Licensing and Public Safety Committee.
8. Officers are subsequently authorised to issue a notice within 14 days to the applicant under Section 60(2) of the Local Government (Miscellaneous Provisions) Act 1976 containing the grounds for refusal and advising the applicant of his right to appeal to the local magistrates' court within 21 days.

9. Officers do not consider that such cases are best brought in front of members. Renewals if granted are turned around in a fairly short period of time. A member of the trade has a reasonable expectation that his or her application may be determined either way in a fairly short time. The decision is primarily a technical one based on vehicle safety and passenger comfort and does not involve the discretion which members bring to bear when for example considering whether a driver is fit and proper in the light of previous convictions. Deferring determination until a committee can be arranged would not be an efficient way of determining applications either for the trade or the Council.
10. Members will note that Section 193 of the Gambling Act 2005 limits any discretion or decision making for the Licensing Authority in its approach in administering the provisions of the Gambling Act 2005 in this regard save for any administrative error associated with the non- payment of the fee. If the annual fee has not been paid then the licence must be revoked unless there has been an administrative error.
11. Officers believe the recommendation as detailed above will allow such matters to be dealt with expeditiously and will promote efficient use of both Officer and Members time, the current situation dictates that any such matters are brought to the attention of Members via a meeting of the Licensing Act 2003 Sub-Committee for a determination where that Committee is compelled to revoke the Licence. It has no discretion to decide otherwise.
12. Members will note that there is no provision to appeal the revocation of such licences / permits under the Gambling Act 2005.
13. The proposed amendments are attached as Appendix 1 in a revised scheme of delegation.

Confidential report Please bold as appropriate	Yes	No
--	-----	----

CORPORATE PRIORITIES

14. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

15. The current scheme of delegation was agreed by the Licensing and Public Safety Committee on 11 March 2009 and the report is attached as a background paper for reference. The attached document provides all the information in relation to the legal framework for member's consideration.
16. A recent case where the refusal of a vehicle renewal application was the appropriate response by the Council, has highlighted that in the absence of delegated authority, the need to bring the case to Committee may cause a substantial delay in processing applications and as such hinder applicants.

17. Revocation of a gambling premises licence and cancellation of the premises gaming permit when the annual fees are not paid currently requires the matter to be brought before the Licensing Act 2003 Sub-Committee.
18. Part 8 , Section 193 of The Gambling Act 2005 states ; (1) Where the holder of a premises licence fails to pay the annual fee in accordance with regulations under section 184 the licensing authority shall revoke the licence.
19. Part 8 Section 184 of The Gambling Act 2005 states ; (1) The holder of a premises licence - (b) shall pay an annual fee to the licensing authority before each anniversary of the issue of the licence.
20. Schedule 13 of the Gambling Act 2005 states; 17 (1) The licensing Authority which issued a permit shall cancel it if the holder fails to pay the annual fee in accordance with paragraph 9. (2) But a licensing authority may disapply sub-paragraph (1) if they think that a failure to pay is attributable to administrative error.
21. Schedule 13 paragraph 9 of the Gambling Act 2005 states; (1) The holder of a permit (a) shall pay a first annual fee to the licensing authority within such period after the issue of the permit as may be prescribed, and (b) shall pay an annual fee to the issuing licensing authority before each anniversary of the issue of the permit.

IMPLICATIONS OF REPORT

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

Finance	X	Customer Services	X
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

23. The gap in the current Constitution delegating authority to officers to refuse to renew private hire vehicle and hackney carriage proprietor licences is identified in the report.
24. It is unlikely that the delegated power to refuse to renew will need to be exercised very often. The requirement for consultation with Chair or Vice-Chair will provide some member scrutiny of the refusal to renew. The applicant has a right to appeal against the refusal in the magistrates' court within 21 days.
25. It is reasonable for members to approve the cut-off point for receipt of applications to renew a taxi vehicle licence as the close of business on the day before the expiry date. This provides an incentive to licence holders to apply in a timely way; although submission of an application much sooner than the last day is clearly preferable.
26. In relation to the Gambling Act 2005 if a premises has failed to pay its annual fee the licensing authority is legally obliged under Section 193 of the 2005 Act to revoke the licence. There is nothing to be gained by not delegating this function to officers since a committee would need to be arranged to approve a revocation and could not make any alternative decision.
27. Full Council is responsible for the Constitution so any changes to it can only be recommended by Licensing and Public Safety Committee to full Council as far as it is able.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There is one background paper to this report:

Report Author	Ext	Date	Doc ID
Lesley Miller	5299	8/7/15	***

Appendix 1

Scheme of Delegation for Licensing

Licensing Functions delegated to the Corporate Director of Public Protection, Streetscene and Community and such Officers as the Director may nominate to be exercised in accordance with any criteria approved by the Licensing and Public Safety Committee.

Functions in respect of hackney carriage and private hire licenses

Authority to grant or renew Hackney Carriage Vehicle and Driver licenses and Private Hire Vehicle, Driver and Operator licenses.

Authority to suspend any Private Hire or Hackney Carriage Vehicle or Driver's Licence or Private Hire Operator's License for a period not exceeding two months.

Authority to refuse an application for grant or renewal for a Private Hire or Hackney Carriage Vehicle Licence in consultation with the Chair/Vice Chair of Licensing.

Following consultation with the Chair and Vice-Chair of the Licensing and Public Safety Committee, authority to grant exemptions on medical grounds from the requirement under the Disability Discrimination Act 1995 for hackney carriage and private hire drivers to carry guide, hearing or other assistance dogs.

Functions under the Licensing Act 2003

Authority to grant personal licence applications made under section 117 of the Licensing Act 2003 where no police objections made.

Authority to grant premises licence applications made under section 17 of the Licensing Act 2003 where no relevant representations made.

Authority to grant applications to vary premises licence applications made under section 34 of the Licensing Act 2003 where no relevant representations are made.

Authority to grant club premises certificate applications made under section 71 of the Licensing Act 2003 where no relevant representation made.

Authority to grant applications to vary club premises certificates made under section 84 of the Licensing Act 2003 where no representations are made.

Authority to grant provisional statement applications made under section 29 of the Licensing Act 2003 if no relevant representations made.

Authority to grant applications to vary designated premises supervisor made under section 37 of the Licensing Act 2003.

Authority to grant requests from a person to be removed as designated premises supervisor under the provisions of section 41 of the Licensing Act 2003.

Authority to grant applications for transfer of premise licence made under section 42 of the Licensing Act 2003 where no relevant representations made.

Authority to grant applications for interim authorities made under section 47 of the Licensing Act 2003 where no relevant representations made.

Authority to determine whether a complaint is irrelevant frivolous or vexatious etc under the provisions of sections 18,31, 35, 72,84 and 88 of the Licensing Act 2003.

Authority to grant/renew Section 34 permits for up to two machines in alcohol licensed premises.

Authority to grant/renew Section 16 Lotteries and Amusements Act 1976 permits in alcohol licensed premises.

Authority to change permit holders name as a result of conversion of Justices Licence/Premises Licence.

Authority under the Licensing Act 2003 to grant/renewal of Section 34 permits for up to two AWP machines.

Authority under the Licensing Act 2003 to grant/renewal of Section 16 permits – alcohol licence permits.

Authority under the Licensing Act 2003 to change of name as a result of conversion of Justices Licence/Premises Licence.

Functions under the Gambling Act 2005

Power to serve notification of Intention to consider removal of exemption order under section 284.

Authority to determine applications for a premises licence (Including applications for reinstatement) where no representations have been received which have not been withdrawn.

Authority to determine applications for a variation to a licence where no representations have been received which have not been withdrawn

Authority to determine applications for a transfer of a licence where no representations from the Gambling Commission have been received which have not been withdrawn

Authority to determine application for a transfer of a licence where no representations have been received which have not been withdrawn

Authority to determine application for a provisional statement where no representations have been received which have not been withdrawn

Authority to determine applications for club gaming/club machine where no representations have been received which have not been withdrawn

Authority to determine applications for other permits

Authority to give consideration to temporary use notices

Power to serve notification of Intention to consider removal of exemption order section 284

Power to make representations from Licensing Authority on any applications as a Responsible

Authority under section 161 Gambling Act 2005 (power to be exercised also by any other authorised officer)

Power to impose of conditions upon licences where no dispute between Applicant and Responsible Authorities

Authority to exercise the power of the Licensing Authority, as a Responsible Authority to request a review

Power to determine representations which are vexatious, frivolous or will certainly not influence the Authority's determination of the Application (power to be exercised also by the Head of Service or delegated substitute)

Power to authorise officers for the purpose of the Gambling Act 2005

All powers in respect of administration of small society Lotteries except the power to refuse or revoke a license.

Power to attach a condition to a premises licence in accordance with section 169 (a) (power to be exercised also by any other authorised officer)

Authority under section 193 of the Gambling Act 2005 to revoke the licence where the holder of the premises licence has failed to pay the annual fee.

Authority under Schedule 13 of the gambling Act 2005 to cancel gaming machine permits for a licensed premises where the holder of the premises licence has failed to pay the annual fee.

Other Licensing Functions

Authority to grant or refuse applications for street collection permits. In any case where the applicant is not a registered charity and there are exceptional reasons why consent should be granted this power may only be exercised following consultation with the Chair and Vice Chair of the Licensing Committee.

Authority to grant or refuse applications for licences under the House to House Collections Act 1939.

The power to register Second Hand Goods Dealers

The power to register Motor Salvage Operators and to serve notices of proposed refusal or cancellation.

The power to grant or issue any other licences or permits under a function which is the responsibility of the Council and is not specifically delegated to any other officer of the Council.

This page is intentionally left blank



Report of	Meeting	Date
Director of Public Protection, Street Scene and Community	Licensing and Public Safety Committee	22 nd July 2015

REVIEW OF THE COUNCILS POLICY WHICH LIMITS THE NUMBER OF HACKNEY CARRIAGE VEHICLE LICENSES ISSUED TO 36.

PURPOSE OF REPORT

1. The purpose of this report is to advise Members of the Councils responsibility to review the quantity control policy that currently limits the number of Hackney Carriage Vehicle licences the Council issue.

RECOMMENDATION(S)

2. Members are recommended to consider the contents of the report and instruct the Director of Public Protection, Street Scene and Community in one or more of the options detailed below or in some other manner as Members see fit.

Option 1

To instruct officers to undertake a process of consultation to determine whether or not a decision to remove the Councils limit on the number of HCV licenses it will issue is in the public interest. The consultation shall be so designed to examine the current arrangements and consider the removal of;

- a) the numerical limit the Council currently impose on the number of HCV licenses it will issue; or
- b) removal of the numerical limit the Council currently impose on the number of HCV licenses it will issue, and only consider applications for the grant of a Hackney Carriage Vehicle Licence where the vehicle presented is able to meet the requirements of the Councils Conditions of Application for the Grant of a Wheelchair Accessible Vehicle Hackney Carriage Vehicle as detailed in the Councils condition of application, or
- c) to maintain the limited number of HCV licenses it will issue.

The results of the consultation and any recommendations shall be brought to the attention of the next available meeting of the LPSC, where together with the options detailed below may be further considered.

and / or

Option 2

To proceed with a significant unmet demand survey to establish the Hackney Carriage Vehicle provision in Chorley.

Should Members determine to proceed with either Option 1 and/or Option 2 above, that the results of the consultation and or survey to be reported back to a future Licensing & Public Safety Committee and to consider any further recommendations made.

EXECUTIVE SUMMARY OF REPORT

3. The Council has a Policy limiting the number of Hackney Carriage Vehicle licences it issues to 36; this includes provision for 9 Wheelchair accessible vehicles.
4. The Council is not obliged to maintain a limited number of hackney carriage vehicle licences. The Council may determine that the maintenance of the limit is not in the public interest in serving the transport needs of the borough and does not provide an adequate level of service for residents and visitors to the area.
5. However where a limit exists and the Council wish to maintain that limit, the Council has to be satisfied that there is no significant unmet demand.
6. Establishing unmet demand can be achieved by way of a survey of the hackney carriage provision within the Borough of Chorley, examining by way of a series of observations of taxi rank activity and by issuing direct and in-direct questionnaires to interested parties including the general public. The Council may commission such a survey and recover the costs.
7. Should Members decide not to commission the unmet demand survey then the Council would over time lack recent data to justify not delimiting numbers. In this instance, the Council would not be in a position to refuse the grant an application for a hackney carriage vehicle licence without being exposed to a possible legal challenge

Confidential report Please bold as appropriate	Yes	No
--	-----	-----------

CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	X
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

LEGAL POSITION

9. 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.
10. Section 16 of the Transport Act 1985 removed the discretionary power to limit the number of Hackney Carriage Vehicles that a licensing authority would licence and replaced it with a stringent test which must be satisfied if a licensing authority determined to refuse a licence in order to limit numbers, including the existence of a coherent and regularly reviewed policy to limit hackney carriage vehicle numbers.

11. Where a licensing authority has a limitation policy, in order to comply with Section 16 of the said Act, it must be satisfied there is no significant unmet demand, before it can refuse a licence for the purpose of limiting numbers.
12. Any person who is refused a licence has the right of appeal to the Crown Court.
13. Department of Transport Circular 3/85 provides guidance on the restriction of the power of licensing authorities to limit the number of hackney carriage vehicles, and paragraphs 27 and 28 are reproduced in **Appendix 1** and Information from the Office of Fair Trading on the Central Government position is attached in **Appendix 2**.

OTHER RELEVANT INFORMATION

GENERAL

14. The interests of the Hackney Carriage trade lie not only with their capability of being able to ply for hire on the street and at the appointed rank within the town centre , but also with the intrinsic transfer value of the Hackney Carriage Vehicle licence. Members should be aware that the extent of this value is an indicator of a restricted market to that compared to the transfer value of a Private Hire Vehicle where the value is limited to the actual value of renewing the licence + vehicle value. Officers understand that Hackney carriage vehicles have in recent years changed hands for values in the region of approx £40,000.00. However, it is vital to note that the intrinsic value of the plate must not be a material consideration in maintaining restricted numbers.
15. Members will recall instructing Officers following the recommendations from the 2012 unmet demand report, to pursue the provision of additional HC ranks at a number of locations within the borough; Officers can report that extensive work was undertaken to secure 3 locations. Officers have been unable to progress the provision of any additional ranks as the response from the HC trade was clear, in that the trade would not support their introduction. Anecdotal evidence suggests that all but of 4 of the 36 Chorley HCV operate solely from the 2 ranks situated on High St in the Town Centre. A plan of the town centre and the borough are attached for member's information detailing the HCV availability from ranks within the Borough, **Appendix 3**.
16. The 4 HCV mentioned are also able to be dispatched from the High St Rank using a PHO radio circuit. The anecdotal evidence also suggests that HCVs are reluctant to respond to a hail request which has significant implications to those less able bodied members of the community or where no rank exists.
17. Members will be aware that the Law Commission has conducted a wholesale review of taxi provision and surrounding legislation. It was anticipated at the time of the last report to Members detailing the matter of restricted HCV licence numbers (Sept 2012), that the Law Commission recommendations would have found their way to statute at this time. However this is not the case, local authorities have not to date been advised of when we might expect the recommendations to become legislation. It is anticipated that the recommendations will be implemented within this Parliamentary term; The recommendations will seek to cut red tape and remove unnecessary restrictions.
18. The results and recommendations to Government have now been made public. The document titled Taxi and Private Hire Services May 2014 is attached as a background document, Members attention is drawn to Chapters 11 and 12 which discusses and sets out proposals in relation Local Authorities ability to limiting the numbers of HCVs

and Accessibility for all, the Law commission report has been accepted by Government.

19. Should those provisions become legislation the Council would be obliged to review its policy in relation to limiting the number of HCV licences it will issue having regard to a public interest test only.
20. A licensing Authority does not have to demonstrate that there is an unmet demand if it wishes to remove the numerical limit it has imposed. R -v- Great Yarmouth Borough Council is the authority for this proposition. A licensing authority can at any time decide to remove the imposed limit of hackney carriages vehicle licences it will grant, this is subject to a general proviso that the decision to do so is not of itself, irrational or unlawful. Clearly, should Members decide to remove the limited number of HCV licenses it will issue, such a decision would negate the need to conduct an unmet demand survey.

OUT OF TOWN VEHICLES

21. Members should note that officers have received a number of representations from the Chorley Private Hire Operators (PHO) and the Hackney Carriage trade regarding the ingress of taxis from neighbouring boroughs operating within Chorley.
22. The impact of the influx of such vehicles is reportedly having a detrimental effect on the trading capabilities of the Private Hire and Hackney Carriage Trade in Chorley, this is placing further burdens on officers in relation to enforcement. However, there is no legislative power available to prevent this activity taking place.
23. It is acknowledged throughout the taxi trade (and by the Local Authority licensing family) that those licensing authorities who have licensed these vehicles and drivers have policies that are insufficiently robust and might not meet those standards imposed by other authorities such as Chorley Council. This attracts a large number of vehicles and drivers who are required to meet a lower application standard and allows them to trade across the UK, including those dispatched by Chorley Private Hire Operators. Whilst delimiting might diminish the incentive to obtain a hackney carriage vehicle licence from an authority other than Chorley it would still prove attractive to applicants if the fees and standards at other authorities were lower than those imposed by Chorley Council.
24. Lancashire Constabulary have been made aware of this issue. Their concern is to prevent or address any disorder either from the queueing public or between competing drivers of HC & PH vehicles. Consequently, the police are not minded to regulate or address complaints of illegal plying for hire as it is in the wider public interest to have as many licenced vehicles available as possible to serve the public at peak demand time and in particular support the late night economy and remove people from the town centre.
25. Over the past 2 years Officers have received detailed written applications from Chorley Private Hire Operators for the Grant of a Hackney Carriage Vehicle Licence specifically for disabled access vehicles, stating that they are consistently requested to provide such vehicles, but are unable to do so as providing such a vehicle is not viable unless it is licensed as a HCV. PHO have stated that they receive on average 17 requests a week for a vehicle suitable to accommodate wheelchair users.
26. Officers have also received a number of verbal requests from individual drivers seeking HCV licenses. Over recent months it has been noted that a number of Chorley PHO now dispatch cross boarder licensed Hackney Carriage Vehicles within the controlled district of Chorley within the provisions of the legislation. Members may

consider this response by PHO in taking these actions as a consequence of the Councils policy in maintaining its limited number of HCV licenses it issues, as the benefits to an individual of operating a HCV as opposed to a PHV can be significant.

CRIME AND DISORDER

27. Within Community safety partnership meetings, concerns have been raised regarding the availability of Hackney Carriage Vehicles to adequately serve the late night economy. They have reported that Police Officers have been deployed on a number of occasions to the Hackney Carriage rank on High St to quell disorder. The matter of employing taxi marshals has been raised to assist in managing the queues at the rank and associated disorder that is said to be a direct result of limited availability of HCV in the evening economy
28. It is not in the Local Policing team's interest to control which type of taxi is plying for hire during the early hours of the morning, as their interest rests in clearing the streets as quickly as possible. The Police take the view that the more licensed vehicles available to do this the better.

ECONOMIC DEVELOPMENT

29. Cath Burns. Head of Economic Development, Chorley Council has made the following comment in relation to the present position;

A restricted supply of Hackney Carriage provision could impact on the local economy, with respect to the following considerations:

- The Hackney Carriage can be of significant support to the transportation by minority groups such as elderly, disabled and in particular wheel chair users; an imbalance of provision restricts access to employment opportunities and local services.
- There needs to be adequate supply of vehicles at demand generators linked to the visitor economy, such as events at Astley Park, Town Centre, Village Farmer's Markets, Chorley Grand Prix.
- Imbalance of provision and inconsistent charging mechanisms could seriously affect our night time economy in terms of number of visitors and visitors leaving early.

EQUALITY & DIVERSITY IMPACT ASSESSMENT ISSUES

30. Rebecca Huddleston, Head of Policy and Communications Comments:

- An Integrated Impact Assessment (IIA) has been completed based on the current policy that limits the number of Hackney Carriage Vehicle (HCV) licences the Council issues. It shows that the current policy is having a negative impact on some of Chorley's residents. In particular these include residents with a disability, young children, residents who live in outlying areas and also some local businesses. The IIA includes evidence relating to each of the areas which are negatively impacted, together with recommended actions for how to address them. These actions support the options recommended to you within this report. In particular, it is expected that removing the limit on the number of HCV's, but restricting further applications to Wheelchair Accessible Vehicles and Disabled Access Vehicles only would result in positive outcomes for those that are currently impacted negatively.
- Following approval of any changes to the policy a new IIA should be completed.

31. The Equality Impact Assessment is attached in **Appendix 4**.

DISABLED AND WHEELCHAIR ACCESS VEHICLES

32. Lancashire County Council Integrated Transport Unit hold the County's responsibility for arranging transport for those less able bodied members of the community, they rely on an adequate supply of licensed vehicles being available to be able to meet demand. They have provided a list of available Contracted wheelchair accessible HC & PH Vehicles throughout Lancashire, attached as **Appendix 5**. The vehicles are used to convey their clients being predominately special needs, to specialist establishments, schools and medical facilities throughout the County and Cross County, where journeys may start and finish within the same controlled district or not. Members will note that there are no available WAV or DAV vehicles recorded against Chorley Borough. Members will be aware that Chorley as a Borough hosts a high number of specialist facilities attracting a significant number of specialist taxi journeys. It would be reasonable to assume that none of these journeys, when arranged by the Social Care Services of LCC are completed by Chorley licensed HC or PH vehicles.
33. Officers believe there is just one of the Chorley licensed wheelchair accessible HCV that is able to be controlled via a PHO circuit radio.

APPLICATIONS FOR HCV LICENSES FROM THE PRIVATE HIRE TRADE

34. Officers are currently responding to 2 further applications for WAV HCV, the applications are attached for Members to note as **Appendix 6**.
35. Chorley has a mixed fleet of hackney carriage vehicles which include traditional hackney cab vehicles, estate cars, saloon cars and wheelchair accessible.
36. Currently Chorley Council has limited the number of hackney carriage vehicle licences that it would issue to thirty-six. (Licensing & Public Safety Committee – 12th September 2012). At the time of writing there are 36 HCV and 117 PHV Licenses issued.

CURRENT PRIVATE HIRE PROVISION

37. The number of private hire vehicles currently licenced by Chorley Council is 117. This is a decrease of 23 vehicles since the last review of hackney carriage provision in 2012 where there was 140 licensed PH vehicles. The decrease in licensed PH vehicles may be due to a number of reasons, including how PHV are dispatched following the introduction new technologies used in vehicle management leading to greater efficiencies. However it is likely that the gap in the service provision has been filled by vehicles operating under the cross boarder basis as previously discussed, which Chorley Council has no control over, and taxi journeys are being completed by other larger taxi companies located in neighbouring boroughs. There is no evidence to suggest that the overall number of taxi journeys taken has diminished.

RELIABILITY OF UNMET DEMAND SURVEY DATA

38. The History relating to the Unmet Demand surveys previously carried out in Chorley are attached in **Appendix 7**.

39. Officers have concerns in relation to previous surveys in so far as, how reliable the information being analysed actually relates to the activity of the rank as opposed to other times when there is no survey taking place. Due to the location of the ranks on High St, Officers believe it is not possible to conduct a discrete survey to capture a true reflection of day to day activity. Hackney Carriage Proprietors / Drivers have in the past spotted those conducting such surveys within minutes of the survey commencing; it is in the Proprietors interest therein to ensure the rank is adequately provided for.
40. Moreover, evidence from the responses from the previous surveys suggests that latent demand exists, insofar as the taxi traveling public expect to find HCV availability from High St, and only from High St, there is no expectation to be able to find HC availability at any other location within the Borough, such is the limited supply serving the borough of Chorley.

LOCAL LICENSING FORUM

41. Previously the issue relating to the implementation of a Significant Unmet Demand Survey would be discussed at a Chorley Licensing Liaison Panel meeting, where the hackney carriage trade representatives would express their members wishes in regards to whether or not the trade would support the survey, as the hackney carriage proprietors are aware that the cost of undertaking such a survey is likely to be recharged through the hackney carriage licence fee. Officers can report that the matter of conducting the above mentioned survey has not to date been discussed with the trade.
42. Members will be aware that in all recent years the HC trade have fully supported the survey as it is there interest to do so, Officers would suggest that this remains the case today. Members are informed that there is no statutory provision for the Council to consult on this matter or to conduct an unmet demand survey, however the Council would be obliged to advertise any proposed increase in the HCV licence fee in accordance with Section 70 of the LG(MP)Act of 1976 by which the costs of the survey are recovered, and where representations are received determine those representations.

OPTIONS AND DISCUSSION

Option 1

To instruct officers to undertake a process of consultation to determine whether or not a decision to remove the Councils limit on the number of HCV licenses it will issue is in the public interest. The consultation shall be so designed to examine the current arrangements and consider the removal of;

- a) the numerical limit the Council currently impose on the number of HCV licenses it will issue; or
- b) removal of the numerical limit the Council currently impose on the number of HCV licenses it will issue, and only consider applications for the grant of a Hackney Carriage Vehicle Licence where the vehicle presented is able to meet the requirements of the Councils Conditions of Application for the Grant of a Wheelchair Accessible Vehicle Hackney Carriage Vehicle as detailed in the Councils condition of application, or
- c) to maintain the limited number of HCV licenses it will issue.

The results of the consultation and any recommendations shall be brought to the attention of the next available meeting of the LPSC, where together with the options detailed below may be further considered.

Officers are of the opinion that such a condition would not prevent entry into the hackney carriage trade but would maintain the existing clear identity of the hackney carriage provision in Chorley and prevent a rush of applications for hackney carriage vehicle licences which could otherwise overwhelm the current rank provision in Chorley town centre, would not impact adversely to amount of / volume of traffic to the town centre, or significantly effect the viability of the existing trade as the majority of HCV are saloon based vehicles, where the renewal requirements for those vehicles will remain unaffected, it is envisaged that such a provision will maintain any perceived transfer value that particular vehicle may command.

Should Members determine to instruct officers to consult on the issue of whether or not maintaining the current policy is in the public interest or not, then any results will have to be further considered at a future meeting of the Licensing and Public Safety committee for determination. Notwithstanding the outcome of that future meeting, Members may then wish to rely upon evidence that could only be obtained from the commissioning of a significant unmet demand report. Members are reminded that there is no provision to financially resource such a consultation (3) and such an instruction is likely to place a financial strain on existing resources.

and / or

Option 2

To proceed with a significant unmet demand survey to establish the Hackney Carriage Vehicle provision in Chorley.

If Option 2 is preferred it is recommended that in addition to the issue of unmet demand (including latent demand) the survey should also include an assessment of the accessibility of current vehicles, the provision of ranks and that the cost of the survey be attached proportionally to each hackney carriage licence fee at the next renewal opportunity of the hackney carriage licence for each of the thirty six vehicles as a condition of next renewal for that licence, and that officers consult on the increase in fees in accordance with the regulations, and be authorised to proceed following the adoption of the fees (the fees to be reinstated to their current level following the amended fee being paid by all 36 licence holders). And to bring the recommendations of any such survey to the attention of the Licensing and Public Safety Committee at the next available meeting to further review the Councils position in limiting the number of HCV licenses it will grant.

Should Members determine to proceed with either Option 1 and or Option 2 above, that the results of the consultation and or survey be reported back to a future Licensing & Public Safety Committee and to consider any further recommendations made.

QUOTATIONS FOR UNMET DEMAND SURVEY

- 43 A total of four companies were identified and invited to quote for the work. Quotations to undertake the survey have been obtained from one company. Detail of the quotation is attached as **Appendix 8**.

44. The costs of the surveys, including officer hours administrating the survey, are as follows:

Provider	Survey Costs (incl VAT)	Officer Costs * (inc VAT)	Total Costs	Cost Per HCV Proprietor
CTS Ltd (Appendix 1)	£11,784.00	£900	£12,684.00	£352.33

(* based on 30 hours at £25 /hour)

45. The fee for the survey as quoted above is on the provision that there are no significant changes to the proposals and will be in addition to the existing renewal fee. Members may wish to instruct officers to present the findings and any recommendations contained within the unmet demand survey by way of a report to a future meeting of the Licensing & Public Safety Committee.(18th November 2015) Subject to any accepted or unforeseen constraints within the report or identified at the inception meeting. Officers would seek Members approval to vary the fee applicable to HCV licence fees where necessary following the detailed inception meeting with CTS and proceed without further reference to the LPSC.
46. Officers have undertaken a basic evaluation received from CTS and believe the proposal should produce a document containing sufficient information for the Council to make a decision upon and be able to rely upon that decision where necessary.

IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	X
Legal	√	Integrated Impact Assessment required?	X
No significant implications in this area		Policy and Communications	X

COMMENTS OF THE MONITORING OFFICER

48. Department for Transport Guidance recommends that a policy of limiting numbers is supported by a survey carried out every three years. This is advisable to rebut any legal challenge to the policy of limiting numbers although the survey is not itself a statutory requirement.
49. The "no significant unmet demand" test for limiting hackney carriage numbers contained in the Transport Act 1985 is addressed within the body of the report.
50. Case law has established that the premium which attaches to a hackney carriage licence in an area where numbers are limited is not property for the purposes of the Human Rights Act 1998.
51. Full and genuine consultation should take place before a decision to delimit.

52. Any unmet demand survey must be procured under the Council's Contract Procedure Rules

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There is background paper to this report.

Background Papers			
Document	Date	File	Place of Inspection
Law Commission Report	May 2014		https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314106/9781474104531_web.pdf

Report Author	Ext	Date	Doc ID
Steve Culleton	5665	22/7/15	***

APPENDIX 1

Department of Transport Circular 3/85 provides guidance on the restriction of the power of licensing authorities to limit the number of hackney carriage vehicles, and 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 (licence holders) have evidence only of the demand which they satisfy and it will be for the Council 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.

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 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.”

This page is intentionally left blank

APPENDIX 2**OFFICE OF FAIR TRADING - CENTRAL GOVERNMENT POSITION**

The Office of Fair Trading published a market study into the regulation of taxi's and private hire vehicles in November 2003.

http://www.offt.gov.uk/shared_offt/reports/comp_policy/oft676.pdf

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:

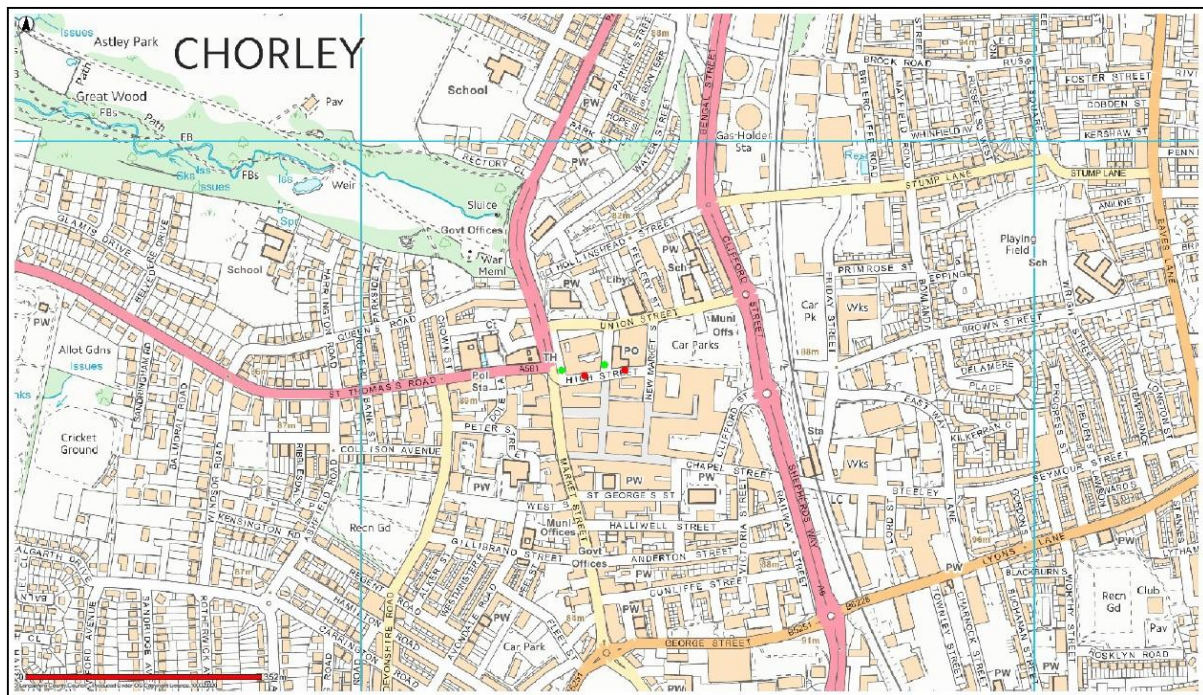
- (a) reduce the availability of taxis
- (b) increase waiting times for consumers
- (c) reduce choice and safety for consumers
- (d) restrict those wanting to set up a taxi business

Central Government responded by means of a Written Statement in the House of Commons

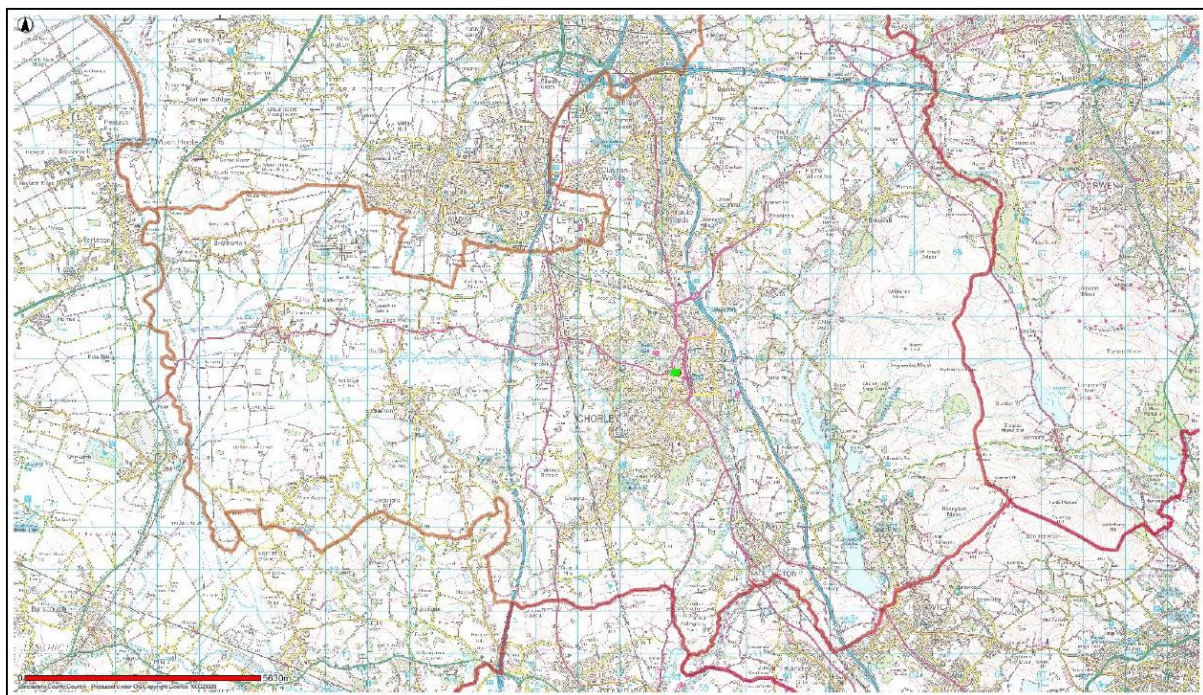
<http://www.bis.gov.uk/files/file25882.pdf> In summary, should local authorities choose to limit the number of hackney carriages provided in its area it will need to know whether there is any unmet demand for taxi services in their area. The Government response indicates that consideration may be given to an unmet demand survey, unless a recent survey has been carried out. It also indicates that latent demand should be taken into account in any survey carried out

This page is intentionally left blank

Appendix 3- Location of Ranks



Plan showing location of active taxi ranks in Chorley Town Centre



Plan showing location of active taxi ranks in Chorley Borough

This page is intentionally left blank

Integrated Impact Assessment

Name of the service, policy, strategy or project being assessed	To review the Policy to limit the number of Hackney Carriage Vehicle Licenses the Council will Issue.
What does the service, policy, strategy or project do?	The current policy Limits the number of Hackney Carriage Vehicle Licenses within the Borough Of Chorley to 36.
Who is it intended to benefit and how?	To prevent over supply of Hackney Carriage Vehicle services and protect the income of those HCV Licence holders
Officer responsible for completing the assessment	Mr S Culleton

Date of Assessment	
---------------------------	--

Date of Review	13 th July 2015
-----------------------	----------------------------

Introduction

What is an Integrated Impact Assessment?

The integrated impact assessment is a tool to ensure that any policy, project or service is assessed to consider any positive or negative impacts for Chorley residents with regards to equalities, health or sustainability. It is important that this is done in a timely manner and ideally it should precede the start of the project, policy or strategy concerned.

Why do we need to do Impact Assessments?

Chorley Council is committed as a community leader, service provider and employer that we will work to ensure that everybody is afforded equality of opportunity and good life chances. The Impact Assessment is a tool we use to ensure that we fulfil these commitments, and thus meet our legal duties.

Quick Steps for Completion

1. There are four sections;
 - Equality – This section considers the impact on our 7 equality strands, which are; race, age, gender, sexuality, faith, disability and rurality. When completing this section, reference should be made to the Council's [Equality Scheme](#)
 - Health – the impact on potential health impacts. There is a link in the section to the current public health observatory information
 - Reputation – the impact on the Council's reputation and our ability to deliver our key priorities. Reference should be made to the Council's [Corporate Strategy](#)
 - Sustainability – the impact on environmental and sustainability issues. Reference should be to the [Climate Change Strategy](#)

Each section has a number of questions which should be given a rating, and evidence given for why the rating has been selected.

Code Description

P	Positive beneficial impact
N	Negative undesirable impact
U	Uncertainty over impact
NI	No specific impact/neutral impact

2. Actions – Once a rating is given, actions should be identified to mitigate any negative impacts or maximise any positive impacts of the policy/project/strategy that is being assessed.
3. Once the toolkit has been completed, changes should be made to the policy/project/service to respond to any actions identified.

If you require further information, please contact Sarah James, Partnerships Manager, sarah.james@chorley.gov.uk on 5348

Equality Impact Assessment	Yes	No	Evidence				Further action required
1. Have consultations with relevant groups, organisations or individuals indicated that this particular activity will create problems which are specific to them?		x	Existing evidence suggests there is no significant unmet demand				To challenge the existing evidence and review the present structure of the HCV trade in relation to the wider public interest. Wider groups such as the equality forum or disability forum could be engaged in this process.
What potential impact does this activity make to:							
	P	N	U	NI	Evidence	Further action required	
1. Equality of opportunity amongst customers of different ages (Age)				x		To review the policy and present options to Members.	
2. Equality of opportunity amongst with or without a physical or mental disability (Disability)		x			There is evidence that the current HCV structure does not avail its self to be included within the LCC WAV framework. In addition anecdotal evidence from private hire operators suggest that there is a demand for WAV's which is being met by operators outside of the borough.	To remove the barriers to operating a HCV WAV to increase the opportunities to others to provide these services for residents of Chorley. Increasing provision within the borough, could also lower the costs to customers and have a positive environmental and economic impact through shorter journeys within the borough.	
3. Equality of opportunity amongst customers of different gender backgrounds (Gender Reassignment)				X		To review the policy and present options to Members.	
4. Equality of opportunity amongst customers who are pregnant or parents (Pregnancy and Maternity)	X				Comments from the HCV trade suggest that this sector of the community	Increasing HCV provision would help to meet the need of this group.	

					prefer to access WAV type HCVs	
5. Equality of opportunity amongst customer groups of different racial backgrounds (Race)				X		To review the policy and present options to Members.
6. Equality of opportunity amongst customers of different religions (Religion or Belief)				X		To review the policy and present options to Members.
7. Equality of opportunity amongst customers that live in different parts of Chorley (Rurality)		X			There is no access to HCV at any other location in Chorley other than the High St rank	Increasing HCV provision would naturally disperse HCV provision to alternative ranks across the borough.
8. Equality of opportunity amongst male and female customers (Sex)				X		To review the policy and present options to Members.
9. Equality of opportunity amongst customers of different sexual orientations (Sexual Orientation)				X		To review the policy and present options to Members.
Health Impact Assessment	P	N	U	NI	Evidence	Further action required
What potential impact does this activity make upon:						
1. Promoting healthy lifestyles for Chorley residents. For the latest Health Observatory information please see the data on this link http://www.apho.org.uk/resource/item.aspx?RID=126958		X			Evidence suggests that where there are in-adequate integrated transport routes, individual vehicle ownership increases.	To review the policy and present options to Members.
2. Enabling residents to Start Well (pre birth – 19) Possible issues to consider are; <ul style="list-style-type: none"> Promoting healthy pregnancy Reducing infant mortality Reducing childhood obesity Supporting children with long term conditions Supporting vulnerable families and children 		x			The current policy limits choice to the traveling public and opportunities of employment.	To review the policy and present options to Members.

<p>3. Enabling residents to Live well (16 -75 years) Possible issues to consider are;</p> <ul style="list-style-type: none"> Promoting healthy settings, healthy workforce and economic development Promoting mental wellbeing and healthy lifestyles Reducing avoidable deaths Improving outcomes for people with learning disabilities 		x			<p>The current policy limits choice to the traveling public, opportunities of employment and creates un-necessary barriers to local or other facilities due to lack of supply.</p>	<p>To review the policy and present options to Members.</p>
<p>4. Enabling residents to Age Well (over 65 years). Possible issues to consider are;</p> <ul style="list-style-type: none"> Promoting independence Reducing social isolation Managing long term conditions and dementia Reducing emergency admissions and direct admissions to residential care settings Supporting carers and families 		x			<p>The current policy limits choice to the traveling public, opportunities of employment and creates un-necessary barriers to local or other social facilities due to lack of supply/ availability</p>	<p>To review the policy and present options to Members.</p>

Reputational Impact Assessment	P	N	U	NI	Evidence	Further action required
What potential impact does this activity make upon:						
<p>1. Chorley Council's reputation. Possible issues to consider are;</p> <ul style="list-style-type: none"> Proving to local residents that we provide value for money Informing and engaging with local residents Building trust and confidence in Chorley Council Improving customer satisfaction with council services Chorley Council's role as a community leader 		x			<p>The current structure allows for Taxi fares to be determine by the few, and market forces have a limited impact on the rates that are set , Chorley presently does not contribute to LCC WAV framework.</p>	<p>To review the policy and present options to Members.</p>

Reputational Impact Assessment	P	N	U	NI	Evidence	Further action required
2. Our ability to deliver the Corporate Strategy. Issues to consider are; <ul style="list-style-type: none"> A council that consults and engages with residents An ambitious council that continually strives to improve 	x				To provide better transport & integrated transport links	To review the policy and present options to Members.

Agenda Page 63

Sustainability Impact Assessment	P	N	U	NI	Evidence	Further action required
What potential impact does this activity make upon:						

Agenda Item 7

Sustainability Impact Assessment	P	N	U	NI	Evidence	Further action required
1. The effective protection of Chorley's environment. Possible issues to consider are; <ul style="list-style-type: none"> Limiting waste generation & encouraging recycling Limiting factors that contribute to climate change Protection of and improving access to the natural environment 		x			The lack of HCV availability in rural areas is likely to contribute to vehicle ownership and the number of vehicle journeys taken.	To review the policy and present options to Members.
2. Prudent usage of natural resources. Possible issues to consider are; <ul style="list-style-type: none"> Limiting use of non sustainable energy, water, minerals and materials Reducing the need to travel and encouraging walking, cycling and low carbon modes of travel 		X			The lack of HCV availability in rural areas is likely to contribute to vehicle ownership and the number of vehicle journeys taken.	To review the policy and present options to Members.
3. Social progress amongst all of Chorley's communities. Possible issues to consider are; <ul style="list-style-type: none"> Opportunities for education and information Provision of appropriate and sustainable housing Reduced fear of crime and community safety Access to cultural and leisure facilities Encouraging engagement and supporting volunteering 		x			The lack of HCV availability in rural areas is likely to contribute to multiple vehicle ownership and the number of vehicle journeys taken. Where vehicle ownership is limited it is likely smaller journeys would be completed on foot.	To review the policy and present options to Members.

Sustainability Impact Assessment	P	N	U	NI	Evidence	Further action required
<p>4. A vibrant local economy in Chorley. Possible issues to consider are;</p> <ul style="list-style-type: none"> Supporting better quality jobs and developing the skills of local residents Supporting local business by procuring goods and services locally Strengthening links with public, private and third sector partners 		X			<p>The current policy creates business opportunities for out of borough operators to capitalise upon work that exists within the Chorley Borough and limits the scope for local economic development & growth.</p>	<p>To review the Policy to limit the number of Hackney Carriage Vehicle Licenses the Council will Issue.</p>

Integrated Impact Assessment Action Plan

If any further actions were identified through the Integrated Impact Assessment then these should be listed in the table below. These should be added to the relevant business/service plan to ensure that any actions are carried out.

Actions needed following Integrated Impact Assessment	Start Date	End Date	Lead Officer
To review the current policy and present options to improve the policy, and reduce the negative impacts it has on certain groups of Chorley residents.	To Be Confirmed		Stephen Cullerton

Appendix 5- LCC WAV & DAV information**Stephen Culleton**

From: Wilkin, Ian <Ian.Wilkin@lancashire.gov.uk>
Sent: 10 July 2015 12:34
To: Stephen Culleton
Subject: Copy of Wheelchair Vehicle Spreadsheet.xlsx
Attachments: Copy of Wheelchair Vehicle Spreadsheet.xlsx

Hello Stephen

Please find attached, as discussed a copy (with personal company information removed) of our Accessible Framework suppliers.

I have just had a conversation with the team that look after Chorley and they confirm that have no Chorley suppliers, Hackney or small PSV, in the accessible segment and as we discussed I am quite sure that if there were more competition in the sector is highly likely that pricing would be more competitive.

Keeping on the issue of Hackney licences, one particular area we struggle with in Chorley is finding providers who operate "Black Cab" style hackney vehicles. The requirement is for passengers who can travel unescorted but whose behaviour precludes then from sharing transport – specifically Shaftesbury House school is a destination brought to my attention.

I hope this helps your discussions.

Kind Regards

Ian

Ian Wilkin
Integrated Transport Services Manager
Passenger and Integrated Transport Services
Lancashire County Council
Tel: 01772 534770
Mob: 07854 194226
ian.wilkin@lancashire.gov.uk

www.Lancashire.gov.uk

Operators who have registered on LCC's Wheelchair Accessible Vehicle Framework 2014

Registrations by District.

Licensing Authority	Wheelchair spaces in each vehicle	Number of wheelchair Accessible Vehicles
Blackpool	1	10
Blackpool	2	2
	Total Vehicles	12
Bolton	2	1
	Total Vehicles	1
Burnley	1	6
Burnley	2	4
Burnley	3	1
	Total Vehicles	11
Blackburn w Darwen	1	5
Blackburn w Darwen	2	2
	Total Vehicles	7
Fylde	1	1
	Total Vehicles	1
Hyndburn	1	2
	Total Vehicles	2
Lancaster	1	17
Lancaster	2	1
	Total Vehicles	18
Pendle	1	5
Pendle	2	3
Pendle	3	6
	Total Vehicles	14
Preston	1	17
	Total Vehicles	17
Ribble Valley	1	1
Ribble Valley	2	1
Ribble Valley	4	1
	Total Vehicles	2

Operators who have registered on LCC's
Wheelchair Accessible Vehicle Framework 2014

Rossendale	1	2
	Total Vehicles	2
South Ribble	1	45
South Ribble	2	15
South Ribble	3	23
South Ribble	4	16
	Total Vehicles	99
Wigan	1	4
Wigan	2	2
Wigan	3	3
Wigan	4	2
	Total Vehicles	11
West Lancs	1	14
West Lancs	2	1
West Lancs	4	1
	Total Vehicles	16
Wyre	3	1
	Total Vehicles	1

Current providers of vehicles on LCC Accessible Vehicle contracts within Chorley Borough

Destination	Number of Accessible Vehicles contracts at each destination	Licensing / Permit Issuing Authority	Number of wheelchair passengers in each vehicle
Astley Park School	1	Community Transport Association	1
	2	SRBC	2
Bishop Rawstorne Cof E Academy	1	SRBC	2
Lisieux Hall	1	SRBC	2
Mayfield School	1	SRBC	1
	2	SRBC	1
	3	SRBC	1

This page is intentionally left blank

Appendix 6- Applications for WAV/ DAV HCV's

Chorley Council
PO BOX 13
Chorley
PR7 1AR

RECEIVED 03 JUL 2015

Rashid Sohail
142 Eaves Lane
Chorley
PR6 0SU

Date: 01/07/2015

Dear Sir/Madam,

I Rashid Sohail got Hackney Carriage and Private Hire badge in Chorley Borough Council. I want to apply for Hackney Carriage Plate Licence for wheelchair taxi. I have 10 years taxi driver experience. I have more than 50 customers who always need a wheelchair accessible taxi in Chorley Council and no one else provides that service. I have a Wigan Council badge and there I drive wheelchair accessible Hackney carriage which I am using for those customers. I am writing this letter to request you please grant me Chorley Borough Council Hackney Carriage plate that I can use to help all disabled customers.

I have contacted with South Ribble and Lancashire County Council. They advised me I have to contact Chorley Council about this matter and they will help me. On this point I want to inform you in case I am not available and customers want to get wheelchair taxi they won't get it from any private hire firm because I tried to ring on different Private hire firms for wheelchair taxi they all given same answer we do not have it. And if customer get wheelchair taxi from any other council the driver charges them extra fare so on this point I will request you to help that customer that they can get local taxi rather than other councils. I can provide you a lot of people's name and address who always look for wheelchair taxi and they are more than happy to come with me to Chorley Council. I will be thankful if you issue me Hackney Carriage Plate Licence so I can work locally and provide a best service to customers. I do not want to use other council vehicle in Chorley Borough Council area.

Yours faithfully
with thanks
Rashid Sohail
07738272646

9/3/2014

Lesley Miller
Chorley Borough Council
Union street
Chorley

Dear Lesley

Would you please accept this letter as an application for two hackney carriages.

: Please note both vehicles would have full disability access .

We have numerous reasons for this application so I will list a few.

- Regular calls asking for this service.
- Larger presence in Chorley borough.
- Access to both private hire and hackney carriage.
- Able to tender for L.C.C work.

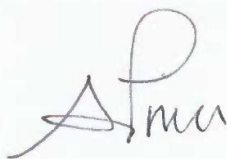
These are just a few points that we consider are viable for our application.

We are aware of the restrictions Chorley have at present but feel there is a need for these kind of vehicles.

We would also like to point out that we would be willing to support extra ranks within the borough which would give the people of Chorley more access and availability to wheel chair accessible vehicles.

Would you please forward me the appropriate application forms via email or through the post to our office.

I look forward to your reply



Antony Price

Yellow Cabs (north west) limited

Houghton street Chorley PR6 0RG • 01257 271108 • yellowcabs@live.com

YELLOW CABS (NORTHWEST) LIMITED

14/00980/TXF
Coopers Taxis Ltd
Unit 60
Foxhole Road
Chorley
Lancashire
PR7 1NW

Chorley Borough Council
Licensing Department
Union Street
Chorley

Dear Sirs,

Please accept this letter as our application for 2 x Hackney carriage Licences. We are of course aware of the current restriction on numbers at present and with that in mind, would like to point out the following points to support this application.

1. First and foremost to provide a service to the public that is currently inaccessible to wheelchair users due to the fact that they are unable to book the wheelchair access hackney carriages run by individuals who will be parked at the Chorley Taxi Rank who are not part of any Private Hire Company. We currently get significant amount of calls asking for wheelchair access taxis to pick up from specific addresses. We aim to serve these people 24 hours a day 7 days a week with the use of two HC plated Access vehicles.
2. A large investment requires all the chances it can in order to be successful. A HC Licence will enable these vehicles to attract hires from the rank, private hire through Coopers Taxis to do Airport journeys, 6-8 seat hires and of course Wheelchair Access work.
3. To provide a stronger presence in the town of Chorley of a Wheelchair access service run by Coopers Taxis Ltd and to enhance our already well-known name.

At present there are currently no providers of Wheelchair facilities offered by any Private Hire firms within Chorley. The ones that are currently operating from the taxi rank are inaccessible to anyone as they are not part of any Private Hire firm.

We propose with this x2 licence proposal to provide M1 approved vehicles of 6 to 8 seats, that both vehicles will be staffed 7 days and 7 nights a week.

We also intend both vehicles to be limited to MAX speeds of 68 MPH and that both vehicles shall be fitted with 4-way camera systems for the safety of drivers and passengers.

Could you therefore please send the appropriate application form to the above address in order that we may apply promptly.

Yours Sincerely

Phillip Cooper & Lynne Cooper



V.A.T Reg Number: 636 6540 27

www.cooperstaxis.co.uk

This page is intentionally left blank

APPENDIX 6**CHORLEY COUNCIL UNMET DEMAND SURVEY HISTORY**

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 retained at 30.

A further unmet demand survey was commissioned in 1993, which reported that there was no case to increase the number of hackney carriages. The number remained at 30.

A further unmet demand survey carried out in 2001 identified that the number of hackney carriages had reduced to 29 with one licence having been revoked in the intervening period. The Council determined that one further hackney licence be issued to a specially adapted disabled accessible vehicle, bring the total back to 30.

A further survey was commissioned in 2005. This identified that a further 7 hackney carriage vehicles would be required to meet the identified significant unmet demand. The Council accepted the findings of the survey report and hackney vehicle provision was increased to 37.

In A further survey was commissioned in 2008. The survey concluded that there was no significant unmet demand in Chorley and the number of hackney carriages was retained at 37. In the intervening period a Hackney Carriage Licence was surrendered and Members will recall that a decision not to reallocate the Hackney Carriage Licence was made thereby reducing the number of hackney carriage vehicle licences from 37 to 36. This is the current position with one licence unallocated.

The most recent unmet demand survey was conducted 2012; this survey upheld Members previous decision to maintain the number of HCV licences it will issue to 36 and concurred the report of (2008), which concluded that there was no significant unmet demand in Chorley but as previously discussed, it identified the need for more ranks. The current position is for 36 HCV licenses.

This page is intentionally left blank

Appendix 8- Quotation for Survey

Stephen Culleton

From: Ian Millership <ian.millership@ctstraffic.co.uk>
Sent: 10 July 2015 09:29
To: Stephen Culleton
Subject: Chorley demand survey and additional investigations
Importance: High

Stephen

Further to our discussion last night, I have taken a look at the overall area of the district, the Halcrow 2012 report and national rail stats as available, and would recommend the following:

Minimum needed to provide robust evaluation of unmet demand and its significance at this time:

- Face to face inception meeting including walk round central Chorley
- 150 hours of rank observations and analysis
- Plate check corroboration of rank data
- 200 central area public attitudes
- 200 public attitudes in four outer areas (suggest Adlington, Croston, Euxton and Clayton, can amend at inception)
- Detailed driver survey
- Full stakeholder consultation
- Full reporting

The above would cost **£7670 + VAT** (original 5970 + £500 plates + 4*£300 Public attitudes)

The following items could be added at inception or at any time during our work as required:

- Further tests of outlying areas at £300 per 50 interviews
- A review of rail patronage at all five stations in the area over last 10+ years (particularly as Halcrow report suggested most new rank locations were places with stations which would give best option of making items work) £250 + VAT
- Detailed consideration of rank locations in up to three outlying locations using a site visit, information from public attitudes and further discussion with potential stakeholders (£750 + VAT)
- A detailed review of private hire companies across area including discussion with Lancashire County education transport to provide plan to identify if / how local trade might obtain a share of the local transport spending in the District, and to identify how current needs are met and if there is scope for hackney carriages / active ranks outside the central area (£650 + VAT)
- A face to face presentation of results to committee £500 + VAT

I've left the latter items out of the basic as many might only become obvious they were needed as we went along – or if you chose them, they might drop out as being clearly not needed as we went along.

In terms of implementation, we can do an inception at any point over the next month or so, with on-the-ground surveys early September, and – dependent on choices made – reporting by November (if nothing else added) or perhaps as late as March/April if more detailed options became obviously required as we went along.

Hope this is ok – please confirm the date of your committee decision, and would be happy to review the Committee Report if you felt that appropriate

Wishing you all the best for your aspirations for the people of your area!

Feel free to call me on 0121 558 2259 within the next hour or so, or 07976 344254 during the day (leave a message if necessary)

Thanks again

Ian Millership
 CTS Traffic & Transportation

Unmet demand survey

Mid Sussex

CTS Traffic and Transportation

		High Street	Bus Station	Market Street	Cleveland Street	lay-by near rail station	Hours
Rank Spaces							
Operating Hours		24hr	24hr	Night	Night	Informal	
2012 survey hours (?) and usage %		736 hrs (100%)	722 hrs	710 hrs	710 hrs	16 hrs	
Comments		only rank really used					
Thursday	13:00						0
Thursday	14:00	1					1
Thursday	15:00	2					1
Thursday	16:00	3					1
Thursday	17:00	4					1
Thursday	18:00	5					1
Thursday	19:00	6					1
Thursday	20:00	7					1
Thursday	21:00	8					1
Thursday	22:00	9					1
Thursday	23:00	10					1
Thursday	00:00	11					1
Friday	01:00	12					1
Friday	02:00	13					1
Friday	03:00	14					1
Friday	04:00	15					1
Friday	05:00	16					1
Friday	06:00	17					1
Friday	07:00	18					1
Friday	08:00	19				1	2
Friday	09:00	20				2	2
Friday	10:00	21	1			3	3
Friday	11:00	22	2			4	3
Friday	12:00	23	3			5	3
Friday	13:00	24	4			6	3
Friday	14:00	25	5			7	3
Friday	15:00	26	6			8	3
Friday	16:00	27	7			9	3
Friday	17:00	28	8			10	3
Friday	18:00	29					3
Friday	19:00	30					3
Friday	20:00	31					3
Friday	21:00	32					3
Friday	22:00	33					3
Friday	23:00	34					3
Friday	00:00	35					3
Saturday	01:00	36					3
Saturday	02:00	37					3
Saturday	03:00	38					3
Saturday	04:00	39		6	7		3
Saturday	05:00	40		7	8		3
Saturday	06:00	41		8	9		3
Saturday	07:00	42			10		2
Saturday	08:00	43					1
Saturday	09:00	44	13				2
Saturday	10:00	45	14				2
Saturday	11:00	46	15				2
Saturday	12:00	47	16				2
Saturday	13:00	48	17				2
Saturday	14:00	49	18				2
Saturday	15:00	50	19				2
Saturday	16:00	51	20				2
Saturday	17:00	52	21				2
Saturday	18:00	53					2
Saturday	19:00	54					1
Saturday	20:00	55					1
Saturday	21:00	56					2
Saturday	22:00	57					3
Saturday	23:00	58					3
Saturday	00:00	59					3
Sunday	01:00	60					3
Sunday	02:00	61					3
Sunday	03:00	62					3
Sunday	04:00	63		16	17		3
Sunday	05:00	64		17	18		3
Sunday	06:00	65		18	19		3
Sunday	07:00	66			20		2
Sunday	08:00	67					1
Sunday	09:00	68					1
Sunday	10:00	69					1
Sunday	11:00	70					1
Sunday	12:00	71					1
Sunday	13:00	72					1
Sunday	14:00	73					1
Sunday	15:00	74					1
Sunday	16:00	75					1
Week day							
Week night							
Weekend day							
Weekend night							
Inter periods							
Total hours at site		75	22	18	20	15	150