

LICENSING AND PUBLIC SAFETY COMMITTEE

WEDNESDAY, 3RD FEBRUARY 2016, 2.00 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 MINUTES

(Pages 3 - 6)

To confirm the minutes of the Licensing and Public Safety Committee meeting held on 18 November 2015 (enclosed)

2 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.

3 MINUTES OF THE GENERAL LICENSING SUB COMMITTEE'S

A GENERAL LICENSING SUB COMMITTEE - 4 NOVEMBER 2015

(Pages 7 - 10)

B GENERAL LICENSING SUB COMMITTEE - 20 JANUARY 2016 (10.00)

(Pages 11 - 14)

C GENERAL LICENSING SUB COMMITTEE - 20 JANUARY 2016 (14.00)

(Pages 15 - 20)

4 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

(Pages 21 - 66)

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

5 HACKNEY AND PRIVATE HIRE DRIVER LICENCE CONDITION: DRIVER AND VEHICLE STANDARD AGENCY (DVSA) TEST

(Pages 67 - 72)

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

6 **UNMET DEMAND AND PUBLIC INTEREST SURVEY**

The Regulatory Services Manager will present a verbal update on the progress of the unmet demand and public interest survey currently being undertaken by Chorley Council

7 **UPDATE ON SAFEGUARDING TRAINING**

The Regulatory Services Manger will present a verbal report to update Members of the proposal to introduce Child Sexual Exploitation and safeguarding training for licence holders (taxi and premises licences)

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, Gordon France, Margaret France, Tom Gray, Keith Iddon, Mark Jarnell, Hasina Khan, Matthew Lynch, Mick Muncaster, 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 Wednesday, 18 November 2015

MEMBERS PRESENT: Councillor Roy Lees (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Jean Cronshaw, Doreen Dickinson, Gordon France, Margaret France, Keith Iddon, Mark Jarnell, Hasina Khan, Margaret Lees, Matthew Lynch, Mick Muncaster, Ralph Snape and John Walker

OFFICERS: Lesley Miller (Regulatory Services Manager), Alex Jackson (Legal Services Team Leader), Jodi Ingram (Solicitor), Stephen Culleton (Licensing Officer), Jane Kelsall (Student Environmental Health Officer) and Dianne Scambler (Democratic and Member Services Officer) Detective Inspector Tony Baxter (Blackpool Safeguarding Children Board)

APOLOGIES: None.

OTHER MEMBERS: One member of the public was present.

15.LPS.15 Minutes

RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 22 July 2015 be confirmed as a correct record for signing by the Chair.

15.LPS.16 Declarations of Any Interests

No declarations of any interests were received.

15.LPS.17 Minutes of the meetings of the General Licensing Sub Committee's

RESOLVED - That the minutes of the General Licensing Sub Committee's held on 15 July, 7 October and 4 November 2015 be confirmed as a correct record.

15.LPS.18 Minutes of the meetings of the Licensing Act 2003 Sub Committee's

RESOLVED – That the minutes of the Licensing Act 2003 Sub Committee meeting held on 4 November 2015 be confirmed as a correct record.

15.LPS.19 Child Sexual Exploitation (CSE) and the Council's licensing functions

Detective Inspector Tony Baxter of the Public Protection Unit, (Blackpool Safeguarding Children's Board) attended the Committee meeting to deliver a presentation on Child Sexual Exploitation (CSE) and the taxi trade. The purpose of the presentation was to explain to members what CSE is, how it is carried out and how the licensing trade could assist in preventing this. Furthermore, the presentation was aimed at persuading members to make safeguarding training a mandatory requirement for the licensing trade.

DI Baxter explained that it had become a common misconception that CSE was something that was only carried out by men in the Asian communities and as the Casey report had criticised Taxi drivers, the trade was having a hard time shaking these incorrect views. He reiterated that the presentation was not at all suggesting that all taxi drivers were potential perpetrators, more so that with training and support, taxi drivers along with other licensed trades could work in partnership with the authorities to help prevent CSE from happening and identify potential leads for the Public Protection Unit to investigate.

The presentation is being rolled out county wide with the aim that all authorities agree to make safeguarding training compulsory which will result in a consistent approach being adopted across all local authorities in Lancashire. The presentation helped to raise awareness of CSE and educate people on the warning signs and behaviours to help dispel these common myths. Perpetrators can be an adult or another young person, male or female and any ethnicity. They are visible in everyday life and are often articulate, plausible and 'savvy'. Not all are involved in commercial exploitation and although not necessarily convicted of, some have links to other criminal behaviour.

The presentation was very informative and prompted valuable discussion around how the delivery of suitable training for all the authorities licensing trade could best be achieved. It was agreed by all the Committee that the Council's policies and procedures around CSE needed to be more robust and that the taxi trade and other licensed businesses could assist the Council in the process of identifying potential cases of CSE.

The Chair thanked DI Baxter for attending the meeting to deliver the presentation on CSE that had prompted a detailed discussion by the Committee. The presentation would be circulated to all Members of the Licensing and Public Safety Committee for their information.

RESOLVED – That the presentation be noted.

15.LPS.20 Safeguarding, Suitability and Convictions Policy for Taxi Licensing

The Director of Public Protection, Steetscene and Community submitted a report for Members to consider the approval of a draft for Taxi Licensing.

The existing Convictions Policy and Guidelines titled 'Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage or Private Hire Drivers Licence and The Operators and Proprietors of those Vehicles' was adopted by the Licensing and Public Safety Committee in 2008.

In February 2015, the Casey Report investigating Taxi Licensing in Rotherham and the convictions of licensed drivers for Child Sexual Exploitation raised a number of questions in relation to Council policies and made recommendations with regard to the consideration of complaints, allegations, investigations, arrests and charges, where no conviction was secured.

Rotherham had been reliant on a record of convictions before any action was taken, an approach that was severely criticised by the Casey report as not sending a strong message on acceptable behaviour and failing to adequately protect or provide reassurance for the public.

The Committee were reminded that they do not need the same burden of proof as required to secure a conviction to suspend, revoke or refuse a licence and that they do not have to prove an allegation or complaint beyond reasonable doubt, or await conviction.

It was clear that a robust and more extensive policy and guidelines were required to not only protect the public and potential victims but also protect other fit and proper drivers that may be tainted by association.

Apart from a minor amendment to the wording around dishonesty on page 25 of the policy with the word 'exposed' being changed to 'put at risk', it was proposed by Councillor Walker, seconded by Councillor Anthony Gee and subsequently **RESOLVED unanimously to approve the draft Safeguarding, Suitability and Convictions Statement of Policy.**

In response to the presentation that was delivered earlier in the meeting. Members considered that it was essential to raise awareness of Child Sexual Exploitation concerns and issues across the licensing spectrum, including taxi drivers and asked if the Council could look into how this could be achieved. The Committee also requested that the Preston based DETER contact number be made available and accessible via the Council website and publicised through the Council's electronic e.bulletin's 'intheknow' and 'inthboro'.

It was proposed by the Chair, Councillor Roy Lees, seconded by the Vice Chair, Councillor Anthony Gee and subsequently **RESOLVED for officers to submit a report to the next meeting of the Licensing and Public Safety Committee to look at the options regarding the delivery of Child Sexual Exploitation training for all the Council's licensing functions and to consider making any such training a mandatory requirement. Furthermore it was also RESOLVED that officers consider the introduction of a mandatory requirement for drivers to sign up to the DBS update service so that the Council will be notified the instant changes are made.**

Chair

Date

This page is intentionally left blank



MINUTES OF	GENERAL LICENSING SUB-COMMITTEE
MEETING DATE	Wednesday, 4 November 2015
MEMBERS PRESENT:	Councillor Roy Lees (Chair), Councillor (Vice-Chair) and Councillors Jean Cronshaw, Margaret France, Anthony Gee and Hasina Khan
OFFICERS:	Elizabeth Walsh (Solicitor), Stephen Culleton (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)
APOLOGIES:	None
OTHER MEMBERS:	None

15.LSC.47 Declarations of Any Interests

No declarations of any interests were received.

15.LSC.48 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

15.LSC.49 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.50 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 - Suspension of a drivers licence

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether or not the driver was a fit and proper person to continue to hold his private hire licence (PHD0245) following his suspension on 9 October 2015 following his confirmation that he was receiving treatment for Sleep Apnoea.

The driver was first granted his Private Hire Driver's Licence in December 1999. Having reached the age of 65, he was required to complete a DVLA Group II medical every 12 months and had submitted his last medical on 19 December 2014. The Council's Medical Advisor had advised that the driver was fit to drive at that time.

On 20 September 2015 and in accordance with paragraph 29 on his driver's licence, the driver wrote to the Council stating that he had ceased driving whilst he was undergoing some medical procedures and upon further investigation by council officers it was confirmed on 29 September 2015, that he was being treated for Sleep Apnoea.

The driver also verbally confirmed that he had telephoned the DVLA in early September to inform them of his condition following his diagnosis and stated that he had been told that he could carry on driving as he was receiving treatment. Officers advised that this advice was in line with Group I driver licences and as he did not hold entitlement for HGV or PSV vehicles that would indicate to the DVLA that Group II standard advice would not apply. There would be no reason why the DVLA would know that the driver was subject to Group II standards in this regard and the Sub-Committee advised him to contact them further regarding this matter.

The Council's Medical Advisor advised that the driver's PHD0245 private hire driver's licence should be revoked, as the Council upholds the standards imposed under the DVLA Group II medical – driving must cease until satisfactory control of symptoms has been attained, with ongoing compliance with treatment, confirmed by consultant/specialist opinion. Regular, normally annual, licensing review required.

Following this advice the Director of Public Protection, Streetscene and Community suspended the driver's PHD0245 driver licence on 9 October 2015 with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 and the Sub-Committee were provided with a copy of the suspension notice for their information.

It is evident from a previous medical, that the driver had been diagnosed with suspected Sleep Apnoea in 2004; information contained in a letter by his consultant at that time indicated that he had been referred for sleep studies as he showed symptoms of possible obstructive sleep apnoea. There is no evidence from his records that this matter had been resolved. Members did note that the Council's procedures at that time were not as robust as the current procedure is today; however, the provision for a driver to inform the Council of any changes in their medical condition was still as relevant as it is today. The driver stated that he was monitored at the time but received no further correspondence regarding the matter and took that to mean that there was no further requirement for him to receive any further treatment for Sleep Apnoea.

On 16 October 2015, the driver provided the Council with a letter from his consultant which was forwarded on to the Council's Medical Advisor for consideration. At the meeting the licensing officer circulated the response which asked for further information to be provided before further advice could be issued. Having only just seen sight of this request himself, the driver strongly objected to a decision being made under these circumstances and the Members of the Sub Committee agreed. They did however, take the opportunity to ask questions of the driver about his condition and the treatment he was currently undertaking.

After careful consideration and taking into account all the relevant factors, the Sub-Committee **RESOLVED to continue with the driver's licence suspension until such a time that he could satisfactorily meet the DVLA Group II Medical requirements. The Council's Medical Advisor had insufficient evidence to advise the Council further on this matter. The driver is required to obtain the following**

details requested by the Council's Medical Advisor from his GP and a copy of every specialist letter concerning his sleep apnoea, in particular:

- **Date of diagnosis since 2004**
- **Date of referral to specialist**
- **Date of starting CPAP**
- **Compliance information from the specialist**
- **When the sleep apnoea began to effect driving**
- **When the DVLA was informed**

Delegated power be given to the Director of Public Protection, Streetscene and Community officer (at that time with the responsibility for licensing) to lift the suspension notice when satisfied that the provisions have been met.

Delegated power will also be given to the Director of Public Protection, Streetscene and Community officer (at that time with responsibility for licensing) to revoke the licence should the driver fail to produce the sufficient medical evidence asked for, or the Council's Medical Advisor is not satisfied that the driver is not DVLA Group II medical compliant to drive, with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Chair

Date

This page is intentionally left blank



MINUTES OF	GENERAL LICENSING SUB-COMMITTEE
MEETING DATE	Wednesday, 20 January 2016
MEMBERS PRESENT:	Councillor Roy Lees (Chair), Councillors Jean Cronshaw, Doreen Dickinson and Ralph Snape
OFFICERS:	Stephen Culleton (Licensing Officer), Jodi Ingram (Solicitor) and Ruth Rimmington (Democratic and Member Services Officer)
APOLOGIES:	Councillor Steve Murfitt
OTHER MEMBERS:	None

16.LSC.55 Declarations of Any Interests

No declarations of any interests were received.

16.LSC.56 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

16.LSC.57 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.

16.LSC.58 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, suspension of private hire and hackney carriage driver's licence

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to bring to the attention of Members matters relating to the driver with regards to his Disclosing and Baring Certificate.

The driver was first granted his Private Hire and Hackney Carriage Driver Licences in May 2004. He currently holds entitlement to a Chorley Council Private Hire Driver's Licence PHD 0748 and Hackney Carriage Drivers licence HCD 0307. The driver last renewed the licenses in May 2014, both licenses will expire on 17th May 2017.

The driver attended the meeting to make representations to the Sub Committee.

The driver had not provided a current Disclosing and Barring Certificate. The driver was written to twice in April 2014 advising him that he was required to complete a Disclosing and Barring Certificate application, the driver completed the application in May 2014, this application was returned by the DBS in June 2014 as there was insufficient information to carry out the required checks. The driver was further written to in June, July and August 2014 to request the additional information to enable the DBS to conduct the required checks.

The driver was written to in September 2015 and asked to make a new application. In November 2105 the driver completed another DBS application, but failed to provide sufficient details to enable the disclosure application to be sent off to the DBS.

Officers invited the driver to the Councils Offices in December 2015 to attempt to resolve the issues, the driver failed to keep that appointment. The driver contacted the Council two days later and stated that the reason for his non-attendance was that his driving licence had been sent off to the DVLA and had not been returned.

The Disclosure and Barring Services provided a valuable service as they identified any recorded offences made against the applicant. This information assisted Councils in determining whether or not an applicant was a fit and proper person to hold positions of trust, equally the Chief Officer of police had opportunity to inform of any matters that he believed should be brought to the Councils attention in relation to the position they were applying for.

Officers were not aware that the driver had come to the attention of the Authorities in the past and his DVLA driver record did not show any convictions.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provided the authority that Members should rely on when determining this report.

Members were informed that the driver had, in fact, completed a DBS application the previous day at the Council offices. It was impossible to say whether this application would be returned by the DBS due to insufficient information to carry out the required checks.

The driver explained that 18 months ago he had split up with his wife and had lived at various friends' houses. He had mistakenly given the Council the wrong address, which had led to delays in him receiving his mail.

The driver had been out of the country for a number of months when his brother had passed away in August 2015. He had also stayed with a friend for a period of time as he had been hoping to reconcile with his wife. This had contributed to the insufficient information to allow the DBS to carry out the required checks.

The driver had now moved into a property and had notified the DVLA of his change of address. Members stressed the importance of the Council being able to contact him in case of any queries.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED** to:

- 1. Issue a warning as to future conduct to lie on the driver's file for the delay in facilitating his DBS check.**

2. In the event that the DBS returns once again with insufficient information that the matter be referred to the Sub Committee for further consideration

Members wish to stress to the driver the importance of keeping the Licensing department informed of his address and any other changes to his details and completing his paper work in a timely manner.

For the following reasons:

The driver has had a licence since May 2004 without issue.

The Council are not aware of any previous conviction or offences and the driver has a clean licence.

Members were satisfied with the driver's explanation as to the difficulty he has had in providing a permanent address due to his personal circumstances however wish to impress upon the driver the importance of keeping the Licensing department informed of his address and any other changes to his details and completing his paper work in a timely manner.

Chair

Date

This page is intentionally left blank



MINUTES OF	GENERAL LICENSING SUB-COMMITTEE
MEETING DATE	Wednesday, 20 January 2016
MEMBERS PRESENT:	Councillor Roy Lees (Chair), Councillors Margaret France, Anthony Gee, Hasina Khan and John Walker
OFFICERS:	Alex Jackson (Legal Services Team Leader), Stephen Culleton (Licensing Officer), Dianne Scambler (Democratic and Member Services Officer) and Ruth Rimmington (Democratic and Member Services Officer)
APOLOGIES:	None
OTHER MEMBERS:	None

16.LSC.51 Declarations of Any Interests

No declarations of any interests were received.

16.LSC.52 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

16.LSC.53 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.

16.LSC.54 Application for the grant of a private hire and hackney carriage drivers licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether or not the applicant was a fit and proper person to hold Private Hire and Hackney Carriage Driver's Licences under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 for the grant of a Private Hire Driver's licence (PHD) and section 46 of the Town & Police Clauses Act 1847.

The applicant made an application for Private Hire and Hackney Carriage Drivers Licences on 18 September 2014. The applicant had successfully passed the

Council's Knowledge Test, DVLA Group II Medical, DSA Private Hire Driver and the DSA Wheelchair Test Assessment.

The applicant's DBS certificate contained information that had been disclosed at the discretion of the Chief Officer of Police. The information provided was of a significant nature where officers had used their discretion to refer the decision to determine the application to the General Licensing Sub-Committee in accordance with the Council's Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing.

Members were made aware that it was very rare and only in extreme cases where it was believed the nature of a person's potential employment presented a potential risk to the public that the Chief Officer of Police would disclose information where the applicant had been found not guilty of the charges that were raised.

Members' attention was drawn to the guidelines relating to the relevance of convictions, under the General Policy at Paragraph 5, and under the Specific Guidance on the Relevance of Offences and Convictions at paragraph b) Violence, Offences against adults and d) Sexual and indecency offences.

The DBS disclosed information relating to the applicant being charged with rape and false imprisonment. The applicant was found not guilty of the allegations on 2 February 2011 at Crown Court.

The applicant attended the meeting, along with his representative.

The applicant attended the Council's offices on 9 December 2015 to offer information in relation to his Private Hire and Hackney Carriage driving history and to give an account of the information that had been disclosed through his Disclosure and Barring Certificate. The applicant stated that he had previously held a Private Hire Driver licence with X Council, this had been granted on 7 December 2005 and a Hackney Carriage Driver licence granted on 14 January 2009 by the same Council. The applicant also held a Hackney Carriage Driver licence with Y Council granted on 15 October 2007, the above licences ran concurrently. Y Council revoked the applicant's Hackney Carriage Driver licence on 11 November 2008 following the report from the police of the applicant being on bail for rape.

X Council revoked the applicant's Private Hire and Hackney Carriage driver licences on 15 December 2009 having received information from the police regarding the allegation of rape and a further complaint by a female passenger being terrified having been subject to sexual advances during a taxi journey conveyed by the applicant. The applicant stated to officers that his Private Hire and Hackney Carriage Driver licences had been revoked following the Crown Court Case (2 February 2011) and suggested that they had been suspended in the meantime.

The applicant stated he left the X Council area in 2010 following his arrest and being charged with rape of a female aged 16 years or over and false imprisonment, where he moved to his brother's home in the North West, only returning to the X Council area to attend the Crown Court trial. The applicant gave an account of the events that led to his arrest.

The summing up was an important impartial overview of the testimony of witnesses and evidence that had been laid before the Court, this also offered the Judge

opportunity to give the Jury directions on points of law that they should have regard for in reaching their decision.

The applicant confirmed that on 10 November 2008 the incident had taken place in a Y Council Licensed Hackney Carriage Vehicle (HCV), which he was driving under the authority of his Y Council Hackney Carriage Drivers Licence (HCDL). The applicant stated that he accepted the fare (i.e. the complainant) in the X Council area in the early hours and he had joined a number of other licensed vehicles attempting to gain the attention of revellers for the purpose of hire and reward and that he was not on a Taxi Rank. X Council area was closer to his home address at that time and therefore more convenient to work from and was common practice for him to ply for hire in this area.

Members noted that the applicant had come to the attention of X Council's Enforcement officers on a number of occasions. The applicant advised that he did not remember receiving all of the points shown in the report from X Council. He advised he had not appealed the points, but that he ought to have in hindsight. He did not recall being suspended by X Council as stated in the report. The only offence that had gone to court related to an IN10 (Using a vehicle uninsured against third party risks) in 2011.

The applicant accepted that he should have declared to X Council that he was being investigated regarding the incident in November 2008. The failure to declare formed part of the reason that his licence was revoked.

The applicant stated in his evidence given to defend the charges made out towards him that he reluctantly took part in the sexual acts and that the sexual acts were consensual.

Members noted the inappropriate use of his Hackney Carriage Vehicle and Hackney Carriage Driver licence on 10 November 2008. The applicant's evidence during the trial suggested that he did illegally ply for hire in a technically unlicensed vehicle and used his privileged and trusted position as a licensed Hackney Carriage Driver and used an otherwise licensed Hackney Carriage Vehicle to opportune sex from what might be considered a vulnerable young woman.

The Police received a further complaint in relation to the applicant acting as a Licensed Hackney Carriage / Private Hire driver in December 2009. This alleged that the applicant inappropriately touched a passenger's leg, engaged in inappropriate conversation, and viewed pornographic material on a hand held device and made unsolicited phone calls to the passenger. This was detailed within the Chief Offer of Police disclosure.

The applicant stated he had not engaged in inappropriate conversations with either passenger who had made allegations against him. The incident in 2008 had been consensual and not initiated by himself. He had not made a counter allegation against the passenger.

Members noted that the applicant was found unanimously not guilty of all the charges laid before the Court. Members considered whether or not the applicant was a fit and proper person to be granted the licences applied for in light of the information received from the Chief Officer of Police, the evidence given by the applicant summarised by His Honour Judge Wood, the applicant's Hackney Carriage and Private Hire Driver

history as presented by X Council and representations received from the applicant and their representative.

Members considered the Council's Suitability and Convictions Statement of Policy for Taxi Licensing.

Members noted that the DBS had not included the applicant on the Children's Barred List or Adult's Barred List. However, the letter stated that "It will be for the employer to decide, on the basis of information gathered from references, criminal record checks and other relevant sources of information, whether they wish to employ you".

The applicant explained that the incident in 2008 had made his life worse and that every opportunity had been affected, socially and financially. Had he been aware of the circumstances he would not have acted in the way that he did. He regretted behaving as he had and now understood that it was not appropriate to behave as such when acting as a Hackney Carriage or Private Hire Driver or to use a licensed vehicle in such a manner. The applicant assured members that the behaviour would not be repeated and that he had no criminal or motoring convictions pending.

The applicant advised he was currently helping his brother in his shop and undertaking voluntary work.

Members having carefully considered the officer report, appendices and representations made by the applicant and his representative RESOLVED to refuse to grant the applications for private hire and hackney carriage driver licences.

The reasons for the decision are as follows:

1. Members respect the applicant's acquittal in the Crown Court but note that acquittal should not be equated with accepting the defendant's account in its entirety. Members directed themselves that they should reach a view on whether the applicant was fit and proper on the balance of probabilities.

2. Members attached considerable weight to the Judge's summing up attached to the officer report. It was very fair and comprehensive. Members read enough in the report to have grave concerns about the applicant's conduct even if the account he gave at trial reflected in the summing up were accepted. He had, by his own admission engaged in consensual sexual activity with a lone female passenger who was intoxicated in his taxi. This is not in members' view characteristic of someone who was fit and proper.

3. Members felt comfortable in refusing the licences on the basis of admitted consensual activity in a taxi by a driver. This is because lone passengers, especially inebriated ones are extremely vulnerable. If taxi drivers were allowed to explain away allegations of sexual crimes by claiming consent, given the lack of witnesses and the impaired memory of a drunken victim it could make it easy to rebut genuine complaints. Members considered that zero tolerance of all sexual activity in the vehicle with a passenger was the safest for the travelling public and would also minimise the risk of false allegations against a driver.

4. It appeared to members that the applicant did not fully accept that what he did was wholly wrong, but was insistent it would not happen again because of the negative impact it had exerted on his life.

5. Members noted that the applicant had failed to declare to X Borough Council when applying for a private hire driver's licence in January 2009 that he was being investigated by the police. This added to members' view that the applicant was not trustworthy.

6. Members took into account that X Borough Council had revoked his licences not just because of the alleged attack but also because of a separate complaint in 2009 of sexual advances to another female passenger. Given that the applicant admitted to consensual activity it seemed unlikely to members that the separate complaint was a complete fabrication. Members were particularly concerned that this second complaint related to an incident just over 12 months after the incident which led to the trial. Members felt this showed that the applicant would repeatedly engage in unacceptable behaviour when driving a taxi and could not be trusted. Members noted a disturbing common fact between the two complaints: it was alleged that the applicant had engaged in inappropriate sexual conversation with lone female passengers.

7. Members considered that the sentiments in the Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing regarding trust and vulnerable passengers were relevant, along with the question about whether they would trust an applicant to drive a vehicle that their family would use. The policy made clear that complaints resulting in a police investigation may be taken in to account. Members noted that complaints about behaviour when driving a taxi would be viewed in a more serious light.

The applicant has 21 days from receipt of notice of the decision to appeal to the local magistrates' court.

Chair

Date

This page is intentionally left blank



Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Licensing and Public Safety Committee	3 February 2016

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to consider proposals to revise the existing Hackney Carriage and Private Hire Vehicles Conditions made following consultation with the trade on these conditions.

RECOMMENDATION(S)

That the Licensing and Public Safety Committee make a decision on the following:

- a) Approve the proposed layout of the vehicle conditions, including reasons for conditions.
- b) To note the comments made in the consultation in relation to conditions 5 (livery) and 8 (meters) and agree to retain the existing provisions.
- c) To note the comments in Paragraphs 18 to 27 and record that these matters have received due consideration by the trade and the Council and the current requirements remain relevant and should be kept unchanged.
- d) To consider the request to allowing an application to proceed before the Council's vehicle inspection, where the applicant wishes, but note the details in paragraph 28 to 35 and the risk to applicants that where the vehicle does not pass this inspection, as a full refund would not be made due to the costs incurred by the Council in administering the initial stages of the application. Also for members to consider the additional likelihood of conflict and stress to officers if this option is agreed and the potential legal implications of the decision where a refusal is challenged in the courts.
- e) Consider the comments made by the consultation in relation to conditions 2 (insurance), 3 (type approval), 16 (Doors), 17 (Seats) and 18 (Legroom) and agree whether each of the existing conditions should be altered or remain unchanged.
- f) Consider the inclusion of clarifying provisions within conditions 9 (Radios and Communication devices), 11 (Engine Compartment), 14 (Dashboard and Steering column) and 15 (Interior trim) and determine whether each of those inclusions should be agreed or dismissed.
- g) Consider new proposed conditions 21 (Emissions Standards) and 22 (Safety rating) and determine if these should be included in the vehicle conditions and if so, when these provisions should be implemented.
- h) Approve the removal of the engine capacity condition (Conditions 23).

EXECUTIVE SUMMARY OF REPORT

2. At the Licensing Liaison Panel (LLP) meeting on 15th June 2015 it was agreed to consult the trade on all the current Hackney Carriage and Private Hire Vehicle conditions in response to a number of comments and representations by the trade with regard to individual conditions.
3. A letter was sent to all drivers, vehicle proprietors and private hire operators requesting comments by the 31st July. 4 written responses were received and one further verbal

response was included following a request to chase up LLP members for comments after the close of the consultation.

4. The consolidated comments and the individual comments are attached in Appendix 1-5.
5. A further meeting of the Licensing Liaison Panel in September 2015 reviewed the comments and a further meeting in November 2015 considered the proposed wording of conditions.
6. An overarching comment related to the layout of the current conditions. Officers produced a revised layout, which includes reasons for the conditions, and it was agreed that the proposed format was clearer.
7. Attached (Appendix 6) is a copy of the revised conditions in the new layout and for the purposes of this report an additional column is included with information and discussion points for Members to assist in their decision making on the matters raised by the consultation. These items are identified as decision items for members.
8. After discussion it was agreed that some conditions should remain unchanged and these are identified as information items only.
9. Officers have also taken the opportunity to include additional conditions which assist in clarifying current requirements, where those requirements have previously been less explicit.
10. In addition, there are a number of additional conditions requiring consideration and a decision by the Committee which have been included to update the current conditions to reflect either current technology or appropriate standards.
11. A number of comments were received that do not relate specifically to the vehicle conditions and these are addressed in the body of this report.

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

CORPORATE PRIORITIES

12. 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

13. The current Hackney Carriage and Private Hire Vehicle Conditions have been added to and revised gradually over a number of years. The format of the existing conditions have been criticised as unclear and difficult for applicants to fully understand what the Council's requirements are.
14. At recent Licensing Liaison Panel (LLP) meetings, the trade has raised queries with regard to type approval and seating configuration conditions.
15. In June 2015, the Council launched a consultation on all vehicle conditions, contacted all drivers, vehicle proprietors and private hire operators asking for their views and comments on the current conditions.
16. A further meeting of the LLP in September was held to discuss the comments raised and agree actions by officers.
17. Draft conditions were produced and submitted to the LLP in November 2015.

COMMENTS MADE THAT DO NOT DIRECTLY RELATE TO VEHICLE CONDITIONS

The following issues were raised by the consultation and after discussion with the trade it was agreed that the existing conditions would not require any amendment:

18. **Insurance:** Vehicles must have specific hackney carriage or private hire insurance and evidence of continuous insurance for the term of the licence is required. The trade agreed that this was necessary. Officers can advise that on application of a new vehicle the applicant only needs to provide insurance information once all other application stages are completed to avoid unnecessary costs to the applicant. This means that the plates will not be handed over and the licence granted until this insurance information is provided to the Council.
19. **V5:** The applicant must provide a copy of the vehicle V5 (DVLA log book) in the applicant's name to the Council in order for the licence to be granted. Where this is not available because it has been sent to the DVLA for update, a copy of the V5 with the previous owner's details and the green slip is sufficient for licencing, the updated V5 must be presented to the Council within 6 weeks. The trade agreed that this condition does not require amendment.

The following matters were raised by the consultation and members are asked to consider those comments and retain the current provisions in relation to these items as they have been subject to a recent decision by the Committee:

20. **Refund of fees for change of vehicle:** This is not a vehicle type condition and a policy agreed by the Licensing and Public Safety Committee in March 2015 based on the fees review of 2014. The Committee resolved that the fee was representative of the cost of administrating the issue of the licence and did not reflect the length of time the licence was held. Therefore no refund was applicable once a licence was granted. Refunds are only applicable on withdrawal of an application or refusal of the licence. The Committee are asked to reiterate this policy decision.
21. **The Cost of the MOT and Taxi Test:** The Council's taxi test comprises an MOT and additional test, which must be done at the same time and by an approved garage, the law requires that the taxi test must be equivalent to or better than an MOT. The approved garages charge the full price of £54.85 and then they charge £10.25 for the additional checks that make up the Council's vehicle checks.
22. This same query about splitting the MOT and taxi test to allow proprietors to get a better price for the MOT element of the test is raised on a regular basis and was extensively consulted on in 2014. Splitting the test into parts for cost purposes would be unlawful because the Councils test must be equivalent to or better than a MOT, the councils vehicle inspection element of the test alone would not fulfil this requirement, if as proposed the proprietor were to provide an MOT certificate sourced at an alternative garage.
23. The current taxi test costs a total of £65.10. Part of our test is the MOT and the total charge reflects the cost to the garage of undertaking the test on our behalf. The garages have previously advised (during consultation in 2014) that in order to make it cost effective for the time the vehicle is occupying the ramp the overall cost of £65.10 is the minimum they can charge. If proprietors were to source the MOT separately then the approved taxi test garages would have to review the charge they make for the Council's taxi test element of the process, however, the test must be completed at the same time. Therefore the argument that applicants could obtain an MOT cheaper is irrelevant, because the test cannot be lawfully split.
24. Consultation with the Hackney Carriage Drivers Association in 2014 suggested that the overall cost of the test was comparable with that charged by other authorities.
25. **Group II medicals for drivers:** Drivers are required to undergo a DVLA Group 2 medical-the same as the requirements for HGV and bus drivers. In March 2015 the LPS Committee decided that these medicals are now required every 3 years at each driver licence renewal. The trade are opposed to this and think the Group II is too onerous, expensive and unnecessary and any medical should only be every 5 years.
26. The committee agreed in March 2015 that the group 2 medical was appropriate for drivers as they are carrying fee paying passengers. There were a number of cases where drivers had been found to have serious medical conditions which had not been picked up by normal doctor examinations. Members determined that regular group 2 medicals were appropriate to secure the health of drivers and protect the safety of the public. The use of Group 2 medicals for taxi drivers is the industry standard and recommended by the Department for

Transport as the appropriate level of testing. It is requested that the Committee reiterate the decision made earlier in the year as they have already given this thorough consideration.

27. **Reminder Letters:** The Council are phasing out sending reminder letters to drivers, proprietors and operators. The trade asked for reminders to continue. This is not directly related to vehicle conditions, but in March 2015 members agreed to phase out reminder letters because the expiry of the licence is clearly marked on the licences and the costs of sending out reminders for licence expiry, medical and DBS is an administrative cost which then has to be passed onto the trade. As with the proposals for medicals above, there was a consultation on these process changes in January 2015, the proposals were discussed at the Licensing Liaison Panel meeting in January and all comment made by those attending were incorporated into the committee report for members to consider. Members are asked to refer back to their policy decision in March 2015 and uphold the policy as agreed at that meeting.

PRE-INSPECTION

28. In 2014 a consultation was carried out with the trade on this issue and the results reported back to the Licensing Liaison Panel. It was agreed to retain the vehicle pre-inspection for the grant of a new vehicle licence, as many proprietors felt that this was a valuable free service, which allowed them to have the vehicle checked and assessed against all the Council's conditions before purchase and before paying for the application. The LPS Committee agreed that this process should remain in July 2014.
29. However, this current consultation has raised the concern that the need for the Council's inspection prior to beginning the application process can result in delays for applicants.
30. The proposal was to either extend the Taxi test to include all the elements of the inspection or to allow applicants to begin the application process before the inspection to reduce any potential delays.
31. If the existing taxi test were to be extended in relation to granting the vehicle licence, this would require consultation with the garages and a likely increase in fees for grants due to the additional time the test would take and the additional training requirements for the garage testers. This would likely lead to enforcement issues and would require significant procedural changes that may cause conflict in both the short and long term. The outcome of the previous consultation with garages in 2014 was clear that the garages were not willing to carry out the inspection in addition to the taxi test. However, once the proposed conditions in the new format are finalised and agreed by members then Officers commit to re-engaging with the garages on this point and reporting back to the LLP.
32. The proposal in the interim is to allow more flexibility in the current process, retaining the Council's inspection but allow new vehicle applications to proceed and the taxi test to be booked and carried out prior to the Council's inspection.
33. The vehicle proprietor would need to be advised of the risks that if the vehicle did not pass the inspection, even if the taxi test has been passed, then the vehicle could not be licenced and the proprietor would only be entitled to a refund of the application fee, minus an administration fee and also minus any fees paid for the taxi test, which under the current fee structure would effectively be a cost of £93.50. However, this would be the applicant's decision to make.
34. There is likely to be more involvement from officers, members and legal where there is conflict and protestations from applicants if a vehicle passes the taxi test but not the inspection and results in costs to the applicant. This will also increase conflict and stress to the Officers involved and members should be mindful of this in making their decision.
35. Any challenge of decisions made by officers in relation to the vehicle conditions following the vehicle passing the taxi test will be much more difficult to defend on appeal to the Courts and may leave the council open to criticism from the Courts.

IMPLICATIONS OF REPORT

36. 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

37. Under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may not licence a private hire vehicle unless it is satisfied that the vehicle is safe, comfortable, and suitable for use as a private hire vehicle and in a suitable mechanical condition. The Council can attach conditions which are reasonably necessary to a private hire vehicle licence under Section 48. Conditions which are reasonably necessary can be attached to a hackney carriage vehicle licence under Section 47 of the 1976 Act. The Council has the power under Section 50(1) of the 1976 Act to require that the owner of a private hire vehicle or hackney carriage presents the vehicle for inspection and testing at a location specified by the Council within the Council’s area. This is limited to three occasions per year. Failure to present vehicles without reasonable excuse is an offence.

COMMENTS OF THE FINANCE OFFICER

38. No Comments received.

JAMIE CARSON
 DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Lesley Miller	5299		***

This page is intentionally left blank

APPENDIX 1- CONSOLIDATED CONSULTATION MATRIX FOR LICENSING LIAISON PANEL – CONSULTATION ON TAXI LICENCING POLICIES AND CONDITIONS

June/July 2015

ITEM NUMBER	What is the Policy/Condition you wish to change? If possible please reference the paragraph no. from the policy/condition documentation	How does this policy/condition impact on your ability to operate a private hire or hackney service	How do you propose we change it? Please propose the wording you would wish to see in any alternative condition/policy	CONSULTEE DETAILS
1	Door signs- fixed permanently	These should be magnetic Don't want to put nicer cars as marks and damages paintwork/ private use	If they are magnetic, the car can be used for personal use. Allow magnetic livery & smaller	Yaqoob Illahi Shakail Ahmed
2	4 doors and separate doors (minibus)	More vehicles available and range	Minibus with 3 doors, 2 passenger side and 1 driver	Shakail Ahmed
3	Fire extinguisher	Dangerous	Remove	Shakail Ahmed
4	Insurance write offs Insurance write offs and ,mileage history	Some vehicles are written off on the cost basis Restricts markets and expense, sometimes no damage	These vehicles can be repaired and once repaired, they are tested by VOISA and also are taxi tested where the panels and the other work come into the test. Allow vehicles on that have been categorised 'D'	Yaqoob Illahi Shakail Ahmed
5	engine size/ capacity 1200cc	Due to modernisation of vehicles this needs to be reviewed Small engine cars, Hybrid& electric	If the car is powerful enough to take 4 people then engine size should not come into it. Review policy Remove	Yaqoob Illahi Yellow Cabs Shakail Ahmed

6	Seating for more than 4 passengers	<p>Some cars can be used. New 6 seaters have folding rear seats Restriction of trade. Unfair competition, it has no logical reason, comfort is not an issue as more comfort than pull out seats in black cab and far bigger. Cost of 8 seater much more expensive</p> <p>I do believe that if a vehicle has been tested and checked to accommodate 5,6,7 people then the Council should licence it to carry such number of passengers. The vehicles in questions will have been tested extensively by several leading organisations and passed these tests and checks before coming/marketed to carry such a number of passengers.</p> <p>The newer model of Ford galaxy does not meet the conditions, however the older model (pre-06) does, this is anomalous and prevents newer vehicles being licenced</p>	<p>If the car is made for that purpose, it is type approved by the government. We should be able to get it licensed. In order to get new 6 seaters which have seats capable of being stored within the confines of the body of the vehicle, that vehicle is more cost effective to run than the 8 seaters e.g. the transit. Scrap it</p> <p>If a vehicle has been converted on log book (V5) then it should be accepted for that number of passengers or as a W/C vehicle or a minibus without further paperwork being required.</p> <p>Review these provisions to look more closely at newer models and their appropriateness for use.</p>	<p>Yaqoob Illahi</p> <p>Yellow cabs</p> <p>Shakail Ahmed</p> <p>Coopers</p>
7	7 inch leg room	<p>This effects lots of vehicles used for taxi Totally unnecessary as vehicles are different and all drivers are different Get rid of 7" rule has no council that I now of has this daft rule</p>	<p>This 7 inch leg room should be taken off the rules because there are cars like the Skoda Octavia which has less than 7 inch leg room yet it is a popular car used for taxi even in Chorley Scrap it</p>	<p>Yaqoob Illahi</p> <p>Yellow cabs</p> <p>Hackney Carriage Association</p>

8	Cost of MOT test section of test	Very expensive, price fixing by Council garages willing to do cheaper	Negotiate new prices with garage Allow trade to get better prices	Shakail Ahmed
9	Meters	Cost Calibration certificate for meters every 6 months. again over the top. no need. Cost and unnecessary time for meters	When meters are fitted, they are calibrated and are electronic so you cannot adjust them yourself. I don't see the sense in getting them calibrated every 6 months. It puts extra cost on the owner. Once fitted these cannot be altered without key (agents only)	Yaqoob Illahi Hackney Carriage Association Shakail Ahmed
10	Drivers insurance	Cost	If the insurance companies allow you to drive social, domestic and pleasure then I think the council should allow you to drive so long as it is not being used as a taxi.	Yaqoob Illahi
11	Vehicle Pre-inspection	Delays in licensing vehicles, drivers working Get rid of PRe inspection of vehicles by I.o .before going for taxi mot Test	Scrap it Make application forms available at one stop shop	Yellow cabs Hackney Carriage Association
12	Waiting for V5	Green slip and receipt of purchase should be enough	Scrap it	Yellow cabs
13	Type approval and structural specification	Expensive vehicles Expensive approval	Modifications from a 14 seater to 8 seater accepted	Shakail Ahmed

14	General Vehicle Type conditions	Not understandable, bit of a mess	Simplify the regulations	Shakail Ahmed
15	Refund of plate when returned Fees, replacement vehicles	Refund should be available if vehicle is removed form fleet. Remaining plate fee should be returned 6month licences paid for if u change vehicles before no refund why? Money lost, taken by Council	Change it Refund licence money that is remaining or transfer	Yellow Cabs Hackney Carriage Association Shakail Ahmed
16	Group 2 medicals, class 2 and W/C badge	Totally unnecessary. Doctors medical is sufficient for driving in accordance with DVLA medicals every 3 years again over the top we would like to see medical every 5 years. Struggling to get staff, driver class 2 takes too long	Scrap it Normal drivers medical & remove W/C section badge. Under class 2 too many issues are being highlighted which are not necessary affecting drivers but are taking a lengthy time to resolve. NHS waiting list are long already without Chorley Taxi drivers adding to time for treadmill tests and other non-important tests when doctors could be doing things far more useful.	Yellow Cabs Hackney Carriage Association Shakail Ahmed

17	Reminders	Council should still be doing this as previously and working with trade to improve instead of being a restrictive practice.		Shakail Ahmed
----	-----------	---	--	---------------

This page is intentionally left blank

LICENSING LIAISON PANEL – CONSULTATION ON TAXI LICENCING POLICIES AND CONDITIONS

June/July 2015

Name Yaqoob Illahi

Address 40 Botany Brow Chorley PR6 0JW

Please use as many sheets as you need and mark the page number as above

Appendix 2- Response from Yaqoob Illahi

LICENSING LIAISON PANEL – CONSULTATION ON TAXI LICENCING POLICIES AND CONDITIONS

June/July 2015 Name Yaqoob Illahi Address 40 Botany Brow Chorley PR6 0JW

Please use as many sheets as you need and mark the page number as above

What is the Policy/Condition you wish to change? If possible please reference the paragraph no. from the policy/condition documentation	How does this policy/condition impact on your ability to operate a private hire or hackney service	How do you propose we change it? Please propose the wording you would wish to see in any alternative condition/policy
9 door signs	These should be magnetic	If they are magnetic, the car can be used for personal use.
10 g write offs	Some vehicles are written off on the cost basis.	These vehicles can be repaired and once repaired, they are tested by VOISA and also are taxi tested where the panels and the other work come into the test.
10 i engine size		If the car is powerful enough to take 4 people then engine size should not come into it.
10 r seating	Some cars can be used.	If the car is made for that purpose, it is type approved by the government. We should be able to get it licensed.
10 s seating	New 6 seaters have folding rear seats	In order to get new 6 seaters which have seats capable of being stored within the confines of the body of the vehicle, that vehicle is more cost effective to run than the 8 seaters e.g. the transit.

Please return to Chorley Council – via email at contact@chorley.gov.uk ;by hand to Civic Offices Union Street Chorley PR7 1AL no later than Friday 31 July 2015

LICENSING LIAISON PANEL – CONUSLTATION ON TAXI LICENCING POLICIES AND CONDITIONS

June/July 2015

Name Yaqoob Illahi

Address 40 Botany Brow Chorley PR6 0JW

Please use as many sheets as you need and mark the page number as above

10 w 7 inch leg room	This effects lots of vehicles used for taxi	This 7 inch leg room should be taken off the rules because there are cars like the Skoda Octavia which has less than 7 inch leg room yet it is a popular car used for taxi even in Chorley
32 meters	Cost	When meters are fitted, they are calibrated and are electronic so you cannot adjust them yourself. I don't see the sense in getting them calibrated every 6 months. It puts extra cost on the owner.
34 drivers	Cost	If the insurance companies allow you to drive social, domestic and pleasure then I think the council should allow you to drive so long as it is not being used as a taxi.

This page is intentionally left blank

YELLOW CABS NORTHWEST LTD

Houghton street. Chorley
Tel 01257 266566
yellowcabs@live.com



Dear Simon

Please Note we have spoken to our drivers etc and they are in agreement with the contents of enclosed forms. Rather than photo copy 22 this is the opinion of us all.

Simon J. Price *A.R.*

Also the opinion of
Chorley Autocare Ltd.

John [Signature] *[Signature]*

Trading address

Houghton st. Chorley Lancs,

Pr6 org

Registered office

Vantage house, East terrace

Euxton lane. Pr7 6th

Company number

7506978

VAT, 8547679770

LICENSING LIAISON PANEL – CONSULTATION ON TAXI LICENCING POLICIES AND CONDITIONS

June/July 2015

Name.....

Yewens Cars

Address: Hushkton St. Chorley

Chorley

Page 1 of 2

Please use as many sheets as you need and mark the page number as above

What is the Policy/Condition you wish to change? If possible please reference the paragraph no. from the policy/condition documentation	How does this policy/condition impact on your ability to operate a private hire or hackney service	How do you propose we change it? Please propose the wording you would wish to see in any alternative condition/policy
The vehicle check	Delays, in licensing vehicles, drivers become, .	Scrap it. Make application forms available at one stop.
Waiting for the V5	Green slip a receipt of purchase should be enough.	Scrap it.
6 seater vehicles eg. Zafira, Galaxy	Restriction of trade. unfair competition if as no logical reason comfort is not an issue as more comfort then put out seats in black cab and for bigger. 8 seater cost of 8 seater much more expensive	Scrap it.
Group 2 medicals	Totally unnecessary Doctors Medical is sufficient for driving in accordance with the DVLA.	Scrap it.

June/July 2015

Name.....

Address.....

Page 2 of 2

Please use as many sheets as you need and mark the page number as above

What is the Policy/Condition you wish to change? If possible please reference the paragraph no. from the policy/condition documentation	How does this policy/condition impact on your ability to operate a private hire or hackney service	How do you propose we change it? Please propose the wording you would wish to see in any alternative condition/policy
7 th Rule	totally unnecessary as all vehicles are different - and all drivers are different	Scrap it
Refund of Plate when returned.	Refund should be available if vehicle is removed from fleet etc. Remains plate fee should be returned.	Change it.
/	/	/
1.2. Engine kermit	Due to modernisation of vehicles thus needs to be reviewed.	Review it.

This page is intentionally left blank

Appendix 4- Hackney Carriage Association consultation response

Thank you so much for your consultation response.

We will be assessing all responses next week and then bring the collated information to the next Licensing Liaison Panel for further discussion.

Lesley Miller

Regulatory Services Manager

Chorley Council

C 01257 515151 | chorley.gov.uk

Chorley Flower Show 1-2 August - [get your tickets here](#)

-----Original Message-----

From: Charles Oakes [mailto:bbha@btinternet.com]

Sent: 30 July 2015 15:20

To: Lesley Miller; Simon Clark

Cc: bbha@btinternet.com

Subject: Chorley Council consultation

Dear Ms L Miller

We enclose the Changes to licensing conditions. And wish the council to take into consideration the following.

1. Get rid of 7" rule has no council that I now of has this daft rule.
2. Get rid of PRe inspection of vehicles by I.o .before going for taxi mot. Test.
3. 6month licences paid for if u change vehicles before no refund why?
4. Calibration certificate for meters every 6 months. again over the top. no need.
- 5 medicals every 3 years again over the top we would like to see medical every 5 years.

Sent from my iPad

This page is intentionally left blank

LICENSING LIAISON PANEL – CONSULTATION ON TAXI LICENSING POLICIES AND CONDITIONS

June/July 2015 Name: Shahid Ahmed Address: Riving Lane Chorley Page 1 of 3

Please use as many sheets as you need and mark the page number as above

What is the Policy/Condition you wish to change? If possible please reference the paragraph no. from the policy/condition documentation	How does this policy/condition impact on your ability to operate a private hire or hackney service	How do you propose we change it? Please propose the wording you would wish to see in any alternative condition/policy
4.8 DOOR SIGNS FIXED PERMANENTLY.	DON'T WANT TO PUT NICER CARS AS MARKS + DAMAGES PAINTWORK / PRIVATE USE	ALLOW MAGNETIC LIVERY + SIGNAGE
9.D+H. 4 DOORS + SEALABLE DOORS. (MINIBUSES)	MORE VEHICLES AVAILABLE + RANGE.	MINIBUSES WITH 3 DOORS 2 PASS SIDE + 1 DRIVER.
9.I ENGINE CAPACITY 1200cc	SMALL ENGINED CARS HYBRID + ELECTRIC	REMOVE!
9.K. FIRE EXTINGUISHER	JACKBOLTS.	REMOVE!
9.G. INSURANCE + MILEAGE WRITE OFFS. HISTORY	RESTRICTED MARKET + EXPENSE, SOMETIMES NO DAMAGE	ALLOW VEHICLES ON THAT HAVE BEEN CATEGORISED "D" CAT.

LICENSING LIAISON PANEL – CONSULTATION ON TAX LICENSING POLICIES AND CONDITIONS

Name: SNAHAN AMONG

Address: Pinny Lane

Page 2 of 3

Please use as many sheets as you need and mark the page number as above

What is the Policy/Condition you wish to change? If possible please reference the paragraph no. from the policy/condition documentation	How does this policy/condition impact on your ability to operate a private hire or hackney service	How do you propose we change it? Please propose the wording you would wish to see in any alternative condition/policy
3.1.2 METERS, CALIBRATION CERTS	COST + UNNECESSARY TIME FOR METERS.	ONCE FITTED THESE CANNOT BE ALICED ^{ALICED} WITHOUT KEY (AGENTS ONLY).
19.13 TYPE APPROVAL + STRUCTURAL SPECIFICATION	EXPENSIVE VEHICLES. EXPENSIVE APPROVAL	MODIFICATIONS FROM A 8 14 SEATER TO A 8 SEATER ACCEPTED.
DRIVERS MEDICAL CLASS 2 + W/C BADGE	STRUGGLING TO GET START, DRIVERS CLASS 2 TAXES TOO LONG	NORMAL DRIVERS MEDICAL + REMOVE W/C SECTION BADGE. * <u>PTO</u>
FEES, REFUNDMENT VEHICLES	MONEY LOST, TAKEN BY COUNCIL	REFUND LICENSE MONEY THAT IS REMAINING ON TRANSFER
COST OF MOT TEST SECTION OF TEST	VERY EXTENSIVE, PRICE FIXING BY COUNCIL GARAGES WILLING TO DO CHEAPER	NEGOTIATE NEW PRICES WITH GARAGE. A NEW TRADE TO GET BETTER PRICES

P.T.O

UNDER CLASS 2 RULES TOO MANY ISSUES ARE BEING HIGHLIGHTED WHICH ARE NOT NECESSARILY AFFECTING DRIVERS BUT ARE TAKING A LENGTHY TIME TO RESOLVE.

NHS WAITING LISTS ARE LONG ALREADY/ WITHOUT CHORLEY TAXI DRIVERS ADDING TO TIME FOR TREADMILL TESTS AND OTHER NON IMPORTANT TESTS WHEN DOCTORS COULD BE DOING THINGS FAR MORE USEFUL.

REMINDERS

COUNCIL SHOULD STILL BE DOING THIS AS PREVIOUSLY AND WORKING WITH TRADE TO IMPROVE INSTEAD OF BEING A RESTRICTIVE PRACTISE.

LICENSING LIAISON PANEL - CONSULTATION ON TAXI LICENSING POLICIES AND CONDITIONS

Name: Shakira Ahmed

Address: Pivory Lane

Page 3 of 3

June/July 2015

Please use as many sheets as you need and mark the page number as above

What is the Policy/Condition you wish to change? If possible please reference the paragraph no. from the policy/condition documentation	How does this policy/condition impact on your ability to operate a private hire or hackney service	How do you propose we change it? Please propose the wording you would wish to see in any alternative condition/policy
9, R, S, T, U, V, W, X, Y, Z J K	NOT UNDERSTANDABLE BIT OF A MESS.	SIMPLIFY THE REGULATIONS
I DO BELIEVE THAT IF A VEHICLE TESTED + CHECKED TO ACCOMDATE THEN THE COUNCIL SHOULD LICENSE SUCH NUMBER OF PASSENGERS.	THE VEHICLES IN QUESTION WILL HAVE BEEN TESTED EXTENSIVELY BY SEVERAL LEADING ORGANISATIONS + PASSED THESE TESTS + CHECKS BEFORE COMING / MARKETED TO CARRY SUCH & NUMBER OF PASSENGERS.	HAS BEEN 5, 6, 7 PEOPLE IT TO CARRY
IF A VEHICLE HAS BEEN CONVERTED IT SHOULD BE ACCEPTED FOR THAT OR AS A W/C VEHICLE OR A MINIBUS PATRONS BEING REQUIRED.	ON LOG BOOK (VS) THEN NUMBER OF PASSENGERS.	WITHOUT FURTHER

DRAFT -Taxi Licensing Vehicle Conditions

There are a number of distinctions between licences for Private Hire and Hackney Carriage Vehicles and these will be identified as appropriate. However, many of the requirements for licensing are the same for both vehicle licences.

The table of conditions will make clear where there is any distinction between conditions which are only applicable to or vary between Private Hire Vehicles and Hackney Carriage Vehicles.

Before a vehicle can be granted a licence it must undergo an inspection by a Council Officer to ensure compliance with all conditions below. It is recommended that this inspection is carried out prior to application to reduce the likelihood of the vehicle being refused a licence at the point of inspection once the administration of the licence has already begun, as the applicant would not be eligible for a full refund at that stage.

Any wording in italics are suggested conditions to provide additional clarity for proprietors, **those also in bold , or wording that has been struck-through is in response to the vehicle conditions consultation undertaken in Autumn 2015, all of which will be subject to approval by Committee.*

Condition	Reason for Condition	Discussion and Info for Member's Consideration in relation to Trade Consultation
<p>1. Colour:</p> <p>a) All Hackney Carriage Vehicles must be white in colour except where the vehicle is a WAV, where other colours are permitted.</p> <p>b) Private Hire Vehicles may not be white in colour, unless it is a stretched limousine or other similar vehicle.</p> <p>c) Bizarre or garish colour schemes will not be permitted.</p>	<p>To ensure a clear distinction for the public between Hackney Carriage Vehicles and Private Hire Vehicles.</p> <p>To maintain the professional and respectable reputation of the taxi trade within Chorley.</p>	<p>No comments made by the consultation on these conditions</p>
<p>2. Insurance write offs and accident damage:</p> <p>a) Vehicles that have been categorised as 'write offs' by any insurance company at any level, <i>except Category 'D'</i>, will not be considered for licensing.</p> <p>b) <i>Where the vehicle shows signs of accident damage but has not been subject to an insurance write off or is subject to a category 'D' write off, the Council may</i></p>	<p>To protect public safety, vehicles subject to insurance write off must be identified.</p> <p>In order to protect public safety any vehicle that shows signs of accident damage or has been categorised as 'D' insurance write off would need to be</p>	<p>Decision by Members- The following conditions were discussed in the consultation and the following LLP meetings and the Committee are asked to make a decision on retaining the current conditions or approving alternative conditions:</p>

use its discretion and licence the vehicle where the vehicle passes a further mechanical and structural assessment, including assessment of road worthiness and handling. The testing must be conducted by a qualified independent expert who must be able to demonstrate that they have responsibility for insurance assessment and collision investigation. The assessor must provide details of their professional indemnity insurance. A copy of the original insurance assessment document must also be provided to the Council as part of the application and also made available as part of the additional assessment process.

c) *All vehicles must be checked against HPI and a full printed report submitted as part of the application to the Council to confirm whether the vehicle has been subject to an insurance write off.*

tested to demonstrate that the vehicle is safe for fee paying passengers and structurally sound in that it is comparable with another vehicle of the same age, make and model that has not been subject to accident damage. The assessor will need information pertaining to who has been involved in the repairing of the vehicle to ascertain the extent of the original damage and also the details of the subsequent repair as we need to be satisfied that the repair has been completed to a manufacturer standard / industry standard. With specific reference to the vehicle, the assessor is required to answer the following questions in order for the Council to determine if the accident repair is of a sufficiently high standard to allow the vehicle to be licenced for conveying passengers:

- Details of the extent of the repair
- The quality of the repair- Are the replacement and repaired bodywork panels fitted correctly and are the gaps between those panels fitted to within normal tolerances equivalent to those associated with the vehicle when it was first manufactured?
- Is the repair to industry standards?
- Is the vehicles integrity in

Category D Insurance write off: The existing condition precludes the licensing of any vehicle that has been subject to an insurance write off, at any level, for use as a hackney carriage or private hire vehicle. The trade has asked the Council to amend this condition to allow repaired category 'D' write offs to be used on the grounds that the repairs are tested using the taxi test. The trade are also claiming that this will give them access to more vehicles.

Currently, the wording of the existing condition is such as to avoid any ambiguity with regard to the reason or extent of the damage and reduce officer time in having to investigate the details of any write off. The comments suggest that once repaired the vehicle is fit for use as a passenger vehicle, but the existing taxi test would not be sufficient to ensure that the vehicle is structurally sound to a standard of a comparable vehicle that has not been subject to accident damage. An additional survey would be required to demonstrate that the vehicle is safe for both the driver and fee paying passengers. Members may want to consider allowing category 'D' write offs, but in order to protect public safety and ensure the Council has fulfilled its duties, a condition relating to additional comprehensive testing of the vehicle would need to be added. The cost of this testing would have to be borne by the applicant. There would also be additional officer time in assessing the paperwork, reports and

	<p>relation to safety compromised in any way as a result of any damage the vehicle has sustained .</p> <ul style="list-style-type: none"> • Is the vehicles integrity in relation to safety compromised in any way as a result of any repairs to the vehicle? • Is the vehicles integrity in relation to safety comparable to that of a like vehicle that has not been subject to any damage or repair? Therefore, does the repair pose any additional risk to the driver, passenger or public compared to a vehicle of the same make and model that has not been subject to any accident damage? • Is the vehicles original safety rating compromised as a result of any damage or and repair, other than by normal wear and tear for a vehicle of this age and mileage. <p>In Summary, the Assessor must provide a recommendation as to whether the vehicle meets the quality and safety standards and confirm if there is any additional risk associated with the vehicle in comparison to a vehicle of the same make, model and year of manufacture that has not been subject to accident damage and subsequent repair.</p> <p>The cost of any additional testing would</p>	<p>potentially referring the matter an independent expert or to committee for a decision to be considered. Again any additional costs would need to be reflected in the licence fees. Members are urged to consider this request carefully and determine if the potential additional costs and risks outweigh the argument that more vehicles would be available to the trade. In particular, consideration should be given to the type and quality of vehicles the trade might present for licensing under this proposed relaxation of the current condition, could this result in a deterioration of the existing fleet and how widely available vehicles that are not subject to insurance write off are. If members are minded to agree to the inclusion of category 'D' insurance write offs, then the potential wording for the condition could be considered.</p> <p>Decision by Members- Members are recommended to include the proposed condition 2 c) to fill the gap left by the DVLA process change in relation to the removal of the Log book identification of category C and D write offs. The cost of this additional HPI check would need to be borne by the applicant, but members will note that this is a consequence of changes in policy and process at the DVLA which will otherwise make it impossible for either the applicant or the Council to identify such accident damaged vehicles by any other means.</p>
--	--	--

	<p>be borne by the applicant.</p> <p>The DVLA have changed their process and no longer reissue the V5 log book following insurance write off for either Category C or D. Therefore in order for the Council and the prospective/ new owner of the vehicle to determine if the vehicle has been subject to such write off an HPI check would be required.</p>	
<p>3. Type Approval and Vehicle Adaptations and Conversions:</p> <p>a) Any vehicle presented for licensing shall meet the technical standards for type approval to</p> <ul style="list-style-type: none"> i) European Whole vehicle type approval ii) British National type approval iii) British Single vehicles approval or iv) British Low volume type approval <p>b) The vehicle must have a capacity for at least 4 adult passengers.</p> <p>c) A vehicle that was designed and built for 5 persons will not be licenced for more than 4 passengers.</p> <p>d) The proprietor shall not permit the vehicle to be used to carry a greater number of passengers than that prescribed in the licence</p> <p>e) Chorley Council may licence a suitable vehicle for up to 8 passengers. Where such a passenger vehicle is a conversion or adaptation of such a chassis, the applicant must demonstrate that this conversion was undertaken prior to UK registration by a qualified conversion company and meets all necessary safety standards of the type approval.</p>	<p>All vehicles used for the carriage of passengers must have the relevant Type Approval, which determines the vehicles structural suitability for this purpose.</p> <p>The vehicle will be licenced to carry the number of passengers it was specifically designed to carry in order to protect public safety.</p> <p>Many versatile chassis are built by manufacturers with the ability to be used in any number of ways, and the chassis will be given a specific approval type which demonstrates its suitability for safe conversion to a number of configurations. As such these vehicles are often converted to transport more than 4 passengers.</p> <p>The existing condition was agreed to prevent a vehicle being used for one purpose and then converted a number of years into its life as a passenger vehicle, as the authority cannot then</p>	<p>Decision by Members- The following conditions were discussed in the consultation and the following LLP meetings and the Committee are asked to make a decision on retaining the current conditions or approving alternative conditions:</p> <p>The matter of type approval of converted vehicles has been raised in this section. This is a complicated matter, because a chassis is given an approval from the manufacturer which allows for the vehicle to then be converted into a number of different configurations. The Council’s existing conditions require that the conversion is undertaken prior to UK first registration. The condition needs to be clearer to state that a conversion certificate is necessary to demonstrate this, so this wording has been proposed in 3 (f). The reason for the conversion prior to registration is that a conversion after this time will still show on the log book as a type approved vehicle. The Council must be satisfied</p>

<p>f) <i>In order to demonstrate that the vehicles is suitable and meets the requirements of 3 a) above, has been properly converted and meets all necessary safety standards, the applicant must submit a conversion certificate / certificate of conformity / type approval or other relevant document in relation to any conversion or alteration that has cause to alter that vehicle since its manufacture.</i></p> <p>g) No 'Q' plated vehicles will be considered for licensing.</p> <p>h) The proprietor shall not allow the mechanical and structural specification of the hackney carriage to be varied without the consent of an Authorised Officer of the Council. Unauthorised variations will result in the licence becoming immediately invalid.</p>	<p>verify that no other adaptations or structural changes have been made to the vehicle prior to the conversion to a passenger vehicle.</p> <p>The proposed condition would allow for conversion to be undertaken after UK registration but require the applicant to demonstrate that the vehicle meets type approval and safety standards by way of certification. The additional officer time associated with reviewing certificates and reports, employing independent experts to review such and compiling additional reports for the Licensing Committees would need to be met by the licensing fees.</p> <p>For safety reasons the Council will not licence a Q plated car because a Q plate denotes a kit car or rebuild, where the full traceability of the vehicle cannot be authenticated by the DVLA.</p>	<p>that the conversion is bona fide and meets the necessary safety standards for the vehicle to be used for carrying passengers and therefore the conditions relating to converted vehicles must reflect this and be robust enough to fulfil this requirement.</p> <p>Discussion with the trade has resulted in some suggestions with regard to allowing conversions after first UK registration where the appropriate conversion certification is provided.</p> <p>Members are asked to consider these proposals and the changes that this would have on conditions 17 (g) and (h) below.</p>
<p>4. Disabled & Wheelchair Access Vehicles:</p> <p>a) Where a Hackney Carriage Vehicle is licenced for Disabled and /or Wheelchair Access, then any replacement vehicle must also be of equivalent accessible design.</p> <p>b) Any vehicle incorporating a lifting device shall at first application provide a certificate of conformity issued in accordance with the LOLER Regulations 1998, and produce at any subsequent renewal a certificate of safety issued in accordance with LOLER Regulations 1998 and guidance to the satisfaction of the council.</p> <p>c) Vehicles presented at first licensing from 5th October 2010 intended to provide Disability access shall for</p>	<p>This DAV/WAV type for type replacement ensures that the disabled taxi provision is maintained.</p> <p>The requirement to comply with LOLER protects the safety of passengers using these lifting facilities.</p>	<p>No comments made by the consultation on these conditions</p>

<p>the purpose of Type 1 Disability Access will have the following:</p> <ol style="list-style-type: none"> i. Wheel chair means of access and egress and means of securing wheelchairs safely in the vehicle where all fixtures and fitting meet E1 Type Approval or equivalent. ii. A fixed bulkhead incorporating: <ul style="list-style-type: none"> • A partition screen • A pay point • Assisted means of communication. iii. Offer suitable accommodation for the provision of at least one adult size occupied wheelchair. iv. Suitable hand grips designed to be clearly recognisable to aid in the access and egress of passengers. v. Where the DAV/WAV is a Hackney Carriage a forward facing illuminated top sign permanently fixed to; or a built-in taxi sign as an integral part of the structure and operated by the taxi meter <i>(The top sign does not have to display the words Chorley Borough Council)?</i> vi. All vehicles will have 2 side passenger doors to access the rear compartment of the vehicle. vii. All seats must be accessible by a clear permanent opening of 400mm viii. All wheelchair accessible vehicles will have provision for at least two permanently fixed passenger seats in the rear compartment of the vehicle. ix. All vehicles will have been converted by a recognised coachbuilder / conversion company. x. Any ancillary equipment shall be capable of being stored securely and safely xi. All vehicles will be inspected and licensed at the 	<p>The conditions relating to the accommodation and fixing of wheelchairs protects the safety and comfort of passengers using these facilities.</p>	
--	---	--

<p>discretion of the Council,</p> <p>d) All vehicles of Type 1 or 2 Disability Access shall display the appropriate disability emblem in a prominent position on the vehicle.</p>	<p>Wheelchair Accessible Vehicles will be identified by use of a recognisable disability emblem on the plate.</p>	
<p>5. Identification plates & livery:</p> <p>a) The identification plate and livery shall remain the property of the Council at all times. The Plate will display the expiry date of the vehicle licence and therefore must be replaced at each renewal.</p> <p>b) The licence plate shall be affixed to the vehicle by the proprietor at his own expense, in the following manner:-</p> <ul style="list-style-type: none"> • at the rear of the vehicle, and • to the exterior of the vehicle, and • with the number facing to the rear, and • in a vertical plane, and • must be affixed by bolts or screws or other similar secure means as approved by the Council, in such a manner as to be easily removed by an Authorised Officer. <p>c) The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plate is clearly visible to public view at all times.</p> <p>d) Internal licence plate must be fixed to the dashboard not obscuring the drivers view or on the windscreen outside the swiped area.</p> <p>e) The internal disc must be fixed to the windscreen outside the swiped area not obscuring the driver's view with the expiry date information visible from the vehicle exterior.</p>	<p>The publication of the vehicle licence expiry on the licence plate allows the public, other proprietors and enforcement officers to easily see if the vehicle has a valid licence and reduces the risk of unlicensed but plated vehicles being used unlawfully.</p> <p>It is important for the public to be able to easily identify a Chorley Council licenced vehicle and distinguish between a Hackney Carriage and Private Hire by use of clear signage.</p> <p>A suitable internal licence display allows the passenger to confirm any details of the vehicle while travelling.</p> <p>The illuminated roof sign is a clear indicator to the public of the availability for hire of a Hackney Carriage.</p>	<p>Information for Members-</p> <p>The following issues were raised by the consultation and after discussion with the trade it was agree that the existing conditions would not require any amendment, no action required by members.</p> <p>Door signs: The request to consider magnetic door signs as opposed to fixed signage. The trade agreed that the door signage conditions should remain and that magnetic signage was not appropriate. Officers were to investigate the fading of the new door signs and resolve this matter with the supplier.</p>

<p>f) The vehicle shall display Council provided livery to the front driver and passenger door fixed in a readable position. The Council's door signs shall be fixed permanently to the vehicle and the use of magnets or other means of temporary fixing shall not be used.</p> <p>g) The proprietor shall cause to be fixed to the roof of any Hackney Carriage an illuminated sign bearing the words "CHORLEY BOROUGH TAXI" on both the forward and rearward faces of the sign. The sign shall be capable of being so operated that when the vehicle is engaged for hire, the sign is not illuminated, this operation shall be controlled by the meter.</p>		
<p>6. Exemptions to Signage Requirements:</p> <p>a) An Exemption Notice issued by Chorley Council, exempting a proprietor from the requirement to display the external licence plate on a private hire vehicle and the concurrent exemption for the wearing of the private hire driver's identification badge is granted subject to the licensed vehicle being operated in accordance with the following conditions:</p> <p>i. When operating under the exemption notice the internal plate issued by the licensing authority will be displayed on the nearside of the windscreen or dashboard so as not to obscure the drivers view.</p> <p>ii. The Exemption Notice issued by the Licensing Authority in respect of the licensed private hire vehicle will be carried in the vehicle at all times and will be produced upon request to any authorised officer or any police officer.</p> <p>iii. Other than the internal plate, the proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle without the approval of the Licensing</p>	<p>These conditions only apply to Private Hire Vehicles and would normally only be considered for stretched limousines and chauffeur driver executive saloons. Failure to comply with these conditions may result in the withdrawal of the exemption notice. Once an exemption notice has been issued the vehicle cannot be used for normal private hire work, it must be used exclusively for contract hire.</p>	<p>No comments made by the consultation on these conditions</p>

<p>Authority.</p> <ul style="list-style-type: none"> iv. The private hire vehicle licence plate will be affixed in a visible position within the boot of the vehicle and shall not be displayed externally whilst the exemption notice is in force. Upon request the licence plate will be shown to any authorised officer or any police officer. v. When issued with an exemption notice, the vehicle will not be required to display any other signs which the Licensing Authority may at any time require private hire vehicles to display. vi. No taximeter shall be fitted in the vehicle. vii. A table of fares/tariffs will not be displayed in the vehicle. viii. During the period of the exemption notice, the driver shall not wear the private hire driver's badge but will have it available for inspection by any authorised officer or any police officer on request. ix. At all times during the period of the exemption notice the driver of the vehicle will be appropriately dressed in either a formal chauffeur's uniform or a business suit with collar and tie. 		
<p>7. Other Signage:</p> <ul style="list-style-type: none"> a) Approved no smoking signage must be fitted internally to the vehicle for the benefit of all passengers. b) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions. c) Except where the sign: <ul style="list-style-type: none"> • contains no words or numbers other than the 	<p>The limitation on other signage reduces the likelihood of confusion or misunderstanding by the public by allowing clear observation of the signs relevant to the licence.</p>	<p>No comments made by the consultation on these conditions</p>

<p>name, address and telephone number of the operator of the vehicle or the name under which he carries on his business and his business address and telephone numbers;</p> <ul style="list-style-type: none"> • displays sponsored commercial advertisements, for which prior permission has been obtained from the Council. • displays an information sticker or disc describing membership of a taxi trade associations or similar taxi trade body is permitted in the windscreen of licensed hackney carriage and private hire vehicles provided that it is of such a size and in such a position so as not to obscure the field of vision of the driver. The display of such sticker or disc shall be limited to one per vehicle. <p>d) Any additional livery must not be above 12” measured from the bottom of the front passenger and driver door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door</p> <p>e) Every Hackney Carriage vehicle must display in a prominent position inside the vehicle, the Council’s table of fares in force at that time.</p>	<p>Where a meter is used to calculate a fare for a journey the passenger should be provided with information relating to the fares charged for that journey.</p>	
<p>8. Meters:</p> <p>a) All Hackney Carriage Vehicles must be fitted with a taximeter and this must be linked to the illuminated roof sign in order that the meter controls the illumination of the sign.</p> <p>b) Where any taximeter is fitted to any licenced vehicle, the meter must be calibrated and the table of fares shall be prominently displayed within the vehicle. Any fares should be previously agreed by the Council. The meter shall be bear the original seal(s) as fitted by the</p>	<p>A meter is used by a taxi to calculate the fare in accordance with the table of fares published by the Council. Once the meter is on the roof sign must not be illuminated in order to indicate to the public the vehicle is not available for hire.</p> <p>The meter must be calibrated and sealed to ensure that the correct fees are being calculated and the council</p>	<p>Information for Members-</p> <p>The following issues were raised by the consultation and after discussion with the trade it was agree that the existing conditions would not require any amendment, no action required by members.</p> <p>Meter Calibration: The requirement to produce the calibration certificate at renewal was</p>

<p>person authorised to carry out the calibration.</p> <p>c) The calibration certificate should be made available to an authorised officer upon request and provided at each vehicle renewal.</p>	<p>should be given sight of the certificate to validate the security of the system.</p>	<p>agreed as part of the new application forms and checklists submitted for consideration by the LPS Committee in March 2015. The trade accepted that in order to ensure conformity then the certificate should be submitted at each renewal. This does not require the recalibration of the meter, only the presentation of a valid calibration certificate.</p>
<p>9. Radios and Communication Devices:</p> <p>a) Where radios are used to communicate between the driver, proprietor or operator, the proprietor shall ensure that any radio equipment fitted to a vehicle is at all times kept in a safe and sound condition and maintained in proper working order.</p> <p>b) Any means of radio communication used by the proprietor or driver of a vehicle with respect to the operation thereof must be a means of radio communication using radio frequencies other than those licensed by the Department of Trade and Industry for use by Citizens Band Radio.</p> <p>c) The licensee shall not fit, carry or use any radio frequency scanning apparatus in or on a licensed vehicle.</p> <p>d) <i>The use of data-head systems as a means of dispatching vehicles and for drivers to remotely accept bookings and log journeys is permitted. All data recorded by the system shall be retained by the Operator or proprietor and available for inspection for a minimum of 2 years.</i></p> <p>e) <i>Where a mobile phone is used as a means for the driver to communicate with the proprietor or operator of the vehicle or any other person during the course of</i></p>	<p>Radios should be maintained to ensure that they can be effective for communication.</p> <p>The frequencies used must not interfere with other communication systems.</p> <p><i>New conditions relating to the use of data head systems and mobile phones need to be included. To reduce the likelihood and risk to public safety associated with the use of hand held mobile devices, hands free systems should be fitted which can be operated by single touch or voice activation.</i></p>	<p>No comments made by the consultation on these conditions.</p> <p>Decision by Members-</p> <p>Decision by Members- Members may want to consider the additional conditions 9 (d) – (e) suggested by officers to set standards required with regard to data-head systems and the use of mobile phones as the main means of communication of bookings. Members will need to consider recent complaints relating to driver’s use of mobile phones and the need to protect public safety.</p>

<p><i>a journey this must be by the use of hands free device which is limited to single touch or voice activation.</i></p>	<p><i>Reflect other legislative requirements on use of mobile phones while driving.</i></p>	
<p>10. Exterior Bodywork Condition:</p> <ul style="list-style-type: none"> a) No hole or tear of metal, or other items (e.g. trim) to be capable of injuring a pedestrian or passenger. This is to include doors, door panels (inside) etc. b) The bodywork, partially or wholly to show no discoloration that is beyond normal ageing, for the vehicles age/mileage in the opinion of the Authorised Officer. It is not acceptable for panels to be of contrasting colour e.g. panels, door skins, bonnet, that are replacements by 'second hand' or primer coated. c) No tape or other means of fixings to any parts of the vehicle will be accepted other than the vehicle's standard fixings. d) The vehicle must not be a convertible, i.e. have a soft top. e) Forward mounted driving mirrors must be fitted on both sides of the vehicle. The mirrors must be maintained at all times to ensure the driver has a clear view to the rear of the vehicle. f) The proprietor shall ensure that the vehicle shall be maintained in a sound mechanical and structural condition and be capable of satisfying the Council's Vehicle Inspection & Safety Test at all times. g) The proprietor shall ensure that at all times when the vehicle is in use or available for hire, it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with. 	<p>These conditions are to ensure the safety of passengers and protect the reputation of the fleet of licenced vehicles in Chorley.</p> <p>This is because convertible cars are usually on two door, not four door vehicles.</p> <p>Mirrors must be effective to ensure the safety of both passengers and the public.</p> <p>The vehicle must not show signs of rust, damaged or mismatched paintwork or have any sharp or jagged edges.</p> <p>Windows should not be chipped or scratched and the wipers must work effectively. The external fittings such as bumpers and light units must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licenced vehicles in Chorley.</p>	<p>No comments made by the consultation on these conditions</p>

<p>11. Engine Compartment:</p> <p>a) <i>The engine compartment should not have any loose wiring, cables or coverings. The engine and its components must be secure within the engine compartment.</i></p> <p>b) <i>There should be no signs of leakage of any fluids.</i></p>	<p><i>Suggested conditions to clarify matters considered by the vehicle inspection to support ensuring the safety of passengers and also the reputation of the fleet of licenced vehicles.</i></p>	<p>Decision by Members- Members may want to consider the additional conditions 11 (a) – (b) suggested by officers to clarify the standards required with regard to standards in the engine compartment.</p>
<p>12. Tyres:</p> <p>a) A vehicle must be fitted with at least four road wheels. This is to ensure the safety and comfort of passengers. Tyres must be road legal with a minimum tread of 1.6mm.</p> <p>b) Where the vehicle is designed to hold a spare wheel then a manufacturers approved spare wheel must be provided.</p> <p>c) The spare wheel must have a minimum of 3mm tread, be inflated to the correct pressure and maintained in a ready to use condition.</p> <p>d) Where there is no provision for a spare wheel then a manufacturer’s approved inflation kit will be accepted.</p>	<p>These conditions relate to safety for passengers and the public.</p>	<p>No comments made by the consultation on these conditions</p>
<p>13. Lights:</p> <p>a) All lights should be working in accordance with their designed function. There should be no loose connections, defective bulbs or LEDs or broken casings.</p>	<p>These conditions relate to safety for passengers and the public.</p>	<p>No comments made by the consultation on these conditions</p>
<p>14. Dashboard and Steering Column:</p> <p>a) The vehicle must not be left hand drive.</p> <p>b) Speedometer and odometer must be working correctly and illuminated.</p> <p>c) All settings to work and de-mist.</p> <p>d) Air-conditioning must be in working order where</p>	<p>Left hand drive vehicles may pose a safety risk the passengers and the public because they are not designed or specifically intended for driving on UK roads and as such does not provide the</p>	<p>No comments made by the consultation on these conditions.</p> <p>Decision by Members- Members may want to consider the additional conditions 14 (e) suggested by officers to clarify</p>

<p>fitted.</p> <p>e) <i>There should be no warning or service lights visible on the display when the ignition is switched on.</i></p>	<p>best driving position and visibility for the driver.</p> <p><i>Suggested conditions to clarify matters considered by the vehicle inspection to support ensuring the safety of passengers and also the reputation of the fleet of licenced vehicles.</i></p>	<p>the standards required with regard to interior trim.</p>
<p>15. Interior Trim Condition:</p> <p>a) The proprietor shall ensure that at all times when the vehicle is in use or available for hire, it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with.</p> <p>b) An interior rear mirror must be fitted. The mirror must be maintained at all times to ensure the driver has a clear view to the rear of the vehicle.</p> <p>c) All pedal rubbers should be fitted; none should be worn to the metal, or missing.</p> <p>d) An interior passenger light shall be fitted and operative.</p> <p>e) All floor covering should be secure, tear/hole free, appropriate and present no risk to safety.</p> <p>f) No noticeable/abnormal odours.</p> <p>g) <i>The vehicle should be watertight with no sign of water ingress or staining on the roof covering.</i></p> <p>h) <i>The roof covering and all trim around doors and sills etc. shall be suitably fixed in position. They should be clean and free from any damage.</i></p> <p>i) <i>There should be openable windows for passengers on each side of the vehicle and these shall be maintained in working order and be free from damage.</i></p>	<p>The internal fittings such as handles, trim and lights must be securely fixed with the appropriate fitment to ensure the safety of passengers and protect the reputation of the fleet of licenced vehicles in Chorley.</p> <p>Mirrors must be effective to ensure the safety of both passengers and the public.</p> <p><i>Suggested conditions to clarify matters considered by the vehicle inspection to support ensuring the safety of passengers and also the reputation of the fleet of licenced vehicles.</i></p>	<p>No comments made by the consultation on these conditions</p> <p>Decision by Members- Members may want to consider the additional conditions 15 (g) – (l) suggested by officers to clarify the standards required with regard to interior trim.</p>

<p>j) <i>The floor shall be provided with a proper carpet or other suitable covering that is not worn and is in such a condition as not to cause any passenger to trip or slip.</i></p> <p>k) <i>Any mats must be kept in clean condition and must be appropriately fitted so as not to cause any passenger to trip or slip.</i></p> <p>l) <i>All fittings and fixtures must be kept in a clean condition, well maintained and in every way fit for public use</i></p>		
<p>16. Doors:</p> <p>a) The vehicle must have at least 4 doors. It must have at least two side doors for the boarding and alighting of passengers in addition to a separate door for the driver.</p> <p>b) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain access or egress, or where such entrance or exit is sited over a fuel tank or high sill.</p> <p>c) Door catches must be secure at all times whilst being capable of easy operation by passengers.</p> <p>d) All door handles and levers shall be clearly visible and of a type consistent with those fitted to all other doors of the vehicle.</p>	<p>These conditions relate to the ease of ingress and egress from the vehicle for passengers and were considered by the Committee following inspection of different vehicles with varying configurations. The conditions were agreed to ensure the safety and comfort of passengers and allow all passengers unhindered access and exit from the vehicle.</p>	<p>Decision by Members- The following conditions were discussed in the consultation and the following LLP meetings and the Committee are asked to make a decision on retaining the current conditions or approving alternative conditions:</p> <p>Door Numbers and Configuration: The current conditions require vehicles to have at least 4 doors, two of which are for passenger use, the proposed wording is to remove the number 4, as this adds an element of confusion for applicants on the configuration of the vehicle. Members are asked to consider the wording in condition 16 (a) and make a determination if the wording should be changed.</p>
<p>17. Seats:</p> <p>a) All seats are to be secure. No movement will be allowed that compromises the safety and comfort of any passenger or driver.</p> <p>b) Seating for each passenger must be not less than 400mm (16”) with a minimum width, measured between the arm rests, or any other point that is</p>	<p>These conditions were agreed by Committee to ensure the safety and comfort of passengers</p>	<p>Decision by Members- The seat conditions were discussed in the consultation and the following LLP meetings and the Committee are asked to make a decision on retaining the current conditions or approving alternative conditions: The current condition (here as 17 (i) in the</p>

<p>protruding into passenger seating area, and be measured between the rear side passenger doors of not less than 1220mm (48").</p> <p>c) Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 400mm (16") measured in a straight line lengthwise on the front of each seat.</p> <p>d) Where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and those arms can be folded back or otherwise put out of use, the seat shall be measured as if it had not been fitted with such arms.</p> <p>e) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.</p> <p>f) All seats must be fitted with the manufacturer's head restraints to protect passenger safety in the event of an accident.</p> <p>g) No vehicle with rear or side facing seating will be considered for licensing except where that vehicle has been purposely constructed to accommodate such seating and holds a suitable vehicle type approval awarded prior to first UK registration as detailed below. In any event any vehicle presented with such seating arrangements will be licensed at the discretion of the council.</p> <p>h) Any vehicle application received for a vehicle licence for more than 4 passenger seats, that vehicle shall have been purposely constructed to accommodate such seating and hold a suitable vehicle type approval, awarded prior to first UK registration.</p>	<p>See reasons for Condition 3.</p>	<p>proposed updated conditions) were agreed by the LPS committee in 2012 where members were presented with a number of vehicles with additional rows of seating, such as the pull up seats in a Vauxhall Zafira or the Ford S-max type vehicles. Members determined at that time that these seats did not provide sufficient legroom for passengers and also the means of entry and exit from the seats was unacceptable because the row of seats in front needed to be lifted. There was also an additional risk of those seats falling back into position and trapping fingers etc. members agreed that for extended families the use of such vehicles as child seats was their purpose, but they were not suitable as passenger vehicles.</p> <p>The trade have asked that these conditions are reviewed so that 6 seater vehicles can be used. Officers have inspected a number of 6 seater vehicles from different manufacturers to inform the review. There were marked differences in the amount of legroom, foot space and access available for passengers in the 3rd row of seats, and there were also differences in the way the 2nd row moved to allow space for access and safe lifting and lowering of those seats. If Members are minded to allow discretion to licence those vehicles then Officers propose the changes to 17 (i) and additional conditions 17 (j), (k) and 18 (b) below, to ensure that passenger safety and comfort are maintained.</p> <p>Although not specifically mentioned, there has been previous discussion about rear facing</p>
---	-------------------------------------	---

<p> ð) The vehicle shall be of the original manufactures design and specification, every seat shall be regarded as a permanent seat <i>for the purposes of licensing.</i> and no seating shall be capable of being stowed within the confines of the body of the vehicle (except for purpose built Hackney Carriage Vehicles). </p> <p> j) <i>Where seating is capable of being stowed within the confines of the body of the vehicle the Council may use its discretion to licence the vehicle where it meets the foot-well and legroom provisions.</i> </p> <p> k) <i>Where additional stowable seating is used in the rear of the vehicle, the seats in front must lift as one unit in order to provide sufficient, easy and safe access to the rear seats.</i> </p> <p> l) No vehicle shall by any design or feature of that vehicle be capable to offer seating for more than the number of passengers as stated on the vehicle licence. Any modifications made to satisfy this requirement shall be made to the satisfaction of the council. </p> <p> m) Seats and upholstery shall be dry and have no obvious stains, rips, tears or holes. All upholstery shall match. </p> <p> n) <i>All original seating must be maintained in a clean and serviceable condition.</i> </p> <p> o) <i>Where seat covers are fitted they must be so designed and secured as to prevent any movement of the covering during use by passengers. They must be kept in a clean and serviceable condition and must be of a colour which is in keeping with the original trim of the vehicle.</i> </p> <p> p) <i>The law relating to child seats does not apply to taxis, children under 3 years old may travel</i> </p>	<p> This condition relates to the ease of ingress and egress from the vehicle for passengers and comfort for passengers during the journey and were considered by the Committee following inspection of different vehicles with varying configurations. The condition was agreed to ensure the safety and comfort of passengers. </p> <p> The proposed condition is in response to the consultation and offers some flexibility within the policy to allow vehicles with stowable seating to be considered where the vehicle has sufficient leg and foot space for a comfortable journey and is capable of easy and safe access to these seats by an average sized adult. </p> <p> <i>Suggested conditions to clarify matters considered by the vehicle inspection to support ensuring the safety of passengers and also the reputation of the fleet of licenced vehicles.</i> </p>	<p> seats (17 g), as these are not ordinarily permitted but the trade have advised that LCC do accept them for some of their contracts. Members may want to consider reviewing this condition to allow for rear facing seats where this is the design of the seating configuration and there is adequate ingress and egress for passengers. </p> <p> Decision by Members- Members may want to consider the replacement and additional conditions 17 (n) – (q) suggested by officers to clarify the standards required with regard to seating and also the legal position in relation to child passengers. </p>
---	---	--

<p><i>without a car seat or seat belt but must be on the back seat. Children over the age of 3 must wear an adult seat belt and may travel in either the front or the back passenger seats.</i></p> <p>q) <i>Where a passenger provides their own child seat the driver must ensure that it is properly fitted and secured for the duration of the journey.</i></p>	<p><i>Suggested conditions clarifying legal position with regard to child seats.</i></p>	
<p>18. Legroom:</p> <p>a) There shall be a minimum gap of 180mm (7") between the back of any forward seat and the front edge of any rear seating; this shall be measured when the front seating is in its furthest pushed back position. (Seating relates to the base of the seat as opposed to the back support of the seating arrangement).</p> <p>b) Each passenger must be able to place their feet into a foot-well, in order that sufficient legroom is available for a comfortable journey. A foot-well will be defined as a marked/ observable difference in level between the floor level where the base of the seat is fixed and the space where the passenger would place their feet.</p>	<p>This condition relates to the ease of ingress and egress from the vehicle for passengers and comfort for passengers during the journey and were considered by the Committee following inspection of different vehicles with varying configurations. The condition was agreed to ensure the safety and comfort of passengers.</p> <p><i>For this reason most stowable additional seating is unsuitable for the use of passengers as they do not usually provide sufficient leg room or a defined foot-well space.</i></p>	<p>Decision by Members- The following conditions were discussed in the consultation and the following LLP meetings and the Committee are asked to make a decision on retaining the current conditions or approving alternative conditions:</p> <p>The trade have asked for the removal of the existing legroom condition (18 a). Members will need to decide if they want to retain, amend or remove this condition after consideration of the potential impact on passenger safety and comfort. For information Officer have contacted other Lancashire authorities and a number of neighbouring local authorities also have legroom provisions:</p> <p>West Lancs - 200mm (8") (measured with front seat in a normal position) Preston - 200mm (8") (measured in the same way as Chorley) or 1500mm from the base of the rear seat to the front foot-well Lancaster - 200mm (8") (measured in the same way as Chorley) or 1500mm from the base of the rear seat to the front foot-well Fylde- 180mm (7") (measured from the front of the front edge of the seat to any seat or restriction in front of the seat)</p>

		<p>Hyndburn, Pendle and Ribble Valley responded that they do not have legroom conditions. Rossendale does not have a legroom condition.</p> <p>As with 17 above, the trade asked for a review of the conditions which prevents the use of stowable seats. If Members are minded to allow greater discretion in licensing vehicles with such configurations, then officers propose that a foot-well condition is added to safeguard passenger comfort.</p>
<p>19. Headroom:</p> <p>a) The height as measured between the rear seat and the height to the roof lining in a vertical plane must be not less than 860mm (34"). This shall be measured at the centre of a passenger seat situated between the two rear passenger doors.</p>	<p>This is to ensure the comfort of passengers.</p>	<p>No comments made by the consultation on these conditions</p>
<p>20. Luggage Space:</p> <p>a) Every estate type vehicle shall be fitted with the manufacturer's approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.</p> <p>b) Each vehicle must provide suitable and sufficient luggage space and a means of securing the luggage to prevent damage or injury</p>	<p>This is to prevent any injury to passengers where luggage may become dislodged.</p>	<p>No comments made by the consultation on these conditions</p>
<p>21. Emissions Standards:</p> <p>a) <i>Hackney Carriage Vehicles waiting on the rank are required to switch off engines (except in extreme weather conditions where heaters would be required for the welfare of the driver) in order to reduce air pollution emissions in the town centre.</i></p> <p>b) <i>Vehicles presented for licensing as taxis should meet a minimum Euro 5 emissions standard.</i></p>	<p><i>Proposed condition. Taxis provide a public transport service and as such are subject to a large number of journeys and high mileage. These vehicles have the ability to impact on the air quality of the district in the same way that any other public transport vehicle does. In</i></p>	<p>Decision by Members-</p> <p>Members may want to consider the additional conditions 22 (a) – (b) to seek improvements in air quality and consequently public health. If the principle of introducing these conditions is agreed by members then the timescales and a phased approach would need to be decided upon.</p>

	<i>the same way that fleet vehicles and public transport vehicles are required to meet a minimum emissions standards, vehicles licenced by the Council should also meet a minimum standard to ensure that the Council is fulfilling its duty in reducing harmful air emissions that impact on public health.</i>	
<p>22. NCAP Safety Rating:</p> <p>a) <i>Vehicles presented for licensing as taxis should meet a minimum NCAP European Safety rating of 4 stars.</i></p>	<i>The purpose of vehicle licensing is primarily to protect public safety.</i>	<p>Decision by Members-</p> <p>Members may want to consider the additional conditions 13 (a) suggested by officers to seek improvements in vehicle safety for drivers and passengers.</p> <p>If the principle of introducing these conditions is agreed by members then the timescales and a phased approach would need to be decided upon.</p>
<p>23. Engine Capacity:</p> <p>a) The engine capacity must be adequate for the loads to be carried. Accordingly, the vehicle should have an engine capacity of at least 1200cc.</p>	<p>Proposal to review this condition based on changes in vehicle technology that mean lower capacity engines, hybrid and electric vehicles may be suited to use as taxis.</p>	<p>Decision by Members-</p> <p>The following issue was raised by the consultation and after discuss with the trade it was agree that the existing conditions would be removed with approval from the Licensing and Public Safety Committee:</p> <p>Engine capacity: The condition required an engine capacity of at least 1200cc, the introduction of new vehicle technology makes this condition obsolete. Therefore members are asked to agree the removal of this condition.</p>



Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Licensing and Public Safety Committee	3 Feb 2016

**HACKNEY AND PRIVATE HIRE DRIVER LICENCE CONDITION:
DRIVER AND VEHICLE STANDARD AGENCY (DVSA) TEST**

PURPOSE OF REPORT

1. To review the current requirement for all new hackney and private hire driver licence applicants to successfully undertake the DVSA taxi driving test.

RECOMMENDATION(S)

2. Members are asked to consider the options provided in this report and determine whether the Council should continue to require the successful completion of the DVSA taxi driving test as a requirement before grant of a hackney carriage or private hire drivers licence.

EXECUTIVE SUMMARY OF REPORT

3. In 2011 the Council introduced a requirement for all hackney and private hire drivers to successfully complete the DVSA taxi Driver Test prior to and as part of a grant of licence.
4. Representations have been made from the taxi trade identifying issues in obtaining test dates from the DVSA and questioning the credibility of the test when applicant drivers have failed the test.
5. As part of the ongoing liaison and consultation with the trade, the Licensing and Public Safety Committee are asked to review this condition of a Private Hire and Hackney Driver Licence and determine if it should continue to be required.
6. Members are asked to consider two options:
 - Option 1 – Retain the requirement for driver licence applicants to successfully complete the DVSA taxi driver test.
 - Option 2 – Remove the requirement for driver licence applicants to successfully complete the DVSA taxi driver test.
7. Officers have considered alternative means of determining driver proficiency such as private test providers and NVQ/BTech courses. However these alternatives currently have an extended time period to completion and additional cost implications for the taxi trade (over £100)

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		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	
--	----------------	--

BACKGROUND

- 9. Private hire and hackney carriage taxis provide a vital public transport service and are subject to licensing requirements. Local Authorities have the scope to set reasonable requirements and attach appropriate conditions to the grant of a taxi service licence including driver licences.
- 10. For many years the Council relied solely on the provision of a standard DVLA UK Full Driver Licence in the light of any motoring conviction history to indicate a driver’s practical competency to drive a taxi.
- 11. In 2011 Members determined that, as professional drivers, applicants for a taxi driving licence should undertake and pass a higher threshold than that required by a standard UK driving test. The Department of Transport guidance cites the DVSA taxi driver test and the Licensing and Public Safety Committee agreed that successful completion of this test should be applied as a pre requisite to grant of a Private Hire or hackney Carriage driver licence.

BEST PRACTICE GUIDANCE

- 12. The Department of Transport Taxi and Private Hire Vehicle Best Practice Guidance (2010) provides guidance to local authorities on several aspects of taxi licensing.
- 13. In terms of driving proficiency the best practice guidance states: *“Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis”*.
- 14. There have been no revisions of this guidance in the interim and it is still valid.

OTHER LICENSING AUTHORITIES

- 15. Local Authorities have significant scope to apply conditions to taxi licensing requirements.
- 16. There are no national standard conditions and locally there is no agreement across Lancashire local authorities to adopt a consistent standard set of conditions.
- 17. Consequently there can be significant differences across proximate areas and this is the case in terms of taxi driver licence requirements. The table below outlines the requirement for additional driving proficiency requirements as a condition of licence across a number of Councils.

Local Authority	Driver Testing Requirement	Comment
Chorley Council	DVSA Taxi Test certificate	Driving proficiency test introduced in 2011
Ribble Valley BC	DVSA Taxi Test certificate	Introduced 2016 – previously required the ‘Steering to Success’ course
Rossendale BC	DVSA Taxi test certificate	Over 3000 taxi driver licences issued
South Ribble BC	NVQ/BTech or DVSA Test	Note the NVQ/BTech is not

		a practical assessment of driving proficiency
Preston CC	BTech Level 2	This is not a practical assessment of driving proficiency
Lancaster CC	NVQ Level 2	To be completed before for date of first renewal
Hyndburn BC	'Steering to Success' Course	Tailored theoretical course provided by local college
Fylde BC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Wyre BC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Pendle BC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Burnley BC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Wigan MBC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Bolton MBC	Basic DVLA Driving Licence	Subject to no significant driving convictions
West Lancashire BC	Basic DVLA Driving Licence	Subject to no significant driving convictions

18. Officers have contacted the local authorities who do not require any additional driving proficiency testing over and above the standard UK driving licence to understand on what basis they might consider an additional test. In general the response was that they would only look at additional driving test requirements if and when there was a significant level of complaints from service users regarding the standard of taxi driving in their areas.
19. Officers have considered the use of non-practical taxi driver assessments such as the BTech and NVQ route and whilst they provide useful learning on customer service they do not assess an individual's driving proficiency.'

TRADE OBJECTIONS

20. Several members of the taxi trade have expressed concerns with regard to this requirement which can be summarised as follows:
 - Time delay in obtaining an appointment to undertake the test
 - Proximity of available test centres
 - Credibility of the examiner and reasons for failing test

21. Officers have made contact with the Driving Standards Agency to raise some of these concerns and received the response below:

Thank you for your email of 18 December about test availability at Chorley test centre.

I've investigated the points you raised and spoken to the Area Operations Manager, Richard Bacon, about your enquiry.

The majority of taxi tests for the Chorley area are provided by our centre at Blackburn with Darwen due to the fact that Chorley is a small centre with less capacity. Waiting times are currently higher than desired due to an increase in demand for car tests; however we still generally provide taxi tests from Blackburn with Darwen on most days of the week. Although taxi tests are conducted at Blackburn with Darwen, candidates are free to nominate any council authority on their certificate at the end of the test.

Any taxi tests that have not been booked two weeks before their due date will generally be converted to standard car tests to ensure as many car tests are delivered as possible.

22. In terms of the credibility and reasons for test failure, it should be a matter for individuals to take up with the centre at the time and not one that the Council as Local Authority should get involved in, bearing in mind the test is provided by a national Government agency.
23. Officers have contacted trade representatives to provide specific written examples of the issues for further investigation, but to date no representations have been received.

OPTIONS

24. There are two options available to Members:

Option 1 – Retain the requirement for the successful completion of the DVSA taxi driving proficiency test as a pre requisite for the grant of a private hire or hackney carriage drive licence

Option 2 – Remove the requirement for the successful completion of the DVSA taxi driving proficiency test as a pre requisite for the grant of a private hire or hackney carriage drive licence

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

26. It is the responsibility of the taxi driver to pay for the DSA test, as such removing this requirement will not affect the Council's license fee or other budgets.

COMMENTS OF THE MONITORING OFFICER

27. The Council must not grant a private hire or hackney carriage driver licence unless it is satisfied that the applicant is:

- Fit and proper
- Has held a driving licence for a minimum period of 12 months

The fit and proper test includes considering previous convictions, medical fitness and the so-called knowledge test. It also includes driving proficiency. However there is no prescribed means of assessing this so it is up to the Council what test to apply. It may choose to rely on the fact that the applicant has a full UK Driving Licence for the minimum period. In Chorley as part of the fit and proper test applicants must usually have held a UK or EU Driving Licence for 3 years. Members may consider that this extended period, provided that the licence is clear of driving convictions, suggests that a level of proficiency has already been attained.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION STREETSCENE AND COMMUNITY

Background Papers			
Document	Date	File	Place of Inspection
Dept of Transport Taxi and Private Hire Best Practice Guidance	March 2010	online	https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance
Licensing and Public Safety Committee Minutes March 2011 Agenda Item 6	9 March 2011	Mod gov	http://mod/ieListDocuments.aspx?CId=564&MId=2528

Report Author	Ext	Date	Doc ID
Simon Clark	5732	20 January 2016	DVSAtest

This page is intentionally left blank