

## **LICENSING AND PUBLIC SAFETY COMMITTEE**

WEDNESDAY, 19TH JULY 2017, 2.00 PM  
COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES**

- 1 **MINUTES OF MEETING MONDAY, 27 MARCH 2017 OF LICENSING AND PUBLIC SAFETY COMMITTEE** (Pages 3 - 6)

- 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 **PUBLIC QUESTIONS**

Members of the public who have requested the opportunity to ask a question(s) on an item on the agenda will be asked to put their question(s) to the Committee. Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

- 4 **MINUTES OF THE GENERAL LICENSING SUB-COMMITTEES**

- A **MINUTES OF MEETING MONDAY, 27 MARCH 2017 OF GENERAL LICENSING SUB-COMMITTEE** (Pages 7 - 12)

- B **MINUTES OF MEETING WEDNESDAY, 24 MAY 2017 OF GENERAL LICENSING SUB-COMMITTEE** (Pages 13 - 16)

- C **MINUTES OF MEETING WEDNESDAY, 28 JUNE 2017 OF GENERAL LICENSING SUB-COMMITTEE** (Pages 17 - 20)

- 5 **TAXI LICENCE FEES AND CHARGES - REVIEW OF COST APPORTIONMENT** (Pages 21 - 34)

Report of the Director of Early Intervention and Support (enclosed)

- 6      **THE ALLOCATION OF A HACKNEY CARRIAGE VEHICLE LICENCE**      (Pages 35 - 44)
- Report of the Director of Early Intervention and Support (enclosed)
- 7      **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 Marion Lowe (Chair), Councillor Matthew Lynch (Vice-Chair) and Councillors Jean Cronshaw, Doreen Dickinson, Gordon France, Margaret France, Tom Gray, Mark Jarnell, Sheila Long, Adrian Lowe, Mick Muncaster, Steve Murfitt, Kim Snape, Ralph Snape and John Walker.

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<https://democracy.chorley.gov.uk/documents/s67429/Appendix%203%20Standing%20Orders%20Aug%2016.pdf> and scroll to page 48

**MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE****MEETING DATE Monday, 27 March 2017****MEMBERS PRESENT:** Councillor Marion Lowe (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Gordon France, Margaret France, Tom Gray, Hasina Khan, Sheila Long, Adrian Lowe, Mick Muncaster, Kim Snape, Ralph Snape and John Walker**OFFICERS:** Stephen Culleton (Lead Licensing and Enforcement Officer), Alex Jackson (Legal Services Team Leader), Stefanie Leach (Legal Assistant) and Nina Neisser (Democratic and Member Services Officer)**APOLOGIES:** Councillors Keith Iddon and Mark Jarnell**17.LPS.69 Minutes of meeting Wednesday, 1 February 2017 of Licensing and Public Safety Committee****RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 1 February 2017 be confirmed as a correct record for signature by the Chair.****17.LPS.70 Declarations of Any Interests**

Councillor Ralph Snape declared a personal interest on both items (5 and 7) on the agenda and he subsequently left the room and did not take part in the remainder of meeting.

**17.LPS.71 Minutes of the General Licensing Sub Committees****RESOLVED – That the minutes of the General Licensing Sub Committee held on 25 January 2017 and 8 February 2017 be confirmed as a correct record.****17.LPS.72 Hackney Carriage and Private Hire Vehicle Condition and Testing Requirements**

The Director of Early Intervention and Support submitted a report to the Licensing and Public Safety Committee to seek Members approval of a new Taxi Licensing Policy.

The Council's Lead Licensing and Enforcement Officer provided a verbal update at the meeting to amend recommendation (2b) in the report which would ensure that the consultation would not commence until the draft policy had been approved by the Director, Chair and Vice-Chair and the Executive Member for Licensing.

This report was presented in light of the Licensing and Public Safety Committee decision on 1 February 2017 to consolidate the existing Taxi Licensing Policies and at the same time adopt new conditions.

Members recalled making a decision at the meeting of the Licensing and Public Safety Committee on 1 February 2017, to consolidate a number of existing policies that dealt with the Licensing of Hackney Carriage Drivers, Vehicles and Operators. At the meeting, Members also determined to adopt a policy that dealt with the issue where licensed vehicles were persistently being presented with numerous advisory notes that were identified during the MOT part of the Council's Taxi Test. The specific requirement intended to address the concerns of the Members from the policy stated; 'the Council do not permit the vehicles to pass the Council's Taxi Test where there are Advisory Notes on the MOT carried out as part of the test. These must be resolved in the same way as failure issues must be rectified before that garage can mark the vehicle as passing the Taxi Test'.

Officers received representation from Parry Welch Lacey LLP Solicitors on behalf of Chorley Autocare Limited by way of a proposed claim for a Judicial Review towards that decision specifically and in relation only to that part of the policy that determined that vehicles were not able to pass the Council's Taxi Test where Advisory notes existed. The claim included other matters that were not part of the policy which were considered in the second report.

To address the proposed Judicial Review claim, Members were asked to remove the aforementioned criterion of application and renewal of Hackney Carriage and Private Hire Vehicles. Removing the criterion would assist in addressing the substantive claim contained in the representation received and reduce the justification to apply for the judicial review. The Council acknowledged that whilst the policy was introduced for very sound motives to protect the travelling public, there were ambiguities arising from the policy and the mode of its implementation may not be clearly understood.

Members were made aware that should they remove the relevant requirement, it would be appropriate for Members to approve the proposed Taxi Licensing Policy, which remained the same as the present policy with the removal of the highlighted requirement. Officers reminded Members that should the relevant criterion be removed and proposed Taxi Licensing Policy be adopted it would be in the absence of any consultation.

Following discussion, it was reiterated to Members that the MOT was the lowest required standard; however there was nothing to stop the council from implementing more than required. Members were reminded that public service vehicles experienced substantially more mileage than domestic vehicles and therefore there were concerns over the consistency of advisories. It was reiterated that the Council had the power to require vehicles to be tested up to three times per year at a testing garage within the borough as specified under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976. However this would raise questions over the feasibility of conditioning and managing a service schedule as this would not be cost effective due to the number of Private Hire and Hackney Carriage vehicles in the borough.

After careful consideration it was proposed by Councillor Adrian Lowe, seconded by Councillor Gordon France, and subsequently **RESOLVED (unanimously) to;**

**1. Approve the proposed Taxi Licensing Policy;**

2. Instruct officers to identify and propose a policy that would address the concerns that have been previously identified relating to the condition of vehicles, vehicle maintenance, and those vehicles that present for testing having advisory notes attached at the MOT test. To report back to the next Licensing and Public Safety Committee a proposed policy to address those concerns having carried out the appropriate consultation.
3. Such consultation would not commence until the draft policy had been approved by the Director in consultation with, Chair and Vice-Chair and the Executive Member for Licensing.

#### 17.LPS.73 Exclusion of Public and Press

**RESOLVED** – That the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972.

#### 17.LPS.74 Hackney Carriage and Private Hire Vehicle Testing Requirements that are Subject to a Proposed Claim for Judicial Review

The Director of Early Intervention and Support submitted report to inform Members of the representations received towards the Council's Taxi Licensing Policy and pre-action protocol letter relating to a proposed Judicial Review.

On 21 February 2017, officers visited the Council's approved Testing Garages to advise them of the new requirement. The Policy was generally well received by the testing stations, with the notable exception of Chorley Autocare Ltd who expressed objections to the policy.

On 14 March 2017, officers received a Proposed Claim for Judicial Review from Parry Welch Lacey LLP Solicitors on behalf of Chorley Autocare Ltd.

In light of the matters raised in the claim, the Licensing Officer consulted with the Executive Member for Licensing and took the view that to defend the claim was not in the public interest due to a number of factors included in the report. Members noted that removing the substantive reason for the Judicial Review (the requirement to resolve advisory notes as previously described) would largely neutralise the proposed Judicial Review claim, although there remained contentious issues.

Following discussion, Members were informed that Chorley Autocare had been reinstated as one of the Council's testing centres. Members were reassured that there were a number of options for action available to the council which would be considered for the drafting of policy for consultation.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Hasina Khan, and subsequently **RESOLVED (unanimously); that the report be noted.**

Chair

Date

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**MINUTES OF GENERAL LICENSING SUB-COMMITTEE****MEETING DATE Monday, 27 March 2017****MEMBERS PRESENT:** Councillor Marion Lowe (Chair) and Councillors Gordon France, Tom Gray, Adrian Lowe and Mick Muncaster**OFFICERS:** Stephen Culleton (Lead Licensing and Enforcement Officer), Alex Jackson (Legal Services Team Leader), Stefanie Leach (Legal Assistant) and Nina Neisser (Democratic and Member Services Officer)**17.LSC.107 Declarations of Any Interests**

No declarations of any interests were received for any of the items on the agenda.

**17.LSC.108 Procedure**

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

**17.LSC.109 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 grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**17.LSC.110 To Determine Suspension Notice Issued Under Section 61 (2b) of the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report to inform Members of the suspension with immediate effect of Private Hire (PHD) and Hackney Carriage Driver (HCD) Licences. Members had originally been invited to consider the contents of the report and determine the suspension/revocation of the PHD and HCD licences under Section 61 (2b) of the Local Government (Miscellaneous Provisions) Act 1976.

The Licence Holder attended the meeting to make his representations to the Sub-Committee through his solicitor.

The Lead Licensing and Enforcement Officer informed Members that subsequent to the report being published the Council had received a notice of appeal by the Licence Holder against the suspension of his driver licences with immediate effect made under officer delegated powers. As a result, the continued suspension or otherwise of both

driver licences was subsequently in the hands of the magistrates' courts subject to its powers. The Licence Holder's solicitor did not object to the hearing going ahead.

Members acknowledged that the appeal lodged at the magistrates' court meant that the issue of the suspension or otherwise of the Private Hire Driver Licence and Hackney Carriage Driver Licence was now out of the hands of the Sub-Committee. However, Members considered that based on the officer report and any representations which the Licence Holder and his solicitor may make that they could reach a view on whether they were satisfied that the Licence Holder was a fit and proper person. This would inform their view on whether to support officers in resisting the appeal or whether the appeal should not be opposed and any application for renewal be granted.

On 20 February 2017, Lancashire Constabulary informed Council Officers of the arrest of the Licence Holder on 17 February for assaulting a female child passenger in a licensed Chorley Private Hire vehicle. The Licence Holder was suspended from driving Hackney Carriage and Private Hire vehicles with immediate effect on the same day under the Local Government (Miscellaneous Provisions) Act 1976.

The Council's records indicated that the Licence Holder had held both his HCD and PHD Licences since August 2008. During this time, there was no record that the Licence Holder had previously come to the attention of officers.

The Licence Holder was invited to attend an interview at the Council offices in February 2017 to offer his account of the allegations that had been made against him. The Licence Holder responded through his solicitor who was in attendance with him at the meeting. Following his solicitor's advice, the Licence Holder did not answer officer's questions at that time and alternatively chose to provide a written statement in response to the complaint.

The Licence Holder was arrested on suspicion of a Section 39 assault on the young girl. He was interviewed by Lancashire Constabulary, where through his solicitor, gave a prepared statement in which he provided a detailed account of the events. He then gave a no comment answer to the remaining questions. This was not deemed conducive to ascertaining the facts of the alleged incident.

Lancashire Constabulary subsequently offered the Licence Holder a caution with a condition to write the young girl a letter of apology. He refused to accept the caution. He was bailed until 30 March with conditions not to contact the three people in his taxi or to enter the street where they reside.

The Licence Holder's solicitor informed the sub-committee that the Licence Holder had received no complaints during the years he had been a taxi driver. The Licence Holder accepted that he picked up an adult passenger with two children, who he had never taxed before, and the young girl insisted on sitting in the front passenger seat. It was reported that her mother approved this. When they arrived at the destination, the mother collected the fare whilst the young girl struggled to unfasten her seatbelt; the Licence Holder unbelted the seatbelt when he saw she was struggling and then kissed her hand, however he denied kissing her cheek. The solicitor reiterated that this was

not meant in a sinister or malicious way which was reflected by only being offered a caution from the police. The sub-committee were also reminded that the Licence Holder had young children of his own.

In addition, the Licence Holder's solicitor argued that the incident was only reported one day later which indicated a lack of urgency and therefore suggested that the Licence Holder did not act improperly.

The Licence Holder's solicitor believed that referring to the interview held on 27 February as a 'no comment' interview was an unfair assessment as the Licence Holder had provided a detailed response via his written statement. It was also argued that the Licence Holder's historic driving record suggested that he was fit and proper to hold his PHD and HCD licences and felt it unfair to suggest that this one incident be enough to revoke his licence.

Members were reassured that the Licence Holder had learnt a lot following this incident and were reminded that the criminal investigation was still ongoing. It was suggested that it would therefore be premature to determine whether the Licence Holder was improper and unfit and it was advised to give the benefit of the doubt until the pending investigation was completed.

The Licence Holder's solicitor pointed out that the offence with which his client had been investigated by the police was not a sexual offence.

Members expressed concerns regarding young children sitting in the front passenger seat of the taxi and reminded the Licence Holder of his responsibility when carrying young passengers to ensure they travel in the rear seats of the taxi at all times. Following queries, Members were reassured that the Licence Holder had no issues with writing a letter of apology and although the Licence Holder accepted kissing the girl's hand he did not accept the conditional police caution because he did not want to accept a caution for something he did not do as it would stain his licence.

The Lead Licensing and Enforcement Officer confirmed in response to a question from the legal officer that there had been no contact between the child's mother and the Council.

In response to a question from the legal officer the Licence Holder's solicitor explained that the handwritten statement within the agenda papers signed by the Licence Holder was silent on the issue of kissing the girl because it was produced in relation to a council investigation which was not criminal.

After careful consideration and taking into account all of the relevant factors, the Sub-Committee **RESOLVED to support officers in resisting the appeal and to authorise officers not to grant any application for renewal of the driver licences for the following reasons;**

- 1. The Licence Holder had admitted kissing the hand of the young girl in his taxi**
- 2. The Licence Holder admitted that this was not proper conduct**

3. **The Licence Holder had been driving a taxi for 9 years so should be fully aware of what behaviour was proper**
4. **The Council's policy on previous convictions calls for incidents in a taxi to be viewed in a more serious light**
5. **The Council's policy on previous convictions calls for persons to be free of convictions for assault for three years before being considered for a licence**
6. **Members did not accept that there had been any significant delay in the reporting of the incident by the child's mother**
7. **The child should have been carried in the rear of the taxi.**

Members further added that they would have been minded to revoke the Private Hire Driver Licence and Hackney Carriage Driver Licence for the above reasons had the matter not been subject of appeal.

**17.LSC.111 Application for the Grant of a Private Hire and Hackney Carriage Driver's Licence Made Under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report to the General Licensing Sub-Committee to enable Members to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence.

The applicant attended the meeting to make his representations to the Sub-Committee along with his representative.

In October 2015, the applicant submitted a piecemeal application for the grant of a Private Hire (PHD) and Hackney Carriage (HCD) Drivers Licence to the Council. The applicant declared one motoring conviction and failed to disclose a further two convictions that appeared on this DVLA licence, and failed to declare a number of historic offences. The applicant declared two historic convictions but failed to disclose a number of other historic convictions which were identified from his Disclosure and Baring certificate. The applicant's DVLA Group II Medical identified a medical condition that required further consideration.

The applicant previously held HCD and PHV Driver Licences with Chorley Council from October 2003 to September 2014, before these licences were allowed to lapse. The applicant previously appeared before Members to have a number of Hackney Carriage and Private Hire Driver Licence non-compliance and criminal convictions considered in 2003, 2006 and 2012. The decisions at these committees included strong warnings as to future conduct and failure to declare any convictions.

In the applicant's present application he declared one motoring conviction which was of concern to the Council, as his DVLA Driver Licence identified 3 current offences totalling 6 penalty points. The applicant also had a number of historic offences, ranging from 2001 to 2011 that had now been removed from his DVLA driver record. The sub-committee expressed concern that the applicant had a history of failing to notify the Council of the offences as he had a legal obligation to do so.

It was noted to members that the matters considered at the aforementioned sub-committee meetings were taken prior to the council's adoption of its present Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing adopted in November 2015. As this was an application for a grant of a PHD and HCD Licence and all of the convictions that the applicant failed to disclose as identified in his Disclosure and Baring certificate and DVLA driver history fell within the Council's Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing, they were required to be considered under this policy as a result.

There was no record within the applicant's licensing history that he did suffer or had any health issues. However, the medical supplied as part of the current application was referred to the Council's DVLA Group II Medical Consultant due to items on the medical requiring further assessment and clarification against the Group II standards. This identified a medical condition that had not previously been disclosed to the Council when required. Members were made aware that the Council had adopted different procedures in recent times which ensured that applicants and licence holders consulted with the Council's own Medical Advisor which could amount to the reason for why this was not addressed previously.

The applicant was regularly assessed by a specialist as recently as January 2016 for the medical condition identified on the most recent medical. As a result of this medical condition, the Council's Medical advisor recommended that any licences that may be granted to the applicant were limited to a period no longer than 12 months where a further medical assessment would be required prior to the licences being granted for a period not exceeding 12 months. Members were informed that the Medical Advisor's recommendation was made in isolation of the applicant's licensing history.

Following discussion between the applicant's representative and a Council Officer in March 2017, there was concern that the applicant did not recognise that he had a medical condition and the potential effect this had on the applicant's ability to notify the Council as a result. Members expressed concern at the risk and reiterated the importance of the obligation to report changes in circumstance to the council.

In addition, the Council's One Stop Shop staff described the applicant as a being difficult and presented himself as a challenging individual when attending the council offices or making contact via phone. However, the Council's Lead Licensing and Enforcement Officer emphasised that there was no threatening behaviour by the applicant.

The applicant's representative reminded Members that the Council's Medical Advisor advised of no reason why the applicant should be denied a licence subject to conditions which the applicant had agreed to abide by. In addition, members were made aware of an email received from a council officer that stated that a licence would be issued subject to provision of a signed mandate from DVLA which the applicant had subsequently presented. The applicant's representative maintained that the applicant had been subject to more than one Medical test and DBS check during this application and believed that he had not been treated fairly as a result.

The applicant's representative informed the committee that the applicant had not worked as a licensed driver since 2012. The applicant had allowed his licences to lapse as he had moved away from the area for a two-year period due to family matters. It was reasoned that the applicant had come under numerous pressures in his personal life which could have been likely to lead to his medical condition.

Members were assured that the applicant had been discharged from visiting the specialist and his medication.

The applicant presented the sub-committee with a document indicating his criminal record which showed no convictions in his country of origin. The applicant's representative clarified that the applicant was not party to any current court proceedings and had no motoring convictions pending at present. He reminded members that all historic convictions had been dealt with at previous sub-committees and provided reassurance that the applicant would declare all convictions and changes to his circumstances to the Council's Licensing Department in the future as required.

Members were made aware that the applicant was currently enrolled as a student at college following advice to improve his English reading and writing. Members were assured that the applicant received no complaints from the public previously and although he had a loud personality, the applicant was well liked by the public and did not present a risk to them.

After careful consideration and taking into account all of the relevant factors, the Sub-Committee **RESOLVED to grant the driver licences with a special condition that the applicant presents for review before the Council's medical consultant within six months in the first instance and thereafter at intervals of 12 months for the following reasons:**

- 1. There was no evidence of a link between the medical condition causing negative reactions with the travelling public**
- 2. Many of the convictions were historic**
- 3. The applicant was clearly voluble in his behaviour on occasion during the hearing but this did not pose a risk to passengers**
- 4. The applicant has in the past not reported significant matters so a six month review is appropriate and proportionate by way of monitoring his condition.**

However, Members expressed serious concerns regarding the applicant's failure to heed written warnings from the Council in 2006 and 2012 about failure to declare convictions. Members emphasised that any failure to declare convictions or changes in medical conditions were unlikely to be dealt with by a mere warning in the future.

Members were also concerned about the construction and use offences for defective tyres and driving with a mobile phone. Members resolved to issue a warning as to future conduct in relation to these or any other similar offence.

Members did not attach significant weight to the email of the Council Officer produced by the applicant's representative as it contained the views of an officer which are not binding on the sub-committee and was not based on all of the other matters contained in the officer report.

Chair

Date

**MINUTES OF GENERAL LICENSING SUB-COMMITTEE****MEETING DATE** Wednesday, 24 May 2017**MEMBERS PRESENT:** Councillor Marion Lowe (Chair) and Councillors Kim Snape, Margaret France and Mick Muncaster**OFFICERS:** Stephen Culleton (Lead Licensing and Enforcement Officer), Alex Jackson (Legal Services Team Leader), Shauna Pill (Senior Paralegal) and Nina Neisser (Democratic and Member Services Officer)**APOLOGIES:** Councillor Sheila Long**17.LSC.113 Declarations of Any Interests**

No declarations of any interests were received for any of the items on the agenda.

**17.LSC.114 Procedure**

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

**17.LSC.115 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 grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**17.LSC.116 Application to Renew a Private Hire and Hackney Carriage Drivers Licence Made Under the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report to the General Licensing Sub-Committee to enable Members to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence.

The applicant attended the meeting to make his representations to the Sub-Committee along with his representative.

The applicant applied to renew both his Private Hire Driver's Licence and Hackney Carriage Driver's Licence, which he was first granted in May 2004. The application identified a driving conviction that the applicant received during the validity of those licences, however he failed to inform the Council of the conviction in the required time. The applicant last renewed the licences on 17 May 2014; both licenses expired on 17 May 2017. The applicant was brought to the attention of Members in January 2016 as he had not at that time provided a current Disclosure and Barring Certificate (DBS).

The applicant received an SP30 in June 2014 that resulted in 3 penalty points being attached to his DVLA driver's licence. The applicant explained that he sent a letter to the Council in June 2014 informing the Council of his conviction. Officers had no record of that communication attached to the applicant's records. The applicant's DVLA driver record indicated that he had previously received 3 penalty points for a construction and use offence of driving a vehicle without a valid test certificate. It was reiterated to Members that this construction and use offence was a historic conviction and no longer lay on his licence. Officers believed that the applicant had the opportunity to inform Members at the time of the hearing of the offence notwithstanding the conditions of his PHD licence.

When questioned by Members, the applicant could not recall if he had passengers in his vehicle at the time of his speeding offence. Members stressed the importance of the responsibility that the applicant had to inform the Council of any changes to his licence and reiterated the consequences of this.

The applicant's representative reassured Members that the applicant had been a licence holder in the borough for more than ten years and during this time he had received no complaints, he did not obtain a criminal record and had no issues with the police. The applicant's representative reiterated that the applicant had experienced personal issues at the time and had subsequently learnt from this conviction and taken extra care when driving, which was indicated by no additional or pending motoring convictions on his licence since. The applicant's representative understood the negative bearing of not informing the Council of the SP30 offence had on the applicant; however in considering the minor nature of the motoring conviction he believed it was not worth the applicant losing his livelihood. The applicant's representative subsequently asked that the committee grant renewal and reiterate the severity of a future warning which would result in the likely revocation of the PHD and HCD licences.

Following careful consideration and taking into account the Council's Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing, the Sub-Committee **RESOLVED to grant the renewal application but with a warning to lie on the applicant's licensing file. Members were minded to consider revocation of the applicant's PHD and HCD licences should there be any similar failures to disclose material information to the council in future. The decision was taken for the following reasons:**

- 1. The applicant had not come to the attention of the Sub-Committee between 2004 and the meeting of the Sub-Committee in 2016.**
- 2. The SP30 was a minor conviction.**
- 3. The warning issued would be consistent with the Council's policy on renewal applications and minor convictions.**
- 4. The construction and use offence of driving without a valid certificate was historic and according to the Lead Licensing & Enforcement Officer at least four years old and possibly older.**

#### **17.LSC.117 Determine an Application to Renew a Hackney Carriage Drivers Licence Made Under the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report to the General Licensing Sub-Committee informing Members of an application made for the renewal

of a Hackney Carriage Driver Licence under the Local Government (Miscellaneous Provisions) Act 1976.

The applicant attended the meeting along with his representative.

The applicant's representative requested that the meeting be adjourned following the completion of a second treadmill test which had been scheduled and asked that following receipt of the results, the decision be delegated to officers in consultation with the Chair and Vice-Chair.

The applicant's representative confirmed that the applicant was no longer taking the medication as indicated in the report and provided Members with sight of a letter from his medical consultant, dated 5 May 2017 which indicated lack of symptoms. It was noted to Members that the Council's Medical Advisor had also had sight of this letter and advised that the letter did not contain anything to suggest that the applicant was now compliant with Group II medical standards. The e-mailed response of the Council's medical expert was also circulated to the sub-committee.

Taking this into consideration, the Sub-Committee **RESOLVED to adjourn the matter pending receipt of the revised blood pressure readings, or failure to produce such readings to the Council within the next two months following another treadmill test. Members resolved to suspend the Hackney Carriage Driver Licence with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 on grounds of public safety with no time limit on the duration of the suspension for the following reasons:**

- 1. The applicant should be given the opportunity to take another treadmill test as he believed that it could produce a positive result.**
- 2. The Council's Group II medical consultant advised that the applicant should not be licensed; therefore the suspension with immediate effect would protect public safety pending any decision either way on the future of the Hackney Carriage Driver Licence.**
- 3. Members noted the letter from the applicant's medical consultant and understood that it had been forwarded to the Council's Medical Advisor who concluded that it did not contain anything to suggest that the applicant met the Group II Medical standard.**

Chair

Date

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<b>MINUTES OF</b>	<b>GENERAL LICENSING SUB-COMMITTEE</b>
<b>MEETING DATE</b>	<b>Wednesday, 28 June 2017</b>
<b>MEMBERS PRESENT:</b>	Councillor Marion Lowe (Chair) and Councillors Gordon France and Mick Muncaster
<b>OFFICERS:</b>	Stephen Culleton (Lead Licensing and Enforcement Officer), Alex Jackson (Legal Services Team Leader), Stefanie Leach (Trainee Solicitor) and Nina Neisser (Democratic and Member Services Officer)
<b>APOLOGIES:</b>	Councillor Tom Gray

#### **17.LSC.119 Declarations of Any Interests**

No declarations of any interests were received.

#### **17.LSC.120 Procedure**

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

#### **17.LSC.121 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 grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

#### **17.LSC.122 Application for the Grant of a Private Hire and Hackney Carriage Drivers Licence Made Under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report to enable Members to determine whether the applicant was a fit and proper person to hold a Private Hire (PHD) and Hackney Carriage Driver's (HCD) Licence.

The Lead Licensing and Enforcement Officer informed the Sub-Committee that the applicant was unable to attend the meeting due to his current work. The applicant contacted the council the week prior to the meeting when he first received a letter of employment indicating that he would be away with work. He provided the council with a letter of employment as evidence, which was circulated to Sub-Committee at the meeting. It was noted that the applicant had been fully engaged throughout and supported the process.

The Sub-Committee were also informed that the applicant had not received a copy of the committee report due to an administrative error meaning that the report was not successfully sent to his address. In light of this information, the Sub-Committee decided to consider the report in his absence.

In March 2017, an application for the grant of Private Hire and Hackney Carriage Driver Licences was submitted. It was noted that the applicant had not previously held a PHV and HCD Driver Licence with Chorley Council. Within the application the applicant declared that he had been convicted of two separate offences of assault and a traffic offence. Ordinarily, this motoring conviction in itself would not be of concern to the Council.

The applicant attended an interview with the Council at the beginning of June 2017 to discuss the application made and the circumstances of the convictions received. The council was also informed that the applicant had become a Born Again Christian.

In response to the Legal Officer the Lead Licensing and Enforcement Officer confirmed that there were no issues regarding notifying the council of any change of address considering the nature of the applicant's job as his permanent base was in Chorley.

The Sub-Committee **RESOLVED** that the applicant was a fit and proper person to hold a Private Hire Driver Licence and Hackney Carriage Driver Licence under Section 51 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 and that his application be granted for the following reasons;

1. The more serious offences were historic and the rehabilitation periods in the Council's policy on previous convictions had run their course.
2. The motoring conviction in 2014 for speeding was considered a minor offence.

**17.LSC.123 Determine an Application to Renew a Hackney Carriage Driver Licence Made Under the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report to the General Licensing Sub-Committee regarding an application to renew a Hackney Carriage Driver (HCD) Licence. Members were to determine whether or not the applicant was a fit and proper person to hold a Hackney Carriage Driver's licence.

The applicant attended the meeting to make his representations to the Sub-Committee.

Prior to the start of the meeting, the Lead Licensing and Enforcement Officer received a letter from the licence holder's friends with regards to his character. This was circulated to the Sub-Committee at the meeting.

Officers received an application to renew a HCD Licence on 7 April. Council records indicated that the applicant had held a HCD licence with Chorley Council since at least April 1996. Further to the application, officers received a complaint from the Council's Medical advisor in relation to the conduct of the applicant.

In April 2017, the applicant underwent a medical test and the results were submitted to the Council's Medical Advisor as requested. In response, further clarification was sought as the test results provided were incorrect. The applicant presented suitable test results on 25 May 2017, the results were then forwarded to the Council's Medical Advisor for consideration.

It was understood that the applicant had completed his medical test in good time however the delay due to doctor's error meant that the applicant was unable to drive for a period as his HCD licence had expired. Following queries from the Legal Officer, the Sub-Committee were informed that this was the first time this error had occurred with the council's Medical Advisor.

The applicant subsequently attempted to contact the Council's Medical Advisor via his Secretary when he launched a series of harassing and abusive calls. In light of this unacceptable and unreasonable behaviour the Council's Medical Advisor refused to assess the new medical information pending a response to his complaints raised.

The Regulatory Services Manager contacted the Council's Medical Advisor informing him that the behaviour would be considered at the next General Licensing Sub-Committee. The Council's Medical Advisor subsequently assessed the report and concluded that the applicant was medically fit to be issued with a licence on the proviso that a regular assessment be undertaken every 12 months.

It was suggested to Members that this provision be repeated thereafter until a total period of entitlement of three years was achieved and it was proposed that no additional fee be attached to this provision.

The applicant attended a meeting with the Licensing Officer to give an account of his actions. The applicant acknowledged that his actions and behaviour were not acceptable and expressed his apologies. He stressed that he had been a taxi driver for many years and had never had any complaints raised in regards to his behaviour. He made reference to some personal issues that were affecting him. The Licensing Officer was aware that the applicant was issued a fixed penalty notice on in December 2011 for smoking in a Hackney Carriage Vehicle.

In response to queries, Members were reassured that the Council had no issues with the applicant previously apart from a few matters regarding vehicle cleanliness, however as he did not own the vehicle this was out of his hands to some extent.

The applicant reiterated his apologies to the Sub-Committee and stated that he regretted his behaviour on the phone call to the Council's Medical Advisor's Secretary, which was out of character. The applicant understood that his approach was inexcusable, but expressed that he was experiencing personal issues at the time which had built up whilst also awaiting confirmation of his results. He subsequently offered to write to the Medical Advisor and his Secretary to apologise.

The Lead Licensing and Enforcement Officer sought clarification that the applicant was fully aware of the correct medical test required and stressed the importance of submitting a medical and any other information to support the renewal of licences up to 3 months prior to the expiry of the licence. Failure to do so would result in the lapse of the HCD licence and any further consideration for a HCD licence would only be entertained by way of an application for a grant of a HCD licence.

The Sub-Committee **RESOLVED** to grant the Hackney Carriage Driver Licence for **12 months only with renewal based on consideration of medical fitness and the assessments recommended by the Council's Medical Advisor every 12 months and application of full renewal criteria every three years. Delegated power given to the Director of Early Intervention and Support to renew the licence if the applicant remained compliant with Group II medical standards. The reasons for this decision were as follows;**

- 1. The Council's Medical Advisor had said that the applicant could be Group II compliant with acceptable regular assessments every 12 months.**
- 2. The applicant promised to pass a letter of apology to the Council's Medical Advisor and his Secretary via the Lead Licensing and Enforcement Officer.**
- 3. The applicant expressed remorse for his behaviour towards the Council's Medical Advisor's Secretary.**
- 4. The applicant had not previously given cause for concern to the Council.**
- 5. The smoking offence in his taxi was historic.**
- 6. Members noted the letter from the applicant's friends as to his character and attached some weight to it.**

Chair

Date



Report of	Meeting	Date
Director of Early Intervention and Support	Licensing and Public Safety Committee	19 July 2017

## **TAXI LICENCE FEES AND CHARGES – REVIEW OF COST APPORTIONMENT**

### **PURPOSE OF REPORT**

1. For the Licensing and Public Safety Committee to approve the advertisement of revised Fees and Charges for Taxi Licensing based on cost apportionment.

### **RECOMMENDATION(S)**

2. That the Licensing and Public Safety Committee approve the advertisement of revised Fees and Charges for Taxi Licensing based on the principle of cost apportionment.
3. That the Regulatory Services Manager reports back to the next appropriate Licensing and Public Safety Committee where consideration to any objections to the fees is required.
4. That, where no objections are received, the new Fees and Charges are implemented from 1<sup>st</sup> October 2017.

### **EXECUTIVE SUMMARY OF REPORT**

5. The current fees and charges were agreed by the Licensing and Public Safety Committee in July 2014 and following a consultation period, came into force on 1<sup>st</sup> October 2014.
6. The local authority is required to review the fees and charges on a regular basis to ensure that they reflect the costs of the service.
7. The Council must ensure that they meet legislative requirements with regard to the structure of the fees and that the fees are not used to raise revenue and any surplus or deficit is carried forward on a 3 year cycle.
8. Revised fees must be subject to a advertising period of a minimum of 28 days within the local press and consideration of any objections by members.
9. Colleagues in Financial Services have reviewed the fees and charges against the updated process maps and time allocations for each activity, and the time allocations are attached as **Appendix 1**. Members are asked to note that the fees are based on time allocation, the addition of costs associated with the provision of the service and are then averaged on the number of each licence issued.
10. Members are asked to note that additional time allocations have been included for provision of replacement documents, for Head of Service and/or Director involvement with a number of escalated cases and the costs of training have also been included, which were absent in previous review in 2014. This is not additional work, it is simply being recorded as part of this process and included in this review for completeness.

11. A summary of the fees and the variance from the existing is attached as **Appendix 2**.
12. A great deal of attention has been given to ensuring the time allocations and associated costs are accurate and fully reflect the time spent on each of the individual taxi licences. Members will see that the anomaly of the application for 2 badges compared to a single badge has been resolved. The process maps used to allocate time to each activity have been updated and reflect the additional time required to process a dual application in a clearer manner. The process map has been attached as **Appendix 3** to provide some context to members on this part of the process and how the time allocations are calculated.
13. The costs of the unmet demand survey report produced by the contractor is now known as £7040 excluding VAT, plus agree Council Officer costs of £900.00, which will need to be evenly charged to the 36 Hackney Carriage Vehicle Licences at their next renewal following agreement of the fees and Charges, which will equate to £220.55 one off additional cost to the licence renewal fee. This information will be communicated to the relevant proprietors as part of their renewal process.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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**CORPORATE PRIORITIES**

14. This report relates to the following Strategic Objectives:

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

**BACKGROUND**

15. The principles that should be applied to the setting of fees and charges are contained in legislation, impacted by European Directive and influenced by case law.
16. The relevant legislation is contained in the Local Government (Miscellaneous Provisions) Act 1976. (the Act)
17. Section 53 of the Act states: “a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.”
18. Section 70 of the Act states:

“a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

- (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
- (b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.”

19. In addition the EU Services Directive 2006 /123 which became effective in 2009 lays down a further principle to be applied in setting fees and charges for regulated services as follows:

“any charges which the applicant may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures and shall not exceed the cost of the procedures”

20. Finally, recent case law arising out of actions brought against Manchester City Council and Guildford Borough Council has led the Chartered Institute of Public Finance and Accounting to provide guidance on best practice which includes:
- A licensing authority cannot use licence fees to raise revenue generally
  - A licensing authority must carry forward surplus or deficit
  - It is reasonable to account for licensing fees and charges over a 3 year cycle – this will take account on fluctuations in demand for licences and avoid the need to review and amend the charging structure annually
  - Licensing authorities cannot “lump” all licence fees together which means each charging regime e.g. street trading or premises licences must be separately accounted for from, say taxi licences.
  - The licensing authority must be able to justify the fee levied

**IMPLICATIONS OF REPORT**

21. 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**

22. The Council can impose reasonable fees for driver licences under Section 53 of the Local Government Act (Miscellaneous Provisions) Act 1976 to cover issue and administration. Fees for vehicle licences can be charged under Section 70 of the 1976 Act to cover vehicle inspections, cost of the provision of hackney ranks and administration and enforcement costs. Fees can be charged for operator licences also under Section 70. These should be reasonable and based on the principle of costs recovery.
23. Proposed changes in vehicle and operator licence fees must be advertised in the local press and a notice placed on deposit at Council offices for public inspection. If objections are made within 28 days or such longer period as the notice may specify and are not withdrawn, then the Council must consider the objections. The Council’s further decision in light of objections can then be implemented no later than two months after the original proposed implementation date.
24. Although there is no statutory requirement under Section 53 of the 1976 Act for consultation it would be sensible to adopt the same approach set out in Section 70. The results of that consultation can then be considered by Members before the decision to implement the new

fees and charges or otherwise is finally made. It is important that any such consultation is undertaken fairly and that the results are considered properly by Members. Any suggestion that the consultation process has not been followed correctly would be grounds for an application for leave to seek a judicial review of the final decision.

**COMMENTS OF THE FINANCE OFFICER**

- 25. The Council must ensure that they meet legislative requirements with regard to the structure of the fees and that the fees are not used to raise revenue and any surplus or deficit is carried forward on a 3 year cycle.
  
- 26. The detailed breakdown of cost apportionment is attached in Appendix 1. Fees are set so that the cost of the licence reflects the amount of resource used in issuing that one licence (Appendix 3 is a good example of the process maps used). This is in terms of officer time and direct costs and mitigates the risk of making a surplus or deficit.

JAMIE CARSON  
 DIRECTOR OF EARLY INTERVENTION AND SUPPORT

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Lesley Miller	5299	July 17	***

Activity	Officer	2			6			3		
		Private Hire Drivers Grant - 1 badge	Hackney Carriage Drivers Grant - 1 badge	Drivers Grant - 2 badges	Private Hire Drivers Renewal 1 badge	Hackney Carriage Drivers - Renewal 1 badge	Drivers - Renewal 2 badges	Private Hire Vehicle Grant	Hackney Carriage Vehicle Grant	Private Hire Vehicle Renewal
<b>Fixed Costs based on time allocation</b>										
<b>Administration</b>										
Receipt & verification of application inc. indexing	CST/TT	2.50	2.50	3.00	2.42	2.42	2.92	0.75	0.75	0.75
Initial check of vehicle	LLEO							0.50	0.50	
DBS Checks	LLEO	0.08	0.08	0.08	0.08	0.08	0.08			
LLEO referrals for Operator applications	LLEO									
Confirmation from garage	TT							0.25	0.25	0.25
Process application	TT							0.50	0.50	0.50
Refer medicals to Medical Advisor - 50 p.a. @ 25 mins	TT	0.16	0.16	0.16	0.16	0.16	0.16			
Knowledge test appointment	TT	1.50	1.50	1.50						
Receipt of DBS	TT	0.25	0.25	0.25	0.25	0.25	0.25			
Issuing of licence	TT	1.00	1.00	1.75	1.00	1.00	1.75	0.75	0.75	0.75
Monthly reminder letters	TT				0.25	0.25	0.25			
Duplicate Document Request	TT									
<b>Variable costs based on number of licences issued</b>										
		X	X	X	X	X	X	X	X	X
<b>Licensing and Public Safety Committee - RSM</b>										
<b>Background work for each report</b>										
RSM/LLEO	RSM/LLEO	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
Creating and Verifying the report	RSM/LLEO	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07	0.07
Attendance at Committee inc Chairs Briefing	RSM/LLEO	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04
Processing Committee Decision	RSM/LLEO	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
<b>Licensing and Public Safety Committee - Legal</b>										
		X	X	X	X	X	X	X	X	X
Reviewing & commenting on draft report	Legal	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Attendance at committee	Legal	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
Commenting on draft decision & draft minutes	Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Licensing and Public Safety Committee - Democratic Services</b>										
		x	x	x	x	x	x	x	x	x
Co-ordination & distribution of agendas/meetings	Dem	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Attendance at committee	Dem	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
Production of minutes to publication status	Dem	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
<b>General Licensing Sub Committee - LLEO</b>										
		x	x	x	x	x	x	x	x	x
<b>Interview individual/record notes</b>										
LLEO	LLEO	0.05	0.00	0.04	0.05	0.00	0.04	0.00	0.00	0.00
Creating & verifying report	LLEO	0.04	0.00	0.06	0.07	0.00	0.06	0.00	0.00	0.00
Attendance at Committee inc Chairs Briefing	LLEO	0.04	0.00	0.04	0.04	0.00	0.04	0.00	0.00	0.00
Processing Committee decision	LLEO	0.02	0.00	0.02	0.02	0.00	0.02	0.00	0.00	0.00
<b>General Licensing Sub Committee - Legal</b>										
Reviewing & commenting on draft report	Legal	0.02	0.00	0.01	0.02	0.00	0.01	0.00	0.00	0.00
Attendance at committee	Legal	0.03	0.00	0.03	0.03	0.00	0.03	0.00	0.00	0.00
Commenting on draft decision & draft minutes	Legal	0.01	0.00	0.01	0.01	0.00	0.01	0.00	0.00	0.00
<b>General Licensing Sub Committee - Democratic Services</b>										
Co-ordination & distribution of agendas/meetings	Dem	0.04	0.00	0.04	0.04	0.00	0.04	0.00	0.00	0.00
Attendance at committee	Dem	0.03	0.00	0.03	0.03	0.00	0.03	0.00	0.00	0.00
Production of decision notice	Dem	0.02	0.00	0.02	0.02	0.00	0.02	0.00	0.00	0.00
Production of minutes	Dem	0.01	0.00	0.01	0.01	0.00	0.01	0.00	0.00	0.00
<b>Licensing Liaison Panel Meetings</b>										
<b>Preparation and Agenda Setting</b>										
RSM	RSM	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
Attendance at Meetings	RSM	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
Follow up Work	RSM	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
<b>Inspections/Compliance</b>										
		X	X	X	X	X	X	X	X	X
<b>ANPR - Attendance</b>										
LLEO	LLEO	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
ANPR - Compliance Work	LLEO	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Hackney Rank Inspections	LLEO								0.15	
Operators - compliance check & complaints	LLEO									
<b>Delegated Decision</b>										
Preparing Paperwork for Director and Chair	RSM/LLEO	0.18	0.18	0.18	0.18	0.18	0.18			
<b>Complaints/Service Requests</b>										
<b>Vehicles/ Operators</b>										
LLEO	LLEO							0.19	0.19	0.19
Drivers	LLEO	1.49	1.49	1.49	1.49	1.49	1.49			
Vehicle Inspections (following accident)	LLEO							0.14	0.14	0.14
Medical Referrals (Officer Time Only)	RSM/LLEO	0.22	0.22	0.22	0.22	0.22	0.22			

Training										
Licensing Officer Training and Meetings - IOL/NALEO meetings	RSM/LLEO	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11
Licensing Officer Training and Meetings - LOG meetings	RSM/LLEO	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06
Licensing Officer Training Days	RSM/LLEO	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06
Licensing Committee Member Training - Attendance	LLEO	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Licensing Committee Member Training - Attendance	Legal	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Licensing Committee Member Training - Attendance	Dem	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Licensing Committee Member Training - Preparation	Legal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Licensing Committee Member Training - Preparation	LLEO	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Licensing Committee Member Training - Admin	Dem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Admin Officer Training	TT	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
Training Course Costs										
Head Of Service/ Director Involvement										
Escalated issues - Review Case files	Dir/HoS	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Escalated issues - Correspondence	Dir/HoS	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Escalated issues - Updates from Licensing Team	Dir/HoS	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Escalated issues - Councillor Updates	Dir/HoS	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Escalated issues - Decision Making	Dir/HoS	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Other Issues	Dir	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
Legal costs incurred -associated with Court proceedings for losses or where costs not retrived from case										
		8.08	7.77	9.30	6.76	6.43	7.97	3.46	3.61	2.96

Staff Costs	Hourly Rate										
Lead Licensing & Enforcement Officer (LLEO) Costs	£26.55	£46.74	£42.62	£46.63	£47.15	£42.54	£46.55	£22.76	£26.71	£9.55	
Regulatory Services Manager (RSM) Costs	£33.64	£2.12	£2.12	£2.12	£2.12	£2.12	£2.12	£2.12	£2.12	£2.12	
Regulatory Services Manager/ Lead Licensing Officer (RSM/LLEO) Co	£30.09	£25.61	£25.61	£25.61	£25.61	£25.61	£25.61	£13.48	£13.48	£13.48	
Customer Services Team (CST) Costs	£20.74	£51.85	£51.85	£62.22	£50.19	£50.19	£60.56	£15.55	£15.55	£15.55	
Transactional Team (TT) Costs	£18.53	£55.68	£55.68	£69.57	£32.52	£32.52	£46.42	£29.64	£29.64	£29.64	
Legal Team Costs	£31.12	£3.04	£1.32	£2.82	£3.04	£1.32	£2.82	£1.32	£1.32	£1.32	
Democratic Services (Dem) Costs	£26.25	£5.21	£2.52	£4.87	£5.21	£2.52	£4.87	£2.52	£2.52	£2.52	
Director (Dir)	£62.86	£7.30	£7.30	£7.30	£7.30	£7.30	£7.30	£7.30	£7.30	£7.30	
Director/ Head of Service (Dir/HoS)	£52.55	£3.30	£3.30	£3.30	£3.30	£3.30	£3.30	£3.30	£3.30	£3.30	
Member Time		£7.18	£7.18	£7.18	£7.18	£7.18	£7.18	£7.18	£7.18	£7.18	
Direct Costs											
DVLA Mandate	£7.25	£7.25	£7.25	£7.25							
Medical Referrals	£20.00	£7.46	£7.46	£7.46	£7.46	£7.46	£7.46				
IOL/ Naleo Membership Fees	£313.00	£0.64	£0.64	£0.64	£0.64	£0.64	£0.64	£0.64	£0.64	£0.64	
<b>Cost of licence</b>		<b>£222.74</b>	<b>£214.21</b>	<b>£246.33</b>	<b>£191.08</b>	<b>£182.06</b>	<b>£214.18</b>	<b>£105.18</b>	<b>£109.13</b>	<b>£91.97</b>	
<b>Average annual number of applications over two year period</b>		<b>6</b>	<b>5</b>	<b>55</b>	<b>39</b>	<b>9</b>	<b>20</b>	<b>69</b>	<b>15</b>	<b>193</b>	

<b>Previous Cost of licence</b>	<b>£275.32</b>	<b>£213.04</b>	<b>£212.80</b>	<b>£184.42</b>	<b>£122.13</b>	<b>£113.67</b>	<b>£97.78</b>	<b>£110.24</b>	<b>£71.56</b>
Increase/ Decrease	(52.59)	1.17	33.53	6.67	59.93	100.51	7.40	(1.11)	20.41
	1,651.94	1,065.20	11,703.85	7,192.21	1,099.20	2,273.32	6,747.02	1,653.55	13,811.58

Activity	Officer	4	5		7		9
		Hackney Carriage Vehicle - Renewal	Private Hire Vehicle - Transfer	Hackney Carriage Vehicle - Transfer	Operators - Grant	Operators - Renewal	Duplicate Documents
<b>Fixed Costs based on time allocation</b>							
<b>Administration</b>							
Receipt & verification of application inc. indexing	CST/TT	0.75	0.25	0.25	1.00	1.00	
Initial check of vehicle	LLEO						
DBS Checks	LLEO						
LLEO referrals for Operator applications	LLEO				0.25	0.25	
Confirmation from garage	TT	0.25					
Process application	TT	0.50	0.50	0.50			
Refer medicals to Medical Advisor - 50 p.a. @ 25 mins	TT						
Knowledge test appointment	TT						
Receipt of DBS	TT						
Issuing of licence	TT	0.75			1.00	1.00	
Monthly reminder letters	TT						
Duplicate Document Request	TT						0.33
<b>Variable costs based on number of licences issued</b>							
		X	X	X	X	X	X
<b>Licensing and Public Safety Committee - RSM</b>							
<b>Background work for each report</b>							
Creating and Verifying the report	RSM/LLEO	0.10			0.10	0.10	
Attendance at Committee inc Chairs Briefing	RSM/LLEO	0.07			0.07	0.07	
Processing Committee Decision	RSM/LLEO	0.04			0.04	0.04	
	RSM/LLEO	0.01			0.01	0.01	
<b>Licensing and Public Safety Committee - Legal</b>							
Reviewing & commenting on draft report	Legal	X	X	X	X	X	X
Attendance at committee	Legal	0.01			0.01	0.01	
Commenting on draft decision & draft minutes	Legal	0.02			0.02	0.02	
	Legal	0.00			0.00	0.00	
<b>Licensing and Public Safety Committee - Democratic Services</b>							
Co-ordination & distribution of agendas/meetings	Dem	x	x	x	x	x	x
Attendance at committee	Dem	0.01			0.01	0.01	
Production of minutes to publication status	Dem	0.02			0.02	0.02	
	Dem	0.02			0.02	0.02	
<b>General Licensing Sub Committee - LLEO</b>							
Interview individual/record notes	LLEO	x	x	x	x	x	x
Creating & verifying report	LLEO	0.00			0.00	0.00	
Attendance at Committee inc Chairs Briefing	LLEO	0.00			0.00	0.00	
Processing Committee decision	LLEO	0.00			0.00	0.00	
<b>General Licensing Sub Committee - Legal</b>							
Reviewing & commenting on draft report	Legal	0.00			0.00	0.00	
Attendance at committee	Legal	0.00			0.00	0.00	
Commenting on draft decision & draft minutes	Legal	0.00			0.00	0.00	
<b>General Licensing Sub Committee - Democratic Services</b>							
Co-ordination & distribution of agendas/meetings	Dem	0.00			0.00	0.00	
Attendance at committee	Dem	0.00			0.00	0.00	
Production of decision notice	Dem	0.00			0.00	0.00	
Production of minutes	Dem	0.00			0.00	0.00	
<b>Licensing Liaison Panel Meetings</b>							
Preparation and Agenda Setting	RSM	0.02			0.02	0.02	
Attendance at Meetings	RSM	0.02			0.02	0.02	
Follow up Work	RSM	0.02			0.02	0.02	
<b>Inspections/Compliance</b>							
		X	X	X	X	X	x
ANPR - Attendance	LLEO	0.01					
ANPR - Compliance Work	LLEO	0.01					
Hackney Rank Inspections	LLEO	0.15					
Operators - compliance check & complaints	LLEO				1.85	1.85	
<b>Delegated Decision</b>							
Preparing Paperwork for Director and Chair	RSM/LLEO						
<b>Complaints/Service Requests</b>							
Vehicles/ Operators	LLEO	0.19			0.19	0.19	
Drivers	LLEO						
Vehicle Inspections (following accident)	LLEO	0.14					
Medical Referrals (Officer Time Only)	RSM/LLEO						

Training							
Licensing Officer Training and Meetings - IOL/NALEO meetings	RSM/LLEO	0.11			0.11	0.11	
Licensing Officer Training and Meetings - LOG meetings	RSM/LLEO	0.06			0.06	0.06	
Licensing Officer Training Days	RSM/LLEO	0.06			0.06	0.06	
Licensing Committee Member Training - Attendance	LLEO	0.01			0.01	0.01	
Licensing Committee Member Training - Attendance	Legal	0.01			0.01	0.01	
Licensing Committee Member Training - Attendance	Dem	0.01			0.01	0.01	
Licensing Committee Member Training - Preparation	Legal	0.00			0.00	0.00	
Licensing Committee Member Training - Preparation	LLEO	0.00			0.00	0.00	
Licensing Committee Member Training - Admin	Dem	0.00			0.00	0.00	
Admin Officer Training	TT	0.10			0.10	0.10	
Training Course Costs							
Head Of Service/ Director Involvement							
Escalated issues - Review Case files	Dir/HoS	0.01					
Escalated issues - Correspondence	Dir/HoS	0.01					
Escalated issues - Updates from Licensing Team	Dir/HoS	0.01					
Escalated issues - Councillor Updates	Dir/HoS	0.01					
Escalated issues - Decision Making	Dir/HoS	0.01					
Other Issues	Dir	0.12					
Legal costs incurred -associated with Court proceedings for losses or where costs not retrived from case							
		3.11	0.75	0.75	4.65	4.65	0.33

Staff Costs	Hourly Rate							
Lead Licensing & Enforcement Officer (LLEO) Costs	£26.55	£13.44	£0.00	£0.00	£61.07	£61.07	£0.00	
Regulatory Services Manager (RSM) Costs	£33.64	£2.12	£0.00	£0.00	£2.12	£2.12	£0.00	
Regulatory Services Manager/ Lead Licensing Officer (RSM/LLEO) Co	£30.09	£13.48	£0.00	£0.00	£13.48	£13.48	£0.00	
Customer Services Team (CST) Costs	£20.74	£15.55	£5.18	£5.18	£20.74	£20.74	£0.00	
Transactional Team (TT) Costs	£18.53	£29.64	£9.26	£9.26	£20.38	£20.38	£6.11	
Legal Team Costs	£31.12	£1.32	£0.00	£0.00	£1.32	£1.32	£0.00	
Democratic Services (Dem) Costs	£26.25	£2.52	£0.00	£0.00	£2.52	£2.52	£0.00	
Director (Dir)	£62.86	£7.30	£0.00	£0.00	£0.00	£0.00	£0.00	
Director/ Head of Service (Dir/HoS)	£52.55	£3.30	£0.00	£0.00	£0.00	£0.00	£0.00	
Member Time		£7.18	£7.18	£7.18	£7.18	£7.18	£7.18	
Direct Costs								
DVLA Mandate	£7.25							
Medical Referrals	£20.00							
IOL/ Naleo Membership Fees	£313.00	£0.64			£0.64	£0.64		
<b>Cost of licence</b>		<b>£95.86</b>	<b>£21.62</b>	<b>£21.62</b>	<b>£128.81</b>	<b>£128.81</b>	<b>£13.29</b>	

<b>Average annual number of applications over two year period</b>	<b>67</b>	<b>14</b>	<b>2</b>	<b>4</b>	<b>9</b>
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<b>Previous Cost of licence</b>	<b>£84.02</b>	<b>£61.64</b>	<b>£74.09</b>	<b>£158.63</b>	<b>£158.63</b>	<b>£0.00</b>
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Increase/ Decrease	11.84	(40.01)	(52.47)	(29.82)	(29.82)	13.29
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	5,629.08	862.91	148.18	634.51	1,427.65	0.00
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**167,700.60**

Activity	Officer	Workings	Basis	Assumptions
<b>Fixed Costs based on time allocation</b>				
<b>Administration</b>				
Receipt & verification of application inc. indexing	CST/TT			
Initial check of vehicle	LLEO		Timings as per L Miller/ A Wildings workings	
DBS Checks	LLEO		Timings as per L Miller/ A Wildings workings	
LLEO referrals for Operator applications	LLEO		Timings as per L Miller/ A Wildings workings	
Confirmation from garage	TT			
Process application	TT		Timings as per L Miller/ A Wildings workings	
Refer medicals to Medical Advisor - 50 p.a. @ 25 mins	TT		Timings as per L Miller/ A Wildings workings	
Knowledge test appointment	TT		Timings as per L Miller/ A Wildings workings	
Receipt of DBS	TT		Timings as per L Miller/ A Wildings workings	
Issuing of licence	TT		Timings as per L Miller/ A Wildings workings	
Monthly reminder letters	TT		Timings as per L Miller/ A Wildings workings	
Duplicate Document Request	TT		Timings as per L Miller/ A Wildings workings	
<b>Variable costs based on number of licences issued</b>				
<b>Licensing and Public Safety Committee - RSM</b>				
<b>Background work for each report</b>	RSM/LLEO	Hours work x Average Commitees per year x average reports / total no of licences	As per L Millers Report	
Creating and Verifying the report	RSM/LLEO	Hours work x Average Commitees per year x average reports / total no of licences	As per L Millers Report	
Attendance at Committee inc Chairs Briefing	RSM/LLEO	Hours work x Average Commitees per year x average reports / total no of licences	As per L Millers Report	
Processing Committee Decision	RSM/LLEO	Hours work x Average Commitees per year x average reports / total no of licences	As per L Millers Report	
<b>Licensing and Public Safety Committee - Legal</b>				
Reviewing & commenting on draft report	Legal	Hours worked x Average Commitees per year / total no of licences	As per L Millers Report	Allocated over all License types
Attendance at committee	Legal	Hours worked x Average Commitees per year / total no of licences	As per L Millers Report	Allocated over all License types
Commenting on draft decision & draft minutes	Legal	Hours worked x Average Commitees per year / total no of licences	As per L Millers Report	Allocated over all License types
<b>Licensing and Public Safety Committee - Democratic Services</b>				
Co-ordination & distribution of agendas/meetings	Dem	Hours worked x Average Commitees per year / total no of licences	As per L Millers Report	Allocated over all License types
Attendance at committee	Dem	Hours worked x Average Commitees per year / total no of licences	As per L Millers Report	Allocated over all License types
Production of minutes to publication status	Dem	Hours worked x Average Commitees per year / total no of licences	As per L Millers Report	Allocated over all License types
<b>General Licensing Sub Committee - LLEO</b>				
<b>Interview individual/record notes</b>	LLEO	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
Creating & verifying report	LLEO	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
Attendance at Committee inc Chairs Briefing	LLEO	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
Processing Committee decision	LLEO	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
<b>General Licensing Sub Committee - Legal</b>				
Reviewing & commenting on draft report	Legal	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
Attendance at committee	Legal	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
Commenting on draft decision & draft minutes	Legal	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
<b>General Licensing Sub Committee - Democratic Services</b>				
Co-ordination & distribution of agendas/meetings	Dem	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
Attendance at committee	Dem	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
Production of decision notice	Dem	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
Production of minutes	Dem	(Hours worked x total reports) / total reports x no of reports per type pf licence / total number of	As per L Millers Report	Allocated over all License types involved
<b>Licensing Liaison Panel Meetings</b>				
<b>Preparation and Agenda Setting</b>	RSM	Hours worked x amount per year / total no of licences	As per L Millers Report	
Attendance at Meetings	RSM	Hours worked x amount per year / total no of licences	As per L Millers Report	
Follow up Work	RSM	Hours worked x amount per year / total no of licences	As per L Millers Report	
<b>Inspections/Compliance</b>				
<b>ANPR - Attendance</b>	LLEO	Hours worked x amount per year / total no of vehicle licences	As per L Millers Report	
ANPR - Compliance Work	LLEO	Hours worked x amount per year / total no of driver licences	As per L Millers Report	
Hackney Rank Inspections	LLEO	Hours worked x amount per year / total no of Hackney Carriage Licenses	As per L Millers Report	
Operators - compliance check & complaints	LLEO	Hours worked x amount per year / total no of Operator Licenses	As per L Millers Report	
<b>Delegated Decision</b>				
Preparing Paperwork for Director and Chair	RSM/LLEO	Hours worked x occurances per year / total no of driver licences	As per L Millers Report	Allocated over all Drivers Licenses
<b>Complaints/Service Requests</b>				
<b>Vehicles/ Operators</b>	LLEO	Hours worked x amount per week / total vehicle and operator licences	As per L Millers Report	
Drivers	LLEO	Hours worked x amount per week / total driver licences	As per L Millers Report	
Vehicle Inspections (following accident)	LLEO	Hours worked x amount x month / total total vehicle licences	As per L Millers Report	Allocated over all Vehicle Licenses
Medical Referrals (Officer Time Only)	RSM/LLEO			
<b>Training</b>				

Licensing Officer Training and Meetings - IOL/NALEO meetings	RSM/LLEO	Total Hours / Total number of license
Licensing Officer Training and Meetings - LOG meetings	RSM/LLEO	Total Hours / Total number of license
Licensing Officer Training Days	RSM/LLEO	Total Hours / Total number of license
Licensing Committee Member Training - Attendance	LLEO	Total Hours x Total per year / total drivers licenses
Licensing Committee Member Training - Attendance	Legal	Total Hours x Total per year / total drivers licenses
Licensing Committee Member Training - Attendance	Dem	Total Hours x Total per year / total drivers licenses
Licensing Committee Member Training - Preparation	Legal	Total Hours x Total per year / total drivers licenses
Licensing Committee Member Training - Preparation	LLEO	Total Hours x Total per year / total drivers licenses
Licensing Committee Member Training - Admin	Dem	Total Hours x Total per year / total drivers licenses
Admin Officer Training	TT	Total Hours per year x FTE / total number of licenses
Training Course Costs		
<b>Head Of Service/ Director Involvement</b>		
Escalated issues - Review Case files	Dir/HoS	Hours worked x occurrences per year / total driver and vehicle license
Escalated issues - Correspondence	Dir/HoS	Hours worked x occurrences per year / total driver and vehicle license
Escalated issues - Updates from Licensing Team	Dir/HoS	Hours worked x occurrences per year / total driver and vehicle license
Escalated issues - Councillor Updates	Dir/HoS	Hours worked x occurrences per year / total driver and vehicle license
Escalated issues - Decision Making	Dir/HoS	Hours worked x occurrences per year / total driver and vehicle license
Other Issues	Dir	Hours worked x occurrences per year / total driver and vehicle license
Legal costs incurred -associated with Court proceedings for losses or where costs not retrived from case		

As per L Millers Report  
As per L Millers Report

allocated over every license type  
allocated over every license type  
allocated over every license type  
Allocated over all Drivers Licenses  
Allocated over all License types

As per L Millers Report  
As per L Millers Report

Average cost of Director and HOS used  
Average cost of Director and HOS used

Staff Costs	Hourly Rate
Lead Licensing & Enforcement Officer (LLEO) Costs	£26.55
Regulatory Services Manager (RSM) Costs	£33.64
Regulatory Services Manager/ Lead Licensing Officer (RSM/LLEO)) Co	£30.09
Customer Services Team (CST) Costs	£20.74
Transactional Team (TT) Costs	£18.53
Legal Team Costs	£31.12
Democratic Services (Dem) Costs	£26.25
Director (Dir)	£62.86
Director/ Head of Service (Dir/HoS)	£52.55
Member Time	
<b>Direct Costs</b>	
DVLA Mandate	£7.25
Medical Referrals	£20.00
IOL/ Naleo Membership Fees	£313.00
<b>Cost of licence</b>	

**Average annual number of applications over two year period**

**Previous Cost of licence**

Increase/ Decrease

	Draft Fee	Current Fee	Increase/ (Decrease) in Fee	Notes
Private Hire Drivers Grant - 1 badge	£222.74	£275.32	(£52.58)	
Hackney Carriage Drivers Grant - 1 badge	£214.21	£213.04	£1.17	
Drivers Grant - 2 badges	£246.33	£212.80	£33.53	
Private Hire Drivers - Renewal 1 badge	£191.08	£184.42	£6.66	
Hackney Carriage Drivers - Renewal 1 badge	£182.06	£122.13	£59.93	
Drivers Renewal - 2 badges	£214.18	£113.67	£100.51	
Private Hire Vehicle Grant	£105.18	£97.78	£7.40	
Hackney Carriage Vehicle Grant	£109.13	£110.24	(£1.11)	
Private Hire Vehicle Renewal	£91.97	£71.56	£20.41	
<b>Hackney Carriage Vehicle Renewal</b>	<b>£95.86</b>	<b>£84.02</b>	<b>£11.84</b>	
<b>Hackney Carriage Vehicle Renewal- addiitonal</b>	<b>£220.55</b>			<b>All renewals after 01/10/17 to include a £220.55 one off recharge for Unmet Demand Survey Consultants Fees</b>
Private Hire Vehicle Transfer	£21.62	£61.64	(£40.02)	
Hackney Carriage Vehicle Transfer	£21.62	£74.09	(£52.47)	
Operators Grant	£128.81	£158.63	(£29.82)	
Operators Renewal	£128.81	£158.63	(£29.82)	
Replacement Documents	£13.29	N/A	N/A	
Variation/admin charge	£22.80	£22.80	0	No change as the time for carrying out these tasks remains the same
Subsequent Knowledge tests	£28.50	£28.50	0	No change as the time for carrying out these tasks remains the same
Full set of vehicle livery	£39.56	£40.50	(£0.94)	
Rear plate- Flexi plate and buttons on renewal	£6.08	£11.40	(£5.32)	
Replacement rear plate incl. backing plate	£10.46	N/A	N/A	

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Report of	Meeting	Date
Director of Early Intervention and Support	Licensing & Public Safety Committee	19 July 2017

## THE ALLOCATION OF A HACKNEY CARRIAGE VEHICLE LICENCE

### PURPOSE OF REPORT

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

### RECOMMENDATION(S)

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

### EXECUTIVE SUMMARY OF REPORT

- The Council currently restrict the number of Hackney Carriage vehicle licences to 36. There are at present 35 Hackney Carriage Vehicles licenced, following the revocation of one vehicle licence in January 2017.
- Members are asked to consider the method to re-allocate the Hackney Carriage vehicle licence that will best serve the Hackney Carriage trade and the taxi travelling public.
- It would be appropriate to adopt those conditions and criteria that were broadly recommended to the Licensing and Safety Committee in 2008 and again in 2010 for the issue of a Hackney Carriage vehicle licence.
- Members are requested to consider formally adopting the agreed method of allocation as Policy.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

**BACKGROUND**

8. As Members will be aware that the Council imposes a limit to the number of Hackney Carriage Vehicle licences it issues to 36. Hackney Carriage Vehicle licences are understood to command a significant intrinsic value which can be realised should a proprietor wish to transfer the licence and vehicle, where ordinarily the Council will have limited discretion on any notice of a HCV being transferred.
9. It is therefore appropriate that special measures are taken when allocating any available Hackney Carriage vehicle licence in a fair and transparent way, and to attach a condition of application that would curtail a transfer of the HCV licence and vehicle to a third party for no other reason but to realise its cash value.
10. The Council have at present received a number of expressions of interest with regard to obtaining a Hackney Carriage vehicle licence, a proportion of those interested parties were identified at a recent meeting of the Licensing and Public Safety Committee in November 2016. At this meeting Members determined to maintain the number of HCV licences it will issue to 36.
11. The Council does not maintain a waiting list for Hackney Carriage vehicle licences; therefore it would be inappropriate to now consider those representations.
12. Officer would draw to the attention of Members to the previous method used for the allocation for one Hackney Carriage vehicle licence, in both 2008 and 2010.
13. This process involved contacting current holders of Chorley PH & HC driver licenses, proprietors of PHV's and operators of PHV's, inviting them to apply to be considered to be entered into a tombola style draw for a HCV licence, (Members will note that the proposed process excludes any person from entering the application process who currently hold or have transferred a Chorley Council HCV Proprietorship). The reasoning for this approach is to offer new opportunities to those who have otherwise been excluded from entering the trade and to not reward those who have chosen to leave the trade.
14. The Taxi Traveling Public may embrace this approach as the new HCV proprietor may offer new and innovative services that current HCV proprietors do not. Members will recall some of the issues raised at the meeting of the Licensing & Public Safety Committee of the 23rd Nov 2016, which identified where the current fleet of Wheelchair Accessible (WAV) HCV's do not provide services where they might ordinarily be expected to do so. Should this prove to be the case, many of the issues that have been raised through the recent Public Interest survey may be addressed.
15. The draw would be made at the next Licensing & Public Safety Committee meeting, where the successful applicant will be offered first refusal on the conditional grant of a Wheel Chair Accessible Vehicle (WAV) Hackney Carriage Vehicle licence. Two further draws would be made at the same time representing a second and third place, who would in turn be offered the same opportunity should the winning applicant be unable to fulfil the commitment to exercise the WAV HCV licence within 2 Months of being notified of the award.
16. It would be appropriate to adopt those conditions and criteria that were broadly recommended to the Licensing and Safety Committee in 2008 and again in 2010 for the issue of a Hackney Carriage vehicle licence.
17. The method has proved to be transparent to all, offers new opportunities to those who have otherwise been denied access to a HCV licence.

- 18. The proposed method also addresses the taxi travelling / public interest concerns, as the recommendation is that the HCV licence shall be a designated wheelchair accessible vehicle and that the proprietor of that vehicle shall not transfer that HCV licence and vehicle for a period of 5 years from the date of first licensing.
- 19. The proposed application document is attached as **Appendix 1**
- 20. Officers can report that following both the 2008 & 2010 allocation process, no representations were received in respect of the allocation process implemented.
- 21. Should Members accept the proposed recommendation it would be appropriate to ask Members to consider formally adopting this method of allocation as “Chorley Councils Hackney Carriage Vehicle Licence Allocation Policy”. Attached as **Appendix 2**

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE MONITORING OFFICER**

- 23. Section 37 of the Town Police Clauses Act 1847 as amended by section 16 of the Transport Act 1985 provides that a Council may only limit the number of licensed hackney carriages if it is satisfied that there is no significant unmet demand for the services of hackney carriages.
- 24. In the event of any challenge to the Council’s policy of restricting the number of hackney carriages, reliance can be placed on the findings of the most recent survey in respect of unmet demand.
- 25. As hackney carriage vehicle licences are highly sought after, there is always the possibility of a legal challenge to the allocation process, or an appeal by an unsuccessful applicant. In order to mitigate the risk, it is important that Members should be seen to act fairly and openly. The Council’s established tombola method would also assist in mitigating the risk.
- 26. Any person who is refused the grant of a hackney carriage vehicle licence would have the right of appeal to the Crown Court within 21 days of receiving notice of the decision..

JAMIE CARSON  
 DEPUTY CHIEF EXECUTIVE / DIRECTOR EARLY INTERVENTION AND SUPPORT

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Mr S Culleton	5665	28/6/2017	***

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## **GUIDANCE FOR PERSONS INTERESTED IN OBTAINING A HACKNEY CARRIAGE LICENSING**

1. The Council is issuing one (1) wheelchair accessible Hackney Carriage licence. Only one entry from each address will be considered.
2. A licence will only be issued in respect of a Hackney Carriage vehicle purpose built to accommodate wheelchair disabled passengers, which is defined as follows:

A wheelchair accessible vehicle means, "a vehicle purpose built by the manufacturer or adapted prior to registration in a manner approved by the manufacturer and Chorley Borough Council and has obtained the appropriate vehicle type approval". The vehicle must provide access for a wheelchair through the near side or offside doors. Vehicles with rear door access will not be acceptable. Any door used for wheelchair access must be capable of opening as wide as the aperture. An approved method to secure both the wheelchair and the wheelchair occupant must be provided; additional high visibility handholds and additional steps must be provided for the assistance of elderly and ambulant disabled people; ramps or other means (mechanical lift) must be employed with the vehicle for the loading/un-loading of wheel chairs." (In all cases any ancillary fittings will be Type 1 approved or equivalent).

3. It will be a condition of the issue and annual renewal of the licence that the vehicle, and any subsequent replacement vehicle, shall be wheelchair accessible as defined above.
4. Any driver of the wheelchair accessible vehicle licensed will be required to demonstrate that he/she has either undertaken or has made arrangements for persons with disability training and will have successfully completed an accredited course.

**Note:** Under the Disability Discrimination Act 1995, the Secretary of State may make "taxi accessibility regulations"; containing detailed specifications for hackney carriages. These specifications may be phased in over a period of time, and will likely apply to all hackney carriages, although as yet it is not known when. The Regulations have not yet been made, and it should be noted that the Council cannot guarantee that a vehicle which complies with its own definition of "wheelchair accessible" will necessarily comply with future taxi accessibility regulations.

5. The award will be subject to the current licence fee (on grant) for a Hackney Carriage vehicle licence + 1/36 of any outstanding unmet demand survey fee where appropriate. Licenses are issued for a period of six months. All vehicles must be inspected prior to first licensing, and following licensing are then invited to apply for the renewal of that licence every six months.

6. The following criteria have been set for the allocation of the licence:
- a) Every vehicle shall be a London style taxi such as TX2, Metrocab, or other models at the satisfaction of the council.
  - b) Vehicles shall be two years old or less than two years old from date of manufacture or date of first registration whichever is the earlier.
  - c) Vehicles must be purpose built hackney carriage vehicle and purpose built to accommodate wheelchair disabled passengers.
  - d) Vehicles shall be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors such testing to include the structural integrity.
  - e) Vehicles shall be properly insured and proof of purchase to bear the name of the proposed proprietor to be produced to the Council either upon application or before the issue of the licence.
  - f) Applicants must confirm that he or she has never previously sold, transferred, surrendered or had revoked a vehicle licence.
  - g) The applicant is required to be an owner/driver or an intended owner/driver and must demonstrate proof of proprietorship or intended proprietorship of their vehicle. The vehicle licence will be awarded on a sole proprietorship basis.
  - h) The applicant must be registered on the electoral register in Chorley on the date that HCV licence becomes available for allocation.
  - i) Applicants must have held a private hire, hackney carriage driver licence, PHV licence or PHO licence issued by Chorley Council for 3 years or more at the time of application.
  - j) No Application will be entertained from any person who at the time the HCV licence becomes available is named on any existing HCV licence.
  - k) No Application will be entertained from any person who has had a HCV, PHV, HCD, PHD or PHO licence refused or revoked within the last 5 years from any authority.
  - l) No Application will be entertained from any person has transferred a Chorley Borough Council HCV licence.
  - m) The winning applicant must present a suitable vehicle for inspection at the council within two months of the date the licence is awarded. Failure to do this will result in the offer being withdrawn and the 1st reserve applicant will be allowed to apply for the licence with the same time restriction applied. Should that person fail to complete the process in the allotted time the 2nd reserve person will be offered the opportunity with the same conditions applied.
  - n) Should the HCV licence remain un-allocated following this process then the initial allocation process will be repeated. Those applicants that have failed to previously comply with this condition will be excluded from the subsequent draw.

- o) Any other considerations, which may fairly and reasonably relate to the grant of a hackney carriage licence and appear to the Council to be relevant including the proposed area of operation of the vehicle in respect of area to be worked, may be taken into account at the time of the award of the said licence.
  - p) The transfer of the licence will be prohibited for a period of 5 years from first application.
  - q) The applicant must not currently be declared bankrupt or have been excluded from directing a business by order of any court.
  - r) The applicant must be able to supply two references from there existing and most recent employer, or persons' who have known the applicant for a period of 5 years. Doctors, Teachers, JP's, Council officials, members of legal or medical profession, persons of good standing from within the community.
  - s) The applicant must be free from any driving convictions or penalty points and has none pending at the time of application 'other than convictions that have been previously declared and/or considered by the council's licensing sub committee
  - t) The applicant must be free from any criminal convictions and has none pending at the time of application 'other than convictions that have been previously declared and/or considered by the council's licensing sub committee.
7. If more than one applicant satisfies these criteria, their names will be placed in sealed envelopes and then placed into a tombola type box under the scrutiny of the Chair and Vice Chair of Licensing and one name shall be drawn from the box at a Licensing and Public Safety Committee. A second and third place name shall be drawn as reserve should the awarded person fail to meet those obligations from two months of the award.

It is anticipated that there will be more than one person interested in obtaining the available HCV licence and satisfy the above criteria. Applicants are asked at this stage to complete a 'registration of interest form'. **It will not** be necessary for a fee to be paid or a vehicle presented for testing until the licence is allocated and thereafter and in any case within two months of the award.

8. The 'registration of interest form' must be returned, to the Deputy Chief Executive/ Director of Early Intervention and Support of Chorley Borough Council at the address at the bottom of this document by; (Date to be confirmed on a case by case basis).

**APPLICATION OF INTEREST FOR A WHEELCHAIR ACCESSIBLE MOTOR HACKNEY VEHICLE LICENCE TO PLY FOR HIRE IN THE BOROUGH OF CHORLEY**



1	Full name of person making application	Title: Mr/Mrs/Miss/Ms			
	Forename(s)				
	Surname				
2	Permanent Address				
	and Post Code				
3	Telephone N°				
	Mobile				
	E-Mail				
4	<b><u>Details of proposed vehicle</u></b>				
	Registration	Year of Manufacture			
	Make	Model			
	Passenger capacity	Engine capacity			
	Is the vehicle purpose built for the carriage of wheelchairs?			Yes / No	
	Was it adapted prior to registration			Yes / No	
	Was the adaptation approved by the manufacturer (documentary evidence of this will be required)			Yes / No	
	Will you own the vehicle? (proof of proprietorship or intended proprietorship must be supplied)			Yes / No	
	5	Have you ever been convicted at a court or cautioned by the Police for any Offence			Yes / No
		Have you ever been convicted of any motoring or traffic offence?			Yes / No
If the answer to either of the above questions is YES, provide details of offences below including approximate date, the offence and the court or Police force which dealt with you and all relevant fixed penalties :					
	Date of conviction or fixed penalty	Court or Police force	Offence (s)	Sentence or order of court	

6	Have you ever sold or transferred a vehicle licence?	Yes / No
7	Do you hold a Hackney Carriage licence issued by Chorley Borough Council	Yes / No
8	If yes please give number and date of issue of licence	
9	If there are there any other matters that you wish to mention that are relevant to this application please enter these below:	

Please read and sign declaration -

I wish to be considered for the issue of a new hackney carriage licence.

I have read and understood the guidance enclosed with this document, and I accept the terms and conditions contained therein.

The information, which I have given in this form, is true to the best of my knowledge and belief. I understand that the information I have given will be used by the Council to determine whether I may be allocated the vehicle licence, and that if I have knowingly or recklessly made a false statement or omitted any material particular, I may be liable to prosecution under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, and any licence granted may be revoked.

**Signed** \_\_\_\_\_ **Dated** \_\_\_\_\_

Please return to: Deputy Chief Executive/  
 Director of Early Intervention and Support  
 Early Intervention and Support Directorate  
 Chorley Council  
 Civic Offices  
 Union Street  
 Chorley  
 Lancs  
 PR7 1AL

**Important Note: THE FORM MUST BE RETURNED BY \*\***

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