

## **LICENSING AND PUBLIC SAFETY COMMITTEE**

WEDNESDAY, 13TH NOVEMBER 2019, 2.00 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES**

##### **1 DECLARATIONS OF ANY INTERESTS**

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

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

##### **2 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.

<https://democracy.chorley.gov.uk/documents/s67429/Appendix%203%20Standing%20Orders%20Aug%202016.pdf>

##### **3 MINUTES OF MEETING WEDNESDAY, 10 JULY 2019 OF LICENSING AND PUBLIC SAFETY COMMITTEE**

(Pages 3 - 6)

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

###### **A MINUTES OF MEETING WEDNESDAY, 14 AUGUST 2019 OF GENERAL LICENSING SUB-COMMITTEE**

(Pages 7 - 10)

###### **B MINUTES OF MEETING WEDNESDAY, 11 SEPTEMBER 2019 OF GENERAL LICENSING SUB-COMMITTEE**

(Pages 11 - 14)

###### **C MINUTES OF MEETING WEDNESDAY, 9 OCTOBER 2019 OF GENERAL LICENSING SUB-COMMITTEE**

(Pages 15 - 20)

##### **5 MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEES**

<b>A</b>	<b>MINUTES OF MEETING WEDNESDAY, 9 OCTOBER 2019 OF LICENSING ACT 2003 SUB-COMMITTEE</b>	(Pages 21 - 22)
<b>6</b>	<b>DELEGATION OF FUNCTIONS UNDER SECTION 132A OF THE LICENSING ACT 2003</b>	(Pages 23 - 32)
	Report of the Director of Customer and Digital.	
<b>7</b>	<b>IMPLEMENTATION OF EQUALITY ACT 2010 IN RESPECT OF WHEELCHAIR ACCESSIBLE VEHICLES</b>	(Pages 33 - 36)
	Report of the Director of Customer and Digital.	
<b>8</b>	<b>ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR</b>	

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing and Public Safety Committee Councillor Matthew Lynch (Chair), Councillor Margaret France (Vice-Chair) and Councillors Terry Brown, Mark Clifford, Jean Cronshaw, Gordon France, Danny Gee, Tom Gray, Steve Holgate, Laura Lennox, Sheila Long, Joyce Snape and John Walker.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or [chorley.gov.uk](http://chorley.gov.uk)

To view the procedure for public questions/ speaking click here

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**MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE**

**MEETING DATE** **Wednesday, 10 July 2019**

**MEMBERS PRESENT:** Councillor Matthew Lynch (Chair), Councillor Margaret France (Vice-Chair) and Councillors Terry Brown, Mark Clifford, Jean Cronshaw, Gordon France, Danny Gee, Tom Gray, Laura Lennox, Sheila Long, Joyce Snape, Ralph Snape and John Walker

**OFFICERS:** Tracy Brzozowski (Customer Services Manager (Enforcement)), Nathan Howson (Enforcement Team Leader (Licensing)), Carl Gore (Enforcement Officer (Licensing and Empty Properties)), Stefanie Leach (Solicitor) and Philippa Braithwaite (Democratic and Member Services Officer)

**APOLOGIES:** Councillor Steve Holgate

**19.L.99 Declarations of Any Interests**

There were no declarations.

**19.L.100 Public Questions**

There were no public questions.

**19.L.101 Minutes of meeting Wednesday, 6 February 2019 of Licensing and Public Safety Committee**

**RESOLVED – That the minutes of the Licensing and Public Safety Committee held on Wednesday, 6 February 2019 be confirmed as a correct record for signature by the Chair.**

**19.L.102 Minutes of the General Licensing Sub-Committees**

**RESOLVED – That the minutes of the General Licensing Sub-Committees held on 13 February and 19 June 2019 be confirmed as a correct record.**

**19.L.103 Minutes of the Licensing Act 2003 Sub-Committees**

**RESOLVED – That the minutes of the Licensing Act 2003 Sub-Committees held on 13 March and 12 June 2019 be confirmed as a correct record.**

**19.L.104 Hackney Carriage Table of Fares Proposed Increase**

Nathan Howson, Enforcement Team Leader (Licensing), presented a report of the Director (Customer and Digital) regarding a proposal made by the Hackney Driver's Association Ltd to increase to the Table of Fares for Hackney Carriages.

Members discussed the report, noting fares and waiting times (where the driver waits for the fare to arrive) were increasing slightly. Officers advised that Chorley last increased fares in 2012. With regards to Private Hire Vehicles, Members noted that these were set by the individual Operators rather than the Council.

**RESOLVED –**

1. That the written request for a fare increase along with any verbal representations the Association or their representatives may make before making a decision be noted.
2. That the proposed increase to the table of fares be agreed, subject to the statutory consultation being carried out and no objections being received.
3. That, in the event major objections are received during the statutory consultation period, the matter be brought back before the Committee for determination.
4. That, in the event minor objections are received during the statutory consultation period, the matter be discussed with the Chair and Vice-Chair of the Licensing and Public Safety Committee and a determination made.
5. That a change be made to the Taxi Licensing Policy to require an application to renew a Hackney Carriage Vehicle licence be accompanied by a new Taximeter Calibration Certificate, to reflect the change in fares, with effect from the implementation of the new fare.

**19.L.105 Schedule of meetings**

Members discussed the dates and times for future Licensing and Public Safety Committee and General Licensing Sub-Committee dates and agreed that the current arrangement of daytime meetings was more convenient for Councillors and taxi drivers to attend.

**RESOLVED – That the meetings continue to be scheduled during the day and that the following schedule be approved:**

Licensing and Public Safety Committee:

- 13 Nov 2019 2.00 pm
- 12 Feb 2020 2.00 pm

General Licensing Sub-Committee:

- 24 Jul 2019 2.00 pm
- 14 Aug 2019 2.00 pm
- 11 Sep 2019 2.00 pm
- 9 Oct 2019 2.00 pm
- 6 Nov 2019 2.00 pm
- 4 Dec 2019 2.00 pm
- 8 Jan 2020 2.00 pm
- 5 Feb 2020 2.00 pm
- 4 Mar 2020 2.00 pm
- 8 Apr 2020 2.00 pm
- 20 May 2020 2.00 pm

**19.L.106 Writing to ministers in regards of information requests**

Councillor Matt Lynch, Chair of the Licensing and Public Safety Committee, proposed that letters be sent from the Committee to various Secretaries of State, Ministers and Chief Executives of bodies and authorities to highlight the difficulties experienced in receiving appropriate information in a timely manner when requested for Licensing Hearings.

Members discussed the proposal and agreed that letters should be sent but that emphasis should be placed on ensuring responsible partners had enough resources to enable them to prioritise these requests for information. In response to a Member's question, officers advised that allowing Licensing Authorities access to Police databases had been discussed nationally, but there was no impetus to facilitate this owing to the level of personal information that would unnecessarily be shared by default.

Officers advised the Committee to also contact the Local Government Association with their concerns, who may be able to assist with lobbying central government and raise these issues on behalf of Local Authorities.

**RESOVLED – That letters be drafted.**

**19.L.107 Any urgent business previously agreed with the Chair**

Tracy Brzozowski, Customer Services Manager (Enforcement), presented a verbal report seeking approval to revise the Council's "Statement of Principles" under the Gambling Act 2005.

In response to Members' questions, it was advised that changes would be made to reflect new guidance and for technical updates (i.e. officer names), but that no major changes were anticipated.

Members noted that consultation was proposed for 1 – 31 August 2019. Any amendments would be made prior to the revised Policy being reported at this Committee's meeting on 13 November 2019 for recommendation to Full Council on 19 November 2019. If approved, the revised "Statement of Principles" would run for three years commencing on 23 November 2019.

**RESOLVED –**

- 1. To grant approval to revise the Council's "Statement of Principles" under the Gambling Act 2005; and**
- 2. To agree a formal consultation period of 1 August 2019 to 31 August 2019.**

Chair

Date

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**MINUTES OF GENERAL LICENSING SUB-COMMITTEE****MEETING DATE** Wednesday, 14 August 2019**MEMBERS PRESENT:** Councillor Matthew Lynch (Chair), and Councillors Terry Brown, Danny Gee, Tom Gray and John Walker**OFFICERS:** Carl Gore (Enforcement Officer (Licensing & Empty Properties)), Stefanie Leach (Solicitor) and Philippa Braithwaite (Democratic & Member Services Officer)**19.21 Declarations of Any Interests**

There were no declarations of interests received.

**19.22 Procedure**

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

**19.23 Exclusion of the 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 involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**19.24 GLSC taxi incident report**

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the Licence Holder remained a fit and proper person to hold a licence.

The Licence Holder was present at the Sub-Committee.

The Licensing Officer outlined his report, highlighting that Chorley Council received a statement of complaint on the 6 June 2019 stating that the Licence Holder refused to take a passenger with an assistance dog on Saturday, 6 April 2019. The taxi was booked by a member of staff from Chorley Hospital Emergency Department on behalf of the passenger.

There were a number of appendices submitted as audio recordings; the Licensing Sub-Committee proceeded to listen to those recordings which involved the booking being discussed, the booking being taken, the discussion between the Licence Holder and Operator after the driver had arrived for pick up, and a conversation between the Operator and the person making the booking on behalf of the passenger.

The Licensing Officer also reported that, on the 12 October 2011, the Licence Holder attended a General Licensing Sub Committee as his licence renewal application revealed that the Licence Holder had received a Police Caution, which had not been declared to Chorley Council in accordance with the conditions of his licenses. It was noted that at that meeting, the Sub-Committee had resolved to take no action as a result of this.

In response to questions from the Sub-Committee, the Licensing Officer confirmed that, although not specifically part of the application process, the requirement to transport assistance dogs was clearly set out as a condition on the private hire drivers' licence. The Licensing Officer confirmed that the dog was clearly marked as an assistance dog and paperwork confirming this status had subsequently been produced. The Sub-Committee noted that the Licence Holder had attended Safeguarding training with the Council; the Licensing Officer confirmed that this training did not specifically cover assistance dogs but focussed on safeguarding of vulnerable people. In response to further questioning, the Sub-Committee noted that the Licence Holder was aware that the passenger was accompanied by an assistance dog when he accepted the booking.

The Licence Holder advised that, upon his arrival, the passenger was waiting outside with her assistance dog. The dog made a mess and he waited while it was cleaned up. The Licence Holder advised that he asked the passenger to sit in the back of the vehicle as it would be more comfortable for her. He stated that he did not refuse to take her but instead that the passenger refused to travel with him, despite him saying twice that she could sit wherever she wanted in the vehicle. The Licence Holder advised the Sub-Committee that the passenger had not made this complaint but that a third party had made the complaint a long time after the incident.

In clarification, the Sub-Committee noted that the complaint had been made by a receptionist at the hospital who made the booking on behalf of the passenger, and that the complaint had been received on 6 June 2019, two months after the incident on 6 April 2019.

The Sub-Committee listened again to the audio recording of the Licence Holder's conversation with the Operator.

In response to questions from the Sub-Committee, the Licence Holder confirmed he knew about the assistance dog when he took the booking, and that he understood the warning given by the Operator during their phone conversation that refusing a passenger with an assistance dog was against the law and might result in him losing his licence. He advised that journeys with assistance dogs were not uncommon, but the frequency varied, and he confirmed he was still employed by Yellow Cabs.

The Licensing Officer asked the Licence Holder why during his interview under caution he had stated the Operator had told him to leave, when the recording demonstrated that the Operator warned him that refusing the booking was illegal. The Licence Holder responded that he had liaised with the Operator through the taxi app prior to the phone conversation.

The Licensing Officer reminded the Licence Holder that he had stated in the interview under caution that the dog was dirty and asked whether this was the reason he had refused the booking. The Licence Holder responded that he had not argued with the passenger and that he had asked her to sit in the back. Members asked for



clarification as to whether the passenger was refused because the dog was regarded as dirty and the Licence Holder advised that this was not an issue.

The Licensing Officer asked the Licence Holder if he had informed the passenger that another taxi was being sent for her before he left, and the Licence Holder responded that he had left after speaking with the Operator. When asked how he felt about leaving the passenger stranded with no knowledge that another taxi was coming, the Licence Holder advised that there was a limit to how long he could stay parked there.

In summary, the Licence Holder reiterated that the passenger had not complained, and the complaint had been made by a third party two months after the incident. He advised that the previous Sub-Committee appearance in 2011 had been a personal matter and unrelated to his dealings with the public. In addition, the Licence Holder advised that he had not received any complaints previously whilst he has been a taxi driver.

After careful consideration the Sub Committee **RESOLVED** that the Licence Holder is no longer a fit and proper person to hold a private hire driver and hackney carriage driver's licence, as such Sub Committee resolved to revoke the Licence Holder's licences for the following reasons:

1. **Members listened to the complaint brought before them, the driver's representations and the audio footage appended to the committee report. They are satisfied that the driver has breached condition 22 of his private hire driver's licence and failed to carry out the booking subject to the complaint due to the presence of the assistance dog;**
2. **The driver has not produced any evidence to confirm that he has a medical condition that would exempt him from taking assistance dogs in a taxi that he is driving;**
3. **Members do not attach weight to the justification put forward by the Licence Holder to explain why the booking was not carried out due to the customer refusing to sit in the back of the vehicle with the assistance dog;**
4. **The Licence Holder's actions are contrary to the Equality Act 2010 and this was made clear to him during his telephone discussion with the operator;**
5. **The Licence Holder has significant experience in being a taxi driver and knows his obligations in respect of taking customers with assistance dogs;**
6. **Furthermore, the Licence Holder's actions are aggravated by the fact that the customer was left stranded and was a vulnerable person.**

Chair

Date

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**MINUTES OF GENERAL LICENSING SUB-COMMITTEE****MEETING DATE**                      **Wednesday, 11 September 2019****MEMBERS PRESENT:**      Councillor Matthew Lynch (Chair), and Councillors Mark Clifford, Steve Holgate, Sheila Long and John Walker**OFFICERS:**                      Nathan Howson (Enforcement Team Leader (Licensing)), Elizabeth Walsh (Solicitor) and Philippa Braithwaite (Democratic and Member Services Officer)**19.25 Declarations of Any Interests**

There were no declarations of interests received.

**19.26 Procedure**

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

**19.27 Exclusion of the 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 involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**19.28 Determination of Application for the Grant of HC/ PH Driver's Licence**

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the applicant was a fit and proper person to hold a licence.

The applicant and his legal representative were present at the Sub-Committee.

On 21 March 2019 the Council received an application for both a Private Hire Driver's (PHD) licence and Hackney Carriage Driver's (HCD) licence and on 16 April 2019 the applicant passed the Council's Knowledge Test.

Members were informed that, in support of his application, the applicant declared that he had held a Private Hire Driver's licence with Blackburn with Darwen Borough Council (BwDBC) since 2001 and that, on 13 November 2018, this licence had been revoked with immediate effect following a complaint by a member of the public in relation to an alleged sexual assault. Details of the complaint were contained in the report.

Following this allegation, the applicant was arrested and released on bail with conditions. On 21 September 2018 the decision was made by the Constabulary to take no further action in relation to this complaint and the applicant was released without charge.

Members were informed that the applicant did not appeal the subsequent decision of the General Licensing Sub-Committee of BwDBC to revoke his licence.

The applicant's legal representative gave an overview of the applicant's good character and advised Members that no appeal had been made against the decision of BwDBC to revoke his licence owing to the likely costs that would be incurred by legal proceedings and based on advice received that he would earn more as a driver in Chorley than he had in Blackburn.

With regards to the complaint made against the applicant in 2018, the applicant's legal representative drew Members' attention to the fact that the Police had investigated the incident and had found insufficient evidence to proceed with a prosecution.

The applicant's legal representative confirmed that the applicant had co-operated with the Police and BwDBC throughout the investigation and had been released on bail while enquiries were carried out. He advised that the bail conditions had been amended to facilitate the applicant's continued employment as a taxi driver during this time.

The applicant's legal representative drew Members' attention to some discrepancies between the complainant's statements to the Police (which had not been submitted to this Sub-Committee) and to BwDBC.

The applicant's legal representative outlined the applicant's account of the incident. The applicant had known the complainant three years previously in a professional capacity as she was a frequent customer of the taxi firm he worked for, although he had not seen her since that time. The applicant's legal representative stated that the applicant did not make any comment about the complainant's father, but that he had greeted her, and they had a brief conversation about her change in employment. He drove the short journey to her house, during which the complainant remarked she was single and was 'looking for a man'. At the conclusion of the journey the complainant hugged the applicant and kissed his face. The applicant stated he moved away from her advances before kissing her on the side of her face and asking her to leave.

The applicant confirmed that the kiss had not been a good idea, but that it seemed the only thing he could do at that time. The applicant's legal representative advised that there was no forensic evidence to suggest anything occurred of a more sexual nature and that the issue was one of consent, the circumstances of which differed between the complainant's and the applicant's accounts.

In response to Members' questions, it was noted that the complainant had appeared at the BwDBC General Licensing Sub-Committee hearing in November 2018 but had not been invited to today's hearing owing to the nature of the allegations and the possibility of causing further distress. When asked about his feelings regarding the incident and his actions at that time, the applicant responded he would not act in the same way again and that, if granted a licence today, he would install a camera in his vehicle.

In response to further questions, the applicant confirmed he had not had a romantic or sexual relationship with the complainant in the past; he had acted as a regular taxi driver for her for a few years, but this had ended approximately three years previously. When asked to describe the complainant with regards to how she acted or what she looked like (i.e. hair colour), the applicant replied that he would recognise her if he saw her again but could not describe her.

The applicant confirmed he had held a licence with BwDBC since 2001 and had not appealed the decision to revoke his licence as the low level of trade in Blackburn would not be worth the high costs of the appeal. When asked whether he had made any enquiries about applying for a new licence to work in Blackburn, the applicant advised that he had received and completed a renewal letter from BwDBC but upon submission had been told the letter had been sent to him in error.

In summary, the applicant's legal representative advised Members that the applicant had no convictions and that, although the burden of proof required for today's hearing was lower than that used by the Police, no criminal conviction had been pursued in relation to this complaint owing to insufficient evidence.

The aim of the local authority licensing of the taxi and private hire trades is to protect the public, the proceedings are civil proceedings and not criminal and so the burden of proof applied should be that of the civil standard i.e. on the balance of probabilities. As such, after careful consideration of all the relevant factors, the Sub Committee **RESOLVED to refuse the application for a Private Hire and Hackney Carriage Driver's Licence for the following reasons:**

- **Whilst Members heard evidence from the applicant and his representative about the events, Members determined that the applicant was not a fit and proper person to hold a private hire and hackney carriage Drivers licence.**
- **Whilst there is no statutory definition of what a fit and proper person is, following recent case law, Members are advised that if the answer to this question is "no" or "not sure" or "don't know" Members should find the applicant not fit and proper and refuse to grant the licence.**
- **Members took into consideration that the applicant's licence was revoked by Blackburn with Darwen Borough Council on public safety grounds.**
- **After hearing from the applicant, Members felt that although he stated he would not behave in the same way again, his professional conduct was not that of a fit and proper person.**

Chair

Date

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**MINUTES OF GENERAL LICENSING SUB-COMMITTEE****MEETING DATE**                      **Wednesday, 9 October 2019****MEMBERS PRESENT:**      Councillor Matthew Lynch (Chair), and Councillors Danny Gee, Laura Lennox, Sheila Long and John Walker**OFFICERS:**                      Nathan Howson (Enforcement Team Leader (Licensing)), Elizabeth Walsh (Solicitor), Andrea Wheeldon (Customer Services Officer (Enforcement)) and Philippa Braithwaite (Democratic and Member Services Officer)**19.29 Declarations of Any Interests**

There were no declarations of interests received.

**19.30 Procedure**

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

**19.31 Exclusion of the 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 involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**19.32 Determination of Application for the Grant of a Private Hire Operator's Licence**

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the applicants were fit and proper persons to hold a Private Hire Operator licence.

One of the applicants was present at the Sub-Committee alongside his colleague. The second applicant was not present.

Members noted the history of the premises, that a private hire operator's licence had been held by a number of different proprietors at this premises for many years, with licensing records going back to 2000.

A licence was granted on 23 September 2013 which was due to expire on 22 September 2014 but, prior to its expiry, was surrendered. On the same day of its surrender a new private hire operator's licence was granted to which was due to expire on 16 July 2018. Again, prior to its expiry, on 27 June 2018 the licence was surrendered. On the same day as the surrender, a new private hire operator's licence was granted to. This licence was due to expire on 27 June 2023.

On 19 June 2019, the General Licensing Sub Committee reviewed this licence and determined to revoke the licence as they decided the licence holder were no longer fit and proper persons to hold the licence. The appeal against this decision is due before the Magistrates' Court on 11 November 2019.

Members heard that on 3 July 2019, an individual named on the revoked licence attended the Council offices and made an application for a Private Hire Operator's Licence with the two applicants for today's hearing named as the proprietors of the licence. Officers made a request for further information in relation to this application on 30 July 2019 and again on 3 September 2019 after a lack of response. The requested information was then provided by the applicant on 16 September 2019, and the Licensing Officer highlighted that the signature did not appear to match the one on the licence application.

On 26 September 2019, officers arranged to interview the two applicants at the Council Offices regarding their application. The Licensing Officer highlighted that at this interview, the applicant present today admitted that the individual named on the revoked licence had completed the application form on his behalf and that that individual would provide help as he was an experienced operator and knew the business well. The applicant confirmed that he and the other applicant had paid a deposit for the takeover of the business and that the final amount would be paid if the licence application was successful.

In response to Members' questions, the Licensing Officer stated that this application had been brought to the Sub-Committee owing to the relationship between this business and the previous business where the Private Hire Operator's Licence had been revoked. He advised that the appeal against that revocation had no bearing on today's decision.

The applicant queried whether the Council held any complaints, reports or negative information on him as a taxi driver from the past 35 years for which he'd held a licence, to which the Licensing Officer confirmed there was nothing to his knowledge. The applicant queried why this application had come before the Sub-Committee and the Council's legal representative responded that things had been said under interview which warranted further investigation.

The applicant gave an overview of his good character, that he had been a driver in Chorley for 35 years with no misconduct. He said he couldn't change the past or choose his family and clarified that the individual named on the revoked licence was his cousin and was the middleman brokering the purchase of the business. The applicant stated that, moving forwards, this individual would 'come in for a brew' and that he couldn't keep him out as he was family. He advised that, since the incident in October, the individual had been 'behaving himself' and stated that he might need the individual to do occasional operating shifts if there was no one else available to cover.

He confirmed that the lack of response to the initial letter asking for information was a mistake on his part and explained the personal circumstances that caused it. He advised that once he and the other applicant took over, they would invite Licensing Officers in and that they would be able to provide any information required.

The applicant stated that he and the other applicant had been good and reliable drivers for a long time and asked the Sub-Committee to consider this application.



In response to Members' questions, the applicant confirmed the individual named on the revoked licence had filled out the form on the applicant's request and otherwise so far had only been involved as an intermediary between the applicants buying the business and the other two individuals individual named on the revoked licence selling the business. The applicant confirmed that, if the licence were granted, this individual would have supervised access to the office and work shifts in urgent situations (i.e. when there was no one else to cover).

When asked if he was aware of the reasons why the individual's Private Hire Operator licence had been revoked, the applicant confirmed he was. When pressed on this the applicant advised that he knew of the accident and the insurance claim, and that the 'airport job' was a stupid mistake that he would have prevented if he had known beforehand. The applicant then stated that the individual had learnt from his behaviour that, if the licence were granted, he wouldn't be a prominent member of staff.

In response to Members' questions, the applicant advised he had worked in Chorley as a Hackney Carriage driver before becoming a Private Hire driver. He confirmed he had only attended previous Sub-Committee meetings when accompanying other drivers. With regard to the business, the applicant's colleague advised they had about 15 drivers all of whom were good, loyal drivers.

The applicant confirmed he had read over and checked the application forms after they had been completed by the individual named on the revoked licence, and that he had been happy with the contents. With regards to the mis-matching signatures, the Licensing Officer confirmed this had been clarified and he was happy both signatures were from the applicant.

Members asked if the applicant was happy for the individual named on the revoked licence to carry out shifts, and the applicant responded that he was. He stated that it was his licence and his reputation at risk if anything went wrong. Members queried further, asking whether, knowing of the individual's previous actions, the applicant would have any concerns about putting him in a position of responsibility that he had previously breached. The applicant advised that he trusted him. He stated that the individual's actions had been out of character and in response to a family bereavement, and that he would not do it again. The applicant's colleague added that the individual's knowledge of the business and the trade was invaluable.

In response to a question on how the sale of the business had come about, the applicant confirmed he and the other applicant had approached the individual named on the revoked licence initially, as he had a closer relationship with him and that he was the better businessman of the three individuals. He and the other applicant had then spoken with the other two individuals named on the revoked licence. With regards to when this had taken place, the applicant wasn't certain but advised it was around March or April 2019. The applicant confirmed that the other two individuals were running the business at that time and were running it currently. The third individual was not involved in the business but was acting as the middleman for the sale.

The Sub-Committee asked further questions regarding this individual's involvement in the business and asked the applicant to demonstrate his understanding of the seriousness of the individual's convictions.

The applicant advised that the individual's involvement in the business would be in an advisory capacity during the handover period. He would not be a permanent member of staff as he was looking for different employment and did not have a taxi licence. The applicant confirmed that the individual would be supervised whenever he was helping.

The applicant stated he appreciated the seriousness of the incidents particularly as the public had been involved. He advised Members he and the other applicant did not operate like that, he took his licence very seriously and was not willing to put it or his livelihood at risk. The applicant stated that he believed that the individual named on the revoked licence had paid the price for his actions by losing his licence and his business.

The applicant reiterated that he would only ask the individual to help when he was desperate and that once the business was set up the individual would not be involved, though he would still come to the office as he was family.

In summing up, the applicant stressed that the business deal was not with the individual named on the revoked licence; he was brokering the deal between the two applicants and the two individuals currently running the business and, in the future, he would only be giving advice when it was needed.

The applicant stated he hoped that the offences committed by the individual during an acute period of his life wouldn't affect the decision being made today. He reiterated that he was a fit and proper person and asked the Sub-Committee to take this into account.

The aim of the local authority licensing of the taxi and private hire trades is to protect the public. Pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976, a district council shall not grant a licence to operate private hire vehicles unless they are satisfied:

- That the applicant is fit and proper person to hold an operator's licence, and
- That the individuals are not disqualified, by reason of the applicant's immigration status, from operating private hire vehicles.

The Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary. The proceedings are civil proceedings, not criminal and so the burden of proof applied should be that of the civil standard i.e. on the balance of probabilities.

After hearing from the Applicant, Members felt that the Applicant was not a fit and proper person to hold the Licence and therefore Sub-Committee **RESOLVED not to grant the Private Hire Operator's Licence subject for the following reasons:**

- 1. The Applicant did not demonstrate or provide any assurances that the business would be run solely by the applicants without the involvement of the individual named on the revoked licence. This individual has previously been found not to be a fit and proper person. The Authority have a duty to protect the public safety and must ensure that the public are not put at risk by individuals with a history of dishonesty, indecency or violence.**
- 2. Whilst they heard from the applicant that this individual would not be employed as 'staff' member, Members felt that the advisory capacity proposed by the applicant still meant that he would be in a position where**

**he would have access to personal records and the day to day running of the business. The applicant did not demonstrate or propose any measures which would restrict this individual's access to the business and premises. For example, the applicant said that "he's family, I can't stop him coming in"**

- 3. The Applicant did not demonstrate that he appreciated the implications or the seriousness of the previous convictions of this individual and therefore the Sub-Committee felt this impacted on whether he was a fit and proper person to hold a private hire operator licence.**

**An appeal against the decision of the Council to refuse to grant the licence or to any conditions attached to the licence may be made by the applicant to the Magistrates' Court within 21 days from receipt of the determination notice.**

Chair

Date

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**MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE**

**MEETING DATE** **Wednesday, 9 October 2019**

**MEMBERS PRESENT:** Councillor Matthew Lynch (Chair), and Councillors Sheila Long and Laura Lennox

**OFFICERS:** Nathan Howson (Enforcement Team Leader (Licensing)), Elizabeth Walsh (Solicitor), Andrea Wheeldon (Customer Services Officer (Enforcement)) and Philippa Braithwaite (Democratic and Member Services Officer)

**19.93 Declarations of Any Interests**

There were no declarations of interests received.

**19.94 Procedure**

The procedure was noted.

**19.95 Exclusion of the 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 involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**19.96 Determination of whether to consider revoking or suspending a Personal Licence**

The Sub-Committee considered a report which advised that a Personal Licence Holder had been convicted of a relevant offence after the grant of the licence and asked Members to determine whether to consider revoking or suspending the licence.

The Enforcement Team Leader for Licensing advised the Licence Holder was granted a Personal Licence pursuant to Section 120 of the Licensing Act 2003 on 9 December 2014. On 14 August 2019 he was convicted of a relevant offence, namely driving with alcohol level above the legal limit. Members noted that he notified the Authority of this conviction on 2 September 2019.

After careful consideration of the report and having regard to the guidance issued under S182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy, the Licensing Act 2003 Sub-Committee **RESOLVED to consider revoking or suspending the licence and instruct the licensing team to issue a notice to the**

**licence holder inviting representations to be made within 28 days. Following this, the Sub-Committee will decide whether to suspend or revoke the licence.**

**Members came to this decision as this was a relevant offence, and felt the details contained in the Personal Licence Holder's statement warranted further investigation and consideration.**

Chair

Date



Report of	Meeting	Date
Director of Customer and Digital	Licensing and Public Safety Committee	13 <sup>th</sup> November 2019

<b>Confidential report</b>	Yes	No
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**REASON FOR REFERRAL**

1. To request that members determine the procedure to be followed when the Authority becomes aware that a Personal Licence holder has been convicted of a relevant offence.

**RECOMMENDATIONS**

2. That members:
  1. Consider the process for deciding whether to consider revoking or suspending a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the personal licence.
  2. Consider the process for deciding whether to revoke or suspend a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the personal licence, where the holder has made representations.
  3. Consider the process for deciding whether to revoke or suspend a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the licence, where the police have made representations.

**CORPORATE PRIORITIES**

3. 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 homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	

**BACKGROUND**

4. The Policing and Crime Act 2017 empowered a Licensing Authority which had issued a Personal Licence to suspend (for up to 6 months) or revoke a Personal Licence where it became aware that the holder had been convicted of a relevant offence or a foreign offence or been ordered to pay an immigration penalty. A list of relevant offences is appended at Appendix A.
5. Where an Authority becomes aware of this, it must first decide whether it is to consider revoking or suspending the licence. It is possible for this function to be delegated to officers. Where it decides to consider revoking or suspending the licence, the Authority must issue a notice to the licence holder, inviting them to make representations within 28 days.
6. Following this 28 day period, the Authority must decide whether to revoke or suspend the licence. If the Authority proposes not to revoke the licence, it must give a notice to the Chief Officer of Police of Lancashire Constabulary that it proposes not to revoke the licence and invite them to make representations within 14 days of the notice being received.

7. Following receipt of these representations, the Authority must decide whether to suspend (for up to 6 months) or revoke the Personal Licence.
8. A flowchart which summarises these steps is appended at Appendix 2.

**IMPLICATIONS OF REPORT**

9. 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 STATUTORY FINANCE OFFICER**

10. No comments

**COMMENTS OF THE MONITORING OFFICER**

11. The range of recommendations are within the discretion described in paragraphs 4.45 onwards of the Section 182 national guidance.

Subject to certain exemptions, under Section 10(2) of the Licensing Act 2003 a sub-committee may arrange for the discharge of a function by a licensing officer. The exemptions include revocation of a personal licence where convictions during the application period come to light after grant; and revocation or suspension of a personal licence following convictions or immigration penalties at any time before or after the grant of the licence.

The decision whether to refer the holder of a taxi driver licence to General Licensing Sub-Committee (GLSC) for minor offences or cautions is taken at present by licensing officers in consultation with Chair or Vice Chair of GLSC, so the recommendation involving consultation with Chair or Vice Chair is consistent with that.

**OPTIONS**

12. The Policing and Crime Act 2017 does not set out any hearing procedures for determining whether to suspend or revoke a Personal Licence. It does not specify whether a hearing needs to take place.

Section 7(1) of the Licensing Act 2003 empowers a Licensing Authority to determine the decision-making process for applications under the Act. The committee can therefore determine to dispose of these hearings.

20. In determining the procedure for Recommendation 1, members can:
  - Not delegate the power and that this decision must continue to be exercised by the Licensing Act 2003 Committee.
  - Delegate the power to an Authorised Officer, in consultation with the Chair/ Vice Chair of the Licensing and Public Safety Committee.
  - Delegate the power to an Authorised Officer.
21. In determining the procedure for Recommendation 2 and 3, members can:
  - Decide that the matter be determined by the Licensing Act 2003 Sub Committee on the papers only and without the need for a formal hearing, or
  - Decide that the matter be determined by a hearing of the Licensing Act 2003 Committee following a formal hearing in all cases. The hearing procedure and timescales for a contested Personal Licence application can apply.



Asim Khan  
 DIRECTOR OF CUSTOMER AND DIGITAL

**APPENDICES**

<b>Appendix</b>	<b>Description</b>
Appendix 1	List of relevant offences
Appendix 2	Flowchart of procedure

**BACKGROUND PAPERS**

<b>Document</b>	<b>Date</b>	<b>Place of Inspection</b>
The Council's Statement of Licensing Policy	2016 - 2021	<a href="#">The Council's Statement of Licensing Policy</a>
Secretary of State Section 182 Guidance	April 2018	<a href="#">Secretary of State Section 182 Guidance</a>

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>
Nathan Howson	5665	19.09.19

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**LICENSING ACT 2003**  
**SCHEDULE 4**  
**PERSONAL LICENCE: RELEVANT OFFENCES**

**1** An offence under this Act.

**2** An offence under any of the following enactments:

- (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
- (b) the Licensing Act 1964 (c. 26);
- (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
- (d) section 13 of the Theatres Act 1968 (c. 54);
- (e) the Late Night Refreshment Houses Act 1969 (c. 53);
- (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
- (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
- (h) the Cinemas Act 1985 (c. 13);
- (i) the London Local Authorities Act 1990 (c. vii).

**3** An offence under the Firearms Act 1968 (c. 27).

**4** An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.

**5** An offence under any of the following provisions of the Theft Act 1968 (c. 60):

- (a) section 1 (theft);
- (b) section 8 (robbery);
- (c) section 9 (burglary);
- (d) section 10 (aggravated burglary);
- (e) section 11 (removal of articles from places open to the public);
- (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
- (g) section 13 (abstracting of electricity);
- (h) section 15 (obtaining property by deception);
- (i) section 15A (obtaining a money transfer by deception);
- (j) section 16 (obtaining pecuniary advantage by deception);
- (k) section 17 (false accounting);
- (l) section 19 (false statements by company directors etc.);

(m) section 20 (suppression, etc. of documents);

(n) section 21 (blackmail);

(o) section 22 (handling stolen goods);

(p) section 24A (dishonestly retaining a wrongful credit);

(q) section 25 (going equipped for stealing etc.).

**6** An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

**7** An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38):

(a) section 4(2) (production of a controlled drug);

(b) section 4(3) (supply of a controlled drug);

(c) section 5(3) (possession of a controlled drug with intent to supply);

(d) section 8 (permitting activities to take place on premises).

**7A** An offence under any of the Immigration Acts.

**8** An offence under either of the following provisions of the Theft Act 1978 (c. 31):

(a) section 1 (obtaining services by deception);

(b) section 2 (evasion of liability by deception).

**9** An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2):

(a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);

(b) section 170B (taking preparatory steps for evasion of duty).

**10** An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7):

(a) section 8G (possession and sale of unmarked tobacco);

(b) section 8H (use of premises for sale of unmarked tobacco).

**11** An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).

**12** An offence under the Firearms (Amendment) Act 1988 (c. 45).

**13** An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48):

(a) section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);

(b) section 107(3) (infringement of copyright by public performance of work etc.);

(c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent);

(d)section 297(1) (fraudulent reception of transmission);

(e)section 297A(1) (supply etc. of unauthorised decoder).

**14** An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52):

(a)section 3A (causing death by careless driving while under the influence of drink or drugs);

(b)section 4 (driving etc. a vehicle when under the influence of drink or drugs);

(c)section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).

(d)section 6(6) (failing to co-operate with a preliminary test).

**15** An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol:

(a)section 14 (selling food or drink not of the nature, substance or quality demanded);

(b)section 15 (falsely describing or presenting food or drink).

**16** An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.

**17** An offence under the Firearms (Amendment) Act 1997 (c. 5).

**18** A sexual offence, being an offence:

(a)listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003 **F4**, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));

(aa)listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);

(b)an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);

(c)an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).

**19** A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

**19A** An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).

**19B** An offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003 (specified terrorism offences).

**20** An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

**21** An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.

**22** An offence under the Fraud Act 2006.

**22ZA** An offence under any of the following provisions of the Violent Crime Reduction Act 2006:

(a) section 28 (using someone to mind a weapon);

(b) section 36 (manufacture, import and sale of realistic imitation firearms).

**22A** An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.

**23** An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.

**23A** An offence under any of the following provisions of the Psychoactive Substances Act 2016:

(a) section 4 (producing a psychoactive substance);

(b) section 5 (supplying, or offering to supply, a psychoactive substance);

(c) section 7 (possession of psychoactive substance with intent to supply);

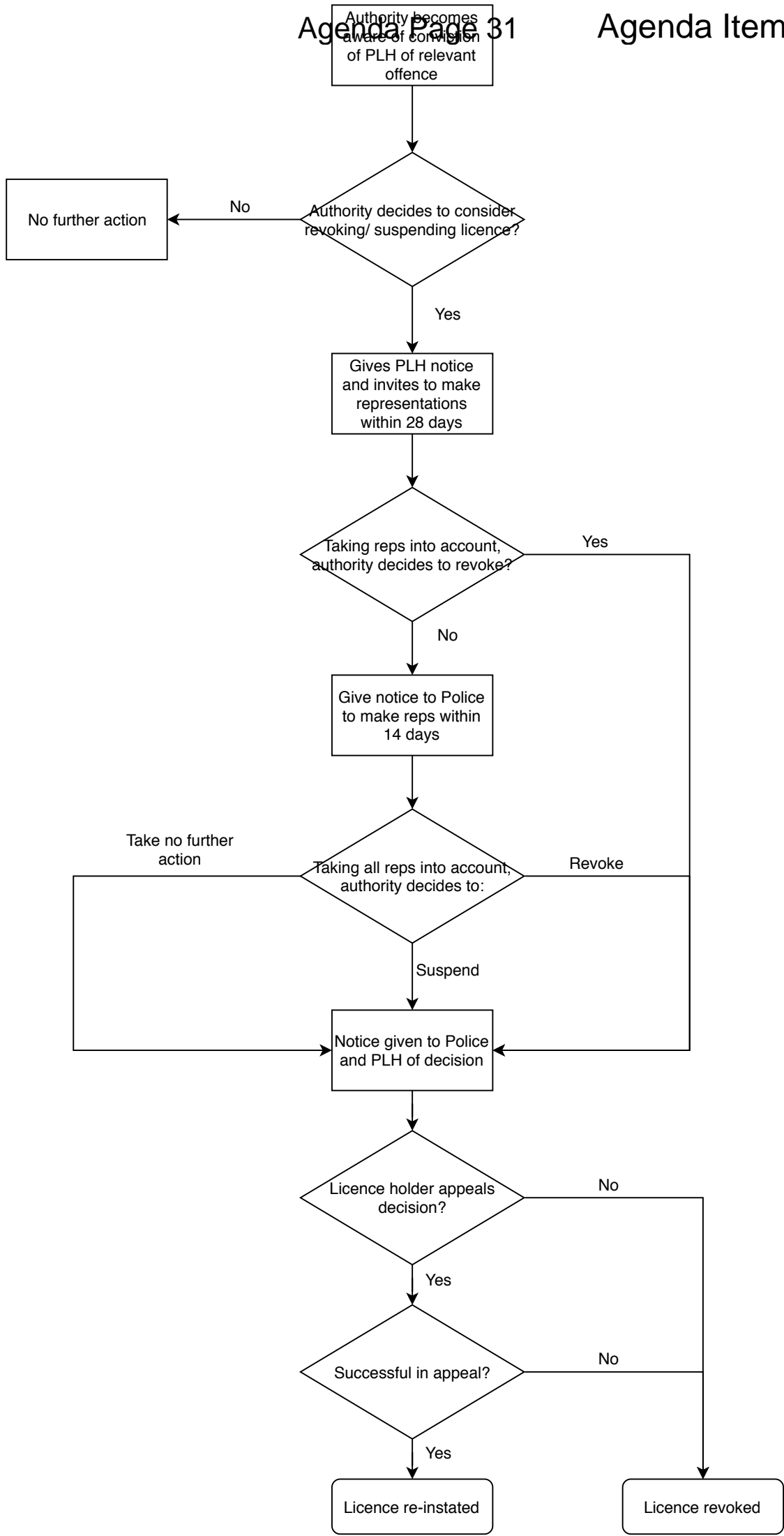
(d) section 8 (importing or exporting a psychoactive substance).

**23B** An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).

**24** An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.

**25** An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.

**26** The offence at common law of conspiracy to defraud.



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Report of	Meeting	Date
Director of Customer and Digital	Licensing and Public Safety Committee	13 <sup>th</sup> November 2019

<b>Confidential report</b>	Yes	No
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**PURPOSE OF THE REPORT**

- To advise members of the commencement of sections of the Equality Act 2010 relating to licensed wheelchair accessible vehicles (WAVs) and to ask members to determine whether to implement the relevant sections of the Act.

**SUMMARY**

- The Equality Act 2010 sets out sections in respect of WAVs which commenced on the 6<sup>th</sup> April 2017. The effect of these sections allows the Council to determine whether it wishes to maintain a list of WAVs. Where the Council maintains a list of WAVs, additional duties are placed on the drivers of such vehicles, as set out in the report.

**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 homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

**THE REPORT**

- Section 165, 166 and 167 of the Equality Act 2010 commenced on 6<sup>th</sup> April 2017; these sections can have a direct effect on drivers of WAVs. It is intended by these sections that wheelchair users will be better informed about the accessibility of WAVs in the district and can be confident of receiving the assistance necessary to travel safely.
- Section 167 allows the Council to maintain a list of WAVs. There is no legal obligation to implement this Section however, the Government strongly recommends that Local Authorities do. Where a designated list is not maintained, the provisions of Section 165 do not apply and so the drivers of wheelchair accessible vehicles can continue to refuse to carry wheelchair users, refuse to provide reasonable assistance and charge them extra.
- The Department for Transport (DfT) has issued statutory guidance regarding this implementation of these sections. The Council must have regard to this guidance when deciding whether to implement the sections. The guidance gives further information about the process which a Council must take to ensure the requirements of the Act are implemented effectively in the district.
- The DfT guidance recommends the following:
  - To review the guidance and compare it with existing local policies
  - Prepare a draft list of designated wheelchair accessible vehicles
  - Set out its policy for exempting drivers from the duties required by the Act on medical and physical condition grounds
  - Inform vehicle proprietors that vehicles will be placed on the list and the duties that will be placed on drivers

- Drivers apply for exemptions where necessary
- Licensing Authority issue exemptions where appropriate
- A list of designated wheelchair accessible vehicles is published and the duties on drivers take effect.

8. Section 165 sets out the duties placed on drivers of designated wheelchair accessible hackney carriages and private hire vehicles. These duties are:

- To carry the passenger whilst in the wheelchair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps as are reasonably necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

9. Mobility assistance is defined in the Act as assistance:

- To enable the passenger to get into or out of the vehicle,
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into or out of the vehicle while in the wheelchair,
- To load the passenger’s luggage into or out of the vehicle,
- If the passenger doesn’t wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

10. Where a Local Authority determine that they will provide a designated list of wheelchair accessible vehicles they must implement a policy and necessary procedures to exempt those drivers with certain medical or physical conditions that would prevent them from complying with the duties associated with them driving a designated vehicle. Section 166 of the Act prescribes the form of exemption notice that an exempted driver must display when driving a designated vehicle.

11. The authority currently has approximately 10 licensed vehicles that would be classified as wheelchair accessible. The publication of a list of such vehicles may encourage an increase in applications for such vehicles to be licensed.

12. Members are asked to determine whether or not this Council should implement section 167 of the Equality Act 2010 to make and publish lists of licensed designated wheelchair accessible vehicles. Where Members determine that this Council should adopt these requirements, officers shall report back to this committee with proposals for an exemption policy and procedural documentation for consideration.

**IMPLICATIONS OF REPORT**

13. 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 STATUTORY FINANCE OFFICER**

14. No comments

**COMMENTS OF THE MONITORING OFFICER**

15. If the Council implements section 167 of the Equality Act 2010 then breach of the duties contained in section 165 outlined in the body of the report is an offence punishable by a fine in the magistrates' court of up to £1,000. Exemption certificates may be obtained from the Council on medical grounds and must be displayed in the taxi.

The duty of any Council which maintains a list to have regard to statutory guidance is referred to in the body of the report. Guidance was issued in February 2017.

Section 172 of the Equality Act confers the right on a vehicle owner to appeal against the inclusion of their vehicle on a designated list. The appeal must be made to the local magistrates' court within 28 days of the vehicle being included in the published list.

**RECOMMENDATIONS**

16. That members decide:
- a) whether to implement Sections 165, 166 and 167 of the Equality Act 2010, and if a decision to implement is made
  - b) that officers prepare a policy for the Committee's consideration, in respect of the specification of wheelchair accessible vehicles, and the exemption criteria and procedure for those drivers who could not comply with the duties set out in the Act on medical or physical condition grounds.

Asim Khan  
DIRECTOR OF CUSTOMER AND DIGITAL

Description of Paper	Link to Papers
Access for wheelchair users to Taxis and Private Hire Vehicles- Statutory Guidance	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf</a>

Report Author	Ext	Date	Doc ID
Nathan Howson	5665	31.10.19	N/A

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