

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Prescribed description

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

PRESENT:

Councillors: Councillor Griffiths (Chairman)
Kay (Vice Chairman)
Owen Wright

Officers: Principal Solicitor (Mr L Gardner)
Principal HR Officer (Ms G Farrimond)
Member Services/Civic Support Officer (Mrs J Brown)

Parties to The Appeal Management
Housing Operations Manager (Ms L McGarry)
Human Resources Advisor (Ms S Lewis)

Appellant Employee Payroll Number (2900347)
Appellant Advisor Unison Representative (Mr P Foster)

1. APOLOGIES

There were no apologies for absence received.

2. MEMBERSHIP OF THE SUB - COMMITTEE

There were no changes to Membership of the Committee.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. EMPLOYMENT APPEALS PROCEDURE

The Chairman referred to the above procedure.

6. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (Identity of an Individual) and Paragraph 4 (Labour Relations) Part 1 of Schedule 12A outweighs the public interest in disclosing the information.

7. APPEAL AGAINST SELECTION FOR REDUNDANCY, SUBSEQUENT OFFER OF ALTERNATIVE POST AND ASSOCIATED SERVICE TENANCY CESSATION (EMPLOYEE PAYROLL NUMBER: 2900347) (IDENTITY OF AN INDIVIDUAL - PARAGRAPH 2 AND LABOUR RELATIONS - PARAGRAPH 4).

The Chairman welcomed both parties to the meeting.

Members were informed that the Sub – Committee was meeting to consider an appeal by an employee of the Council against selection for redundancy, subsequent offer of an alternative post and associated service tenancy cessation.

In considering the Appeal the Sub – Committee had before it the following documents:-

- A. The Managements' Statement of Case containing details of the background of the case.
- B. The Appellants' Statement of Case including details of the background of the case and reasons why the Appeal should be upheld.

The Sub – Committee, in accordance with the procedure heard the following aspect of the Appeal;

- i. An oral submission by Management
- ii. An oral submission on behalf of the Appellant
- iii. Questions put to each party by the other and questions put by Members to each party.
- iv. A summing up by Management and the Appellant's Representative

Following the conclusion of summing up, both parties, together with the representative, withdrew from the room and the Sub – Committee gave consideration to their decision.

The Sub – Committee came to the following conclusions:-

1. That the post of 'Resident Warden – Bath Springs Court' has been made redundant.
2. That the offer of suitable alternative employment in the post of 'Older Persons Support Officer' was reasonable.
3. That the decision by Management relating to the Category 2 property type was deemed fair.
4. That the decision by Management to place the Appellant on the list for 'Band A' properties was deemed fair and that Management will no longer highlight vacant properties on this list as requested by the Appellant.

- RESOLVED:
- A. That Management's decision in making the post of 'Resident Warden – Bath Springs Court' redundant be upheld.
 - B. That the offer of suitable alternative employment was reasonable.
 - C. That the Tied Tenancy of Bath Springs Court shall end.

- D. That the Sub – Committee request that the Assistant Director Housing and Regeneration exercise his discretion under the Housing Allocations Policy to allocate the Appellant a 5 year flexible tenancy in her current property.
- E. That the above recommendation is subject to the Appellant accepting the new post of 'Older Persons Support Officer'.

After both parties had been advised of the Sub – Committee's decision, the Chairman indicated that the decision would be confirmed in writing following the meeting.

LICENSING AND APPEALS COMMITTEE

HELD:31 MARCH 2015

Start: 7.30pm

Finish: 9.20pm

PRESENT: Councillor Griffiths (Chairman)

Councillors: Baybutt Ms Melling
Delaney Oliver
Devine Owen
Kay Wright
Mee

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mr L Gardener)
Senior Licensing Officer (Mrs S Jordan)
Member Services/Civic Support Officer (Mrs J Brown)

In attendance: Principal Solicitor (Mrs K. Lovelady)

66. APOLOGIES

There were no apologies for absence received.

67. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor C Evans and the appointment of Councillor Baybutt for this meeting only, thereby giving effect to the wishes of the political groups.

68. URGENT BUSINESS

There were no items of urgent business.

69. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

70. DECLARATIONS OF INTEREST

There were no declarations of interest.

71. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS

There were no Minutes to receive.

72. MINUTES

RESOLVED: That the Minutes of the meeting held on 3 February 2015 be received as a correct record and signed by the Chairman.

73. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (Identity of an Individual) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

**74. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000197841
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000197841 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form and those offences not declared which were identified on the Disclosure & Barring Service Certificate (DBS).

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000197841 be REFUSED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**75. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000198056
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000198056 having regard to the offences declared on the Statutory Declaration Form.

The Applicant attended the meeting with his partner and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000198056 be GRANTED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**76. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000200868
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000200868 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000200868 be REFUSED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**77. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000200490
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000200490 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form and those offences not declared which were identified on the Disclosure and Barring Service (DBS).

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000200490 be GRANTED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**78. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000199767
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000199767 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000199767 be deferred for one cycle to allow receipt of the Disclosure Barring Service (DBS) report.

- CHAIRMAN -



AGENDA ITEM: 8

**LICENSING & APPEALS
COMMITTEE: 2 JUNE 2015**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

**Contact for further information: Mr Paul Charlson (Extn 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

SUBJECT: THE DEREGULATION ACT 2015

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 That Members take the necessary action in response to the Deregulation Act 2015.

2.0 RECOMMENDATIONS

2.1 That with effect from the 1st October 2015, the licence duration for Hackney Carriage and Private Hire driver licences is increased from 12 months to 3 years.

2.2 That with effect from the 1st October 2015, the licence duration for Private Hire operator licences is increased from 12 months to 5 years.

2.3 That the proposed changes in Hackney Carriage and Private Hire driver and Private Hire operator licensing fees contained in Table 1 in this report are approved.

2.4 If the recommendation at Paragraph 2.3 is approved, that delegated authority is granted to the Assistant Director Community Services to give notice under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 of the Council's intention to vary the fees for Hackney Carriage and Private Hire driver and Private Hire operator licences.

2.5 That all relevant sections of the Hackney Carriage and Private Hire Licensing Policy 2013 are amended to take account of the matters contained in this report.

3.0 BACKGROUND

3.1 Members will recall the previous Update to this Committee during 2014 regarding the potential implications of the Deregulation Bill on Hackney Carriage (HC) and Private Hire (PH) licensing. The Bill received Royal Assent on 26 March 2015 and the following provisions relating to HC and PH are contained in the Deregulation Act 2015 (the 2015 Act):

(i) **Section 10(2) – duration of HC and PH driver licences**

The Act amends Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act) in such a way to establish a standard duration of three years for HC and PH driver licences. Section 10(2) specifies that such licences may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy.

(ii) **Section 10(3) – duration of PH operator licences**

The Act amends Section 55 of the 1976 Act in such a way to establish a standard duration of five years for a PH operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy.

(iii) **Section 11 – subcontracting of PH vehicles**

The Act inserts two new Sections (55A and 55B) into the 1976 Act which permits the subcontracting of bookings between PH operators in two ways:

- (a) One PH operator within the Borough may subcontract a booking to another PH operator within the Borough, so long as the booking was also made within the Borough;
- (b) One PH operator within the Borough may subcontract a booking to another PH operator outside of the Borough, so long as the booking was made within that Borough. Members should note that subcontracting a booking in this manner may also be between two separate offices of the same company.

3.2 The 2015 Act does not state the commencement date for the above provisions. However, the Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015 subsequently states that Section 10 and 11 of the 2015 Act will come in to force on 1 October 2015.

4.0 ISSUES

4.1 HC and PH driver and PH operator licences are currently granted for 12 months. Recommendations 2.1 to 2.4 in this report are required to ensure these licences are granted in accordance with the 2015 Act and that an appropriate fee is levied against each application. All relevant costs are included in the fees, which include all direct and indirect costs. Members should note that other fees are levied in addition to the relevant fee (for example, any required enhanced

Disclosure and Barring Service (DBS) check and/or medical examination) and are borne by the applicant.

- 4.2 If Members approve the proposed fees detailed in Table 1, the Council is required to give notice under Section 70 of the 1976 Act of its intention to vary the fees for driver and operator licences. The Notice will be published in the local press, on the Council's website and in the Licensing Reception at Robert Hodge Centre. Objections against the proposed increases can be made within 28 days from the date of the Notice. If any objections are received, the matter will be reported back to the next meeting of the Committee for further consideration. Table 1 contains the proposed changes in relevant Hackney Carriage and Private Hire licensing fees from 1 October 2015.

Table 1

The Deregulation Act 2015 Proposed Hackney Carriage and Private Hire licence fees			
Existing		Proposed	
Hackney Carriage Driver (12 month licence)	£60.95	Hackney Carriage Driver: renewal (3 year licence)	£73.15
		Hackney Carriage Driver: new (3 year licence)	£97.56
Private Hire Driver (12 month licence)	£55.31	Private Hire Driver: renewal (3 year licence)	£67.51
		Private Hire Driver: new (3 year licence)	£91.92
Private Hire Operator (1 year licence)		Private Hire Operator (5 year licence)	
1 - 10 Vehicles	£246.09	1 - 10 Vehicles	£258.29
11 - 20 Vehicles	£277.70	11 - 20 Vehicles	£289.90
21 - 30 Vehicles	£434.62	21 - 30 Vehicles	£446.83
31 - 40 Vehicles	£562.17	31 - 40 Vehicles	£574.38
41 - 50 Vehicles	£690.87	41 - 50 Vehicles	£703.07
Over 50 Vehicles	£830.85	Over 50 Vehicles	£843.05

HC and PH Driver licences

- 4.3 To avoid unnecessary and unmanageable peaks and troughs in demand, it is important to maintain the current spread of driver licence applications across the year. However, it is also important to implement 3 year driver licences in a fair and transparent way that takes the opportunity to reduce any administrative burden on the licensed trade and the Council. Therefore, it is proposed to bring each 3 year driver licence in line with the date of the corresponding individual licence holder's DBS report and DVLA mandate - both of which are required every 3 years. This will ensure that the licence renewal and other checks can be conducted at the same time. [Members should note that that the current requirements for medical examinations do not fit into a 3 year cycle. These

standards have been subject to considerable previous scrutiny by this Committee and therefore no changes are proposed. The Licensing Service will continue to ensure that licensed drivers adhere to these requirements as part of the 3 year licence.]

- 4.4 Accordingly, a transitional period is proposed whereby all annual driver licences will be converted to the 3 year licence. During this period, any existing 12 month driver licence that expires before the corresponding DBS and DVLA checks will be required to complete a transitional application form. This form will seek confirmation that the driver's details are unchanged from the previous renewal application and will require the return of the driver licence. A replacement driver licence will be issued with an expiry date that corresponds to the expiry date of the corresponding DBS and DVLA check. The existing administrative fee of £31.60 for a replacement driver licence will be charged for this process. Upon the expiry of this licence, the applicant will be required to complete the usual renewal process and be issued with a 3 year licence at the appropriate fee stated in Table 1.
- 4.5 Any 12 month licences that expire on the same date as the corresponding DBS and DVLA checks will be subject to the usual renewal process and replaced with a 3 year licence at the appropriate fee stated in Table 1.
- 4.6 Members will also note that two HC and PH driver licence application fees are proposed – separating a new application from a renewal application. This is proposed to reinforce the relevant legal and policy requirements on new drivers given the extended duration of licence period. New applicants will be subject to additional requirements to ensure they understand the contents of the Council's Hackney Carriage and Private Hire Licensing Policy and related legal responsibilities. Accordingly, recommendation 2.5 ensures that all references contained in the Council's Hackney Carriage and Private Hire Licensing Policy 2013 are amended to take account of the implications of the 2015 Act.

PH Operator licences

- 4.7 There are no administrative implications for the transfer of PH Operator licences from 12 months to 5 years. Upon expiry, all existing 12 month PH Operator licences will be subject to the usual renewal process and replaced with a 5 year licence at the appropriate fee stated in Table 1.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The licensing of HC and PH drivers and operators impacts upon many areas within the Community. This report links to the Safer Communities Key Objective of the Sustainable Community Strategy.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 The previously issued Members Update highlighted the potential for the 2015 Act to have a negative impact on licence income. It is estimated that licence fee income could reduce by approximately £29k in any one given year and therefore

has already been reported as part of the budgetary process for 2015/16. The proposed fees contained in this report are levied at a rate that serves to cover the costs to the Council as allowed under relevant legislation and case law. However, in response to recent case law, a full review of all licence fees will be conducted this year and reported to Members in December 2015 for implementation in 2016/17.

7.0 RISK ASSESSMENT

- 7.1 The Council has a legal duty to carry out the functions of the legislation that dictates the licence durations and proposed fees contained in this report.
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Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.

Equality Impact Assessment Form



Directorate: People and Places		Service: Community Services	
Completed by: Paul Charlson		Date: 02/06/15	
Subject Title: THE DEREGULATION ACT 2015			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No		
Details of the matter under consideration:			
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No*	<i>*delete as appropriate</i>	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>			
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
3. EVIDENCE COLLECTION			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	Whilst all sections of the public used licensed HC & PH vehicles, this report only relates to the duration and cost of licences.		

Which of the protected characteristics are most relevant to the work being carried out?	
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence duration and costs.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The proposed licence fees are subject to public consultation by law. Any objections will be brought back to this committee.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The proposed licence fees are subject to public consultation by law. Any objections will be brought back to this committee.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The proposed licence fees are subject to public consultation by law. Any objections will be brought back to this committee.



AGENDA ITEM: 9

**LICENSING & APPEALS
COMMITTEE: 2 JUNE 2015**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

**Contact for further information: Mr Paul Charlson (Extn 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

**SUBJECT: PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE AND
PRIVATE HIRE STATEMENT OF LICENSING POLICY 2013**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To approve an amendment to Appendix B of the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 relating to the seating configuration for vehicles licensed for 5 or more passengers.

2.0 RECOMMENDATIONS

- 2.1 That Appendix B: Private Hire Vehicle Specification and Conditions of Licence of the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 be amended in accordance with paragraph 4.2 of this report.

3.0 BACKGROUND

- 3.1 Members will recall the report of 21 October 2014, which is attached as Appendix B and provides the necessary background information to this report. At that time, Members agreed to the request and resolved that a Draft Minibus Policy be submitted to a future meeting of this Committee.
- 3.2 Members will also be aware that since that time, the implications arising from the Law Commission review of taxi licensing legislation and the Deregulation Act 2015 were not clear. It was therefore not appropriate to implement this proposed amendment to the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 (the Policy) until this time to ensure that these implications did not conflict with the proposed amendment.

4.0 ISSUES

4.1 A further meeting with Mr Braeger was undertaken to ensure any proposed amendment would address the original request presented to Members. Having reviewed the relevant section of the Policy, a separate Minibus Policy is not required. The provisions of the request can be implemented by amending Appendix B to the Policy, which sets out the Council's Private Hire Vehicle Specification and Conditions of Licence.

4.2 It is therefore proposed that Section 8 of Appendix B be amended to read:

8.5 The seating configuration of the vehicle shall be as its factory manufactured state. Should any amendments to seating configuration be made, these should be done only with the permission of this Authority and in line with this Policy.

8.6 Each row of seats shall have door access immediately adjacent to it, unless in the case of multi passenger vehicles (i.e. vehicles designed to carry 5 or more passengers) where the following shall apply:

- All seats shall be fixed and permanent (i.e. not flexible configuration seating designed for family use);
- At least one principle means of access/egress must be provided from the main passenger compartment which is immediately adjacent to a door;
- Where additional secondary means of access/egress are fitted from the main passenger compartment, these should be clearly identified as such for use in cases of emergency;
- A break glass hammer should be fitted to the rear windows (i.e. those furthest away from the principle means of access/egress) and be clearly labelled "EMERGENCY EXIT – break glass with hammer".

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

5.1 The licensing of Hackney Carriage and Private Hire drivers and vehicles impacts upon many areas within the Community. The proposal links to the Safer Communities Key Objective of the Sustainable Community Strategy.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

7.1 The Council has a legal duty to administer the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and is required to determine the matter contained in this report. A failure to determine this matter could result in potential legal challenge.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.
2. Licensing and Appeals Committee Report: 21 October 2014
3. Statement from Mr Braeger

Equality Impact Assessment Form



Directorate: People and Places	Service: Community Services
Completed by: Paul Charlson	Date: 02/06/15
Subject Title: PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE STATEMENT OF LICENSING POLICY 2013	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	N
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	The proposed change in policy will allow greater opportunities to licence differing vehicles of more than 5 seats.
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	The proposed changes will be incorporated into the HC & PH Licensing Policy, which is subject to public consultation in September 2015.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any	All licensed drivers and vehicle operators.

particular group affected more than others)?	
Which of the protected characteristics are most relevant to the work being carried out?	
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed drivers and vehicle operators.
What will the impact of the work being carried out be on usage/the stakeholders?	The proposed change in policy will allow greater opportunities to licence differing vehicles of more than 5 seats.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The proposed changes will be incorporated into the HC & PH Licensing Policy, which is subject to public consultation in September 2015.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The proposed changes will be incorporated into the HC & PH Licensing Policy, which is subject to public consultation in September 2015.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	Review will take place when the draft HC & PH Licensing Policy is brought before this committee in July 2015.

Appendix B



AGENDA ITEM:

**LICENSING & APPEALS
COMMITTEE:**

21 October 2014

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Contact for further information: Michaela Murray (Extn. 5315)
(michaela.murray@westlancs.gov.uk)

**SUBJECT: PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE &
PRIVATE HIRE VEHICLE STATEMENT OF LICENSING POLICY 2013**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To consider a request received from a Private Hire Driver to change Appendix B, Section 8: Specification & Conditions of Licence, of the Hackney Carriage & Private Hire Statement of Licensing Policy 2013.

2.0 RECOMMENDATION

2.1 The Committee's decision is requested.

3.0 INFORMATION

Request received from:

Mr Robert Braeger

Private Hire Driver Number: LN/000005110

4.0 BACKGROUND

4.1 On 20 June 2014 Mr Braeger requested approval to licence, to the manufacturer's type approval, a Volkswagen Transporter vehicle for 8 passengers. The seating configuration in the vehicle was 2 passengers in the front and 2 rows of front facing seats to the rear.

- 4.2 A Senior Licensing Officer advised Mr Braeger that the vehicle was not to the specification stipulated in the Council's Hackney Carriage & Private Hire Licence conditions due to the fact that the 3 seats to the rear of the vehicle had no access immediately adjacent or a permanent passageway to such a door.
- 4.3 The Senior Licensing Officer advised that if a seat was removed from the vehicle to give a permanent passageway and the seating mounts rendered unusable and the floor surface to be smooth and unencumbered, a licence could be granted.
- 4.4 Mr Braeger expressed his disappointment with this decision and was advised that if he sought to change the Licensing Policy, a full report clarifying the reasons and supporting evidence would be required so that this information could be provided to the Licensing & Appeals Committee.
- 4.5 On 24 June 2014 Mr Braeger submitted a report requesting the vehicle be licensed for 8 passengers in accordance with the manufacturer's forward facing seating layout. The Senior Licensing Officer advised that a report would be submitted to the Licensing & Appeals Committee accordingly. Mr Braeger's report is attached as Appendix 1 to this report.
- 4.6 On 8 July 2014 Mr Braeger licensed his vehicle for 7 passengers having complied with the instructions of the Senior Licensing Officer pending the outcome of the next Licensing & Appeals Committee hearing.

5.0 CURRENT POSITION

- 5.1 The Council's Hackney Carriage and Private Hire Licensing Policy 2013 currently states:

8 Seats

- 8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.
- 8.6 If a seat is to be removed to comply with this requirement, it shall be ideally removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.
- 8.7 Removed seating mounts must be rendered unusable and the floor surface to be smooth and unencumbered during the period of licence.
- 5.2 The reason for these conditions was to ensure the safety of passengers at all times, ensuring they have adequate means of access from a vehicle in the event of an emergency.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 The licensing of Hackney Carriage and Private Hire drivers and vehicles impacts upon many areas within the Community. This report links to the Safer Communities Key Objective of the Sustainable Community Strategy.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 No additional financial or other resources are required.

8.0 RISK ASSESSMENT

8.1 The Council has a legal duty to administer the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Exempt Information

In all circumstances of the case the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

Appendices

Appendix 1

Mr Braeger's Report



WLBC Licensing Policy states : “All vehicles shall have an appropriate “Type Approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted”.

I have purchased a Volkswagen Transporter 9 seat minibus that is manufactured and type approved by Volkswagen to carry 9 passengers safely. This type approval does not differentiate between the types of passengers carried in the vehicle (ie: paying or non paying). As such the vehicle meets very stringent safety checks and has a Euro NCAP rating of 4 stars. This type approval is granted for the vehicle in its factory manufactured state, namely with two rows of 3 seats in the rear which are securely floor mounted and all face forwards. To my knowledge, there is not currently a manufacturer who seeks type approval for minibuses with this capacity with any other form of seating layout.

WLBC currently advocates the turning of rear seats to form “conference style” seating, whereby the rear seats face each other. In the majority of cases, for currently licensed PHV’s (with the exception of the Mercedes Vito) this involves changing the vehicle and its manufactured state in a structural fashion, and as such may prove to be both illegal and unsafe.

On purchasing my vehicle, the history of the vehicle was that it had previously been licensed by Transport for London through the Public Carriage Office as a licensed PHV to carry 8 passengers with its existing seating configuration. The vehicle was successfully operated by the Company, Parker Car Service who operate a fleet in excess of 300 PHV’s. TfL currently license 49,854 Private Hire Vehicles with no issues relating to the configuration of rear passenger seating or restrictions imposed. This compares to WLBC who license 397 and have overly stringent criteria on rear seating configuration. (Figures taken from Department for Transport Statistics report titled “Taxis, Private Hire Vehicles (PHVs) and their drivers: England and Wales by licensing area, 31 March 2013”). I would therefore pose the question to the Council ; “On what technical grounds do you consider that the rear seating configuration of a Volkswagen Transporter is unsafe for rearmost passengers ? And what factual information was used in making the decision that the vehicle is unsafe in its current Type Approved format ?”

Since purchasing the vehicle, I have had the vehicle viewed by Mr Andrew Lees who is a vehicle examiner for the DVSA (formerly VOSA) and has held this position for circa 20 years. In Mr Lees’ professional opinion, the vehicle is deemed as safe in its current form due its Vehicle Type Approval status. As such, there would be no issue with licensing this vehicle to carry 8 passengers under a Public Service Vehicle Operator’ Licence. Again, in his opinion, to move the seats on this or any other vehicle would change the vehicle from its manufactured standards thus losing its Vehicle Type Approval and rendering the vehicle in a modified state to be potentially illegal.

I further pose the question to the Council ; “Have those vehicles that have had their seating configuration changed from its manufactured configuration, namely turned to face rearwards, been re-inspected by a DVSA (VOSA) approved Individual Vehicle Approval (IVA) test station following the works completed by the Council’s own approved taxi testing station?”. If the answer to this is “No”, which I believe it is, then these vehicles are potentially illegal or unsafe as they no longer conform to the Vehicle Type Approval that was granted at the time of manufacture. This also contradicts the Council’s own Licensing Policy which states “Vehicles shall not have been altered since that approval was granted”.

Furthermore, I believe that by imposing the conditions 8.5 to 8.7 in the Taxi Licensing Policy, namely :

8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.

8.6 If a seat is to be removed to comply with this requirement, it shall be ideally removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.

8.7 Removed seating mounts must be rendered unusable and the floor surface to be smooth and unencumbered during the period of licence.....

WLBC are in fact placing me at a distinct commercial disadvantage to those drivers who have their vehicles licensed by neighbouring authorities or choose to operate under a PSV Operator's Licence. By way of explanation, please see the examples below for vehicles that are currently legally licensed to carry 8 passengers in a vehicle where all rear seats face forwards in the same configuration as my VW Transporter :-

Example 1 : Pontville School, Long Lane, Aughton.

This establishment provides education services for children with various special needs from the age of 5 to 19. The school has a fleet of its own vehicles used to transport its pupils between various locations / activities. This fleet is primarily made up of Ford Transit Tourneo 9 seat minibuses. These minibuses all have two bench rows of 3 passenger seats in the rear in the same configuration as my vehicle. The sole means of access / exit from the rear row of 3 seats is by folding the back of the near side single seat of the middle row. The base of the seat does not move. There is no additional means of escape in the event of an emergency.

Example 2 : Mr Gerard Garcia T/A PSV Linkline

Mr Garcia currently operates a Ford Transit Tourneo 9 seat minibus under a VOSA PSV Operators Licence registered at a Burscough residential address. The vehicle has all the seats in the standard configuration as per Example 1. In the strictest sense, this vehicle should be licensed as a Private Hire Vehicle.

Example 3 : Arden College, Southport (Priory Group)

I have recently had a contract to transport two adults with learning difficulties to this college on a daily basis and collect them each afternoon. The students are taken out on trips and activities most days using a fleet of Hyundai i800 8 seat minibuses owned by the college. These vehicles all have a forward facing seating configuration with no additional means of escape in the event of an emergency. I also park alongside a Renault Trafic 9 seat minibus licensed by South Ribble Council (Plate no. 268) which has 6 forward facing seats in the rear with no additional means of escape in the event of an emergency. Why is it deemed safe for these, and other service users at the college to travel in either of these two vehicles but deemed unsafe by WLBC for them to travel in my vehicle ?

Example 4 : Whilst at Manchester Airport recently, I witnessed a Ford Transit Tourneo 9 seater minibus licensed by Wirral Council (Plate No. 294) with a seating configuration as per Example 1 collecting passengers. I have also witnessed several other 9 seater minibuses of various makes and models licensed by this Council carrying passengers around the region.

Whilst I understand that all of these vehicles have a different design and Type Approval to my vehicle, I would also like to use the following examples of VW Transporters that are used for transporting passengers (fare paying or otherwise) around the borough or surrounding areas ;

Example 1 : Lancashire County Council - Travelcare

As part of their services to residents within the County area, LCC operate a fleet of vehicles that not only transport the elderly and vulnerable around the County but are also available for hire to the general public. This fleet includes the same VW Transporter nine seat minibus as my vehicle with the seats in the same configuration with no additional means of escape in the event of an emergency.

Example 2 : TNT Mail

TNT mail currently lease a fleet of Volkswagen Transporter 9 seat minibuses, identical to mine, to transport there staff around various locations within the Liverpool postcode area including parts of West Lancashire.

Example 3 : Shropshire licensed PHV, Plate No. P0263 and also Warrington licensed PHV, Plate No. 368 both completing airport transfers in a VW Transporter with all seats facing forwards and licensed to carry 8 passengers.

Example 4 : Hertz & Arnold Clark Car / Van Rental

Both of these companies offer the VW Transporter 9 seat Shuttle for hire to the general public to carry 9 passengers (incl. Driver) with all seats facing forwards.

I would, therefore, pose a further question to the Council ; “What information does the council have available that is not available to any of the above that has led to a decision to class the VW Transporter Shuttle as unsafe to carry 8 passengers in forward facing seats ?”

I would assume that all of the bodies above, including the neighbouring licensing authorities, take the safety of their passengers as seriously as WLBC, yet are still quite happy to allow the use of this type approved vehicle.

Whilst taking all of the above into account, I do understand the Council’s stance on passenger safety, which has clearly led to what I believe to be an overly restrictive condition(s) within the Licensing Policy. As a result, I am happy to point out the manufactured means of exit from the vehicle either in normal use or in the event of an emergency :

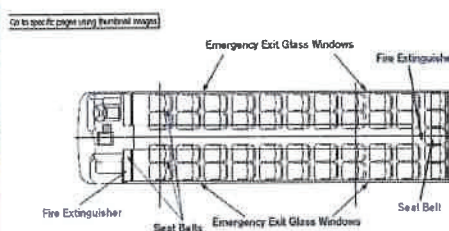
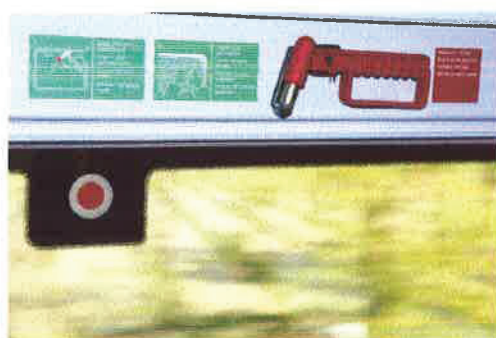
- Firstly, the nearside passenger seat in the middle row is designed to lift completely to allow easy access/egress in and out of the vehicle by operating a single lever on the side of the seat. This would be the method of entry/exit under normal conditions. Please see the image below :**



- Secondly, the twin passenger seat on the offside of the middle row, has a cord fixed to the rear base of the seat that, when pulled, will cause the backrest of the twin seat to fold flat. This would be an additional means of exit in the event of an emergency.



- Finally, in addition to these manufacturer installed measures, I have fitted my vehicle with a break glass hammer to the rearmost windows on both the nearside and offside of the vehicle. These windows are directly adjacent to the rearmost row of seats and are of such a size as to allow a person to easily exit the vehicle through the window aperture in the event of an emergency. I have also labelled both of these windows with signs stating “EMERGENCY EXIT – Break Glass With Hammer”. This measure is frequently used on larger PSV vehicles eg: trains, buses and coaches, where there may only be two exit doors and break glass windows are made available as additional means of escape in the event of an emergency. (See pictures below)



a. Typically all the window glasses can be used as an emergency exit access for fire windows on other sides
 b. Any hard objects like fire extinguishers, hammers can also be used to break the glasses

I will concur that whilst these last two measures may not be the easiest means of escape due to having to either climb over a seat base or out of a window aperture, they are only designed to be used in emergency situations and as such it is not unreasonable or impractical to expect a passenger to exit the vehicle in a manner in which they would not normally in the day to day use of the same vehicle. I also believe these methods of egress to be both ample and adequate for all 8 passengers to exit the vehicle if the need arose in an emergency situation.

In summary, and to finalise, I believe that the VW Transporter Shuttle has been manufactured by Volkswagen to be one of the safest vehicles in its class for carrying multiple passengers. This is substantiated by its widespread commercial use as shown in the examples above and also many others around the UK. I am also prepared to accept that WLBC may require additional safety measures to be implemented to ensure the safety of the travelling public within the

borough although I do not consider that the changing of the manufacturer's seating configuration is the best method to achieve this in light of the information I have supplied above. I believe, however, that the additional measures I have listed above enhance the vehicles ease of egress in the event of an emergency whilst maintaining the structural integrity of the vehicle in its manufactured state.

In considering my request to licence my VW Transporter Shuttle as a PHV to carry 8 passengers in its current form, I would like to direct the Council to the guidance issued by the Government in its publication titled "Taxi and Private Hire Vehicle Licensing : Best Practice Guidance" namely the following :

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28.Similarly, it may be too restrictive to automatically rule out considering Multi Purpose Vehicles, or to license them for fewer passengers than their seating capacity....

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

I trust that my request will be given fair consideration on its own merits and that any decision will be suitably substantiated by technical fact and expertise.