

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

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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: Councillor Devine (Chairman)

Councillors: Barron Nixon
Delaney Mrs Stephenson
McKay Wilkie
C Marshall Wright
Mee

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Mrs M Murray)
Member Services Officer (Mrs J Brown)

1. APOLOGIES

There were no apologies for absence received.

2. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillors Kay and Patterson and the appointment of Councillors Barron and Wilkie for this meeting only, thereby giving effect to the wishes of the political groups.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

The Minutes of the Employment Appeals Sub – Committee held on 16 March 2015 were submitted.

RESOLVED: That the above Minutes be noted.

7. MINUTES

RESOLVED: That the Minutes of the meeting held on 31 March 2015 be received as a correct record and signed by the Chairman.

8. THE DEREGULATION ACT 2015

Consideration was given to the report of the Assistant Director Community Services as contained on pages 11 to 18 of the Book of reports, the purpose of which was to take the necessary action in response to the Deregulation Act 2015.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions from the Committee.

- RESOLVED:
- A. That with effect from 1 October 2015, the Licence duration for Hackney Carriage and Private Hire Driver Licences be increased from 12 months to 3 years.
 - B. That with effect from 1 October 2015, the Licence duration for a Private Hire Operator Licence be increased from 12 months to 5 years.
 - C. That the proposed changes in Hackney Carriage and Private Hire Driver and Private Hire Operator licensing fees contained in Table 1 to the report be approved.
 - D. That delegated authority be 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.
 - E. That all relevant sections of the Hackney Carriage and Private Hire Licensing Policy 2013 be amended to take account of the matters contained in the report.

9. PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE STATEMENT OF LICENSING POLICY 2013

Consideration was given to the report of the Assistant Director Community Services as contained on pages 19 to 33 of the Book of Reports, the purpose of which was 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.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions from Members of the Committee.

- RESOLVED: That Appendix B: Private Hire Vehicle Specification and Conditions of the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 be amended to read as follows:

- 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".

(Note: Mr Braeger was in attendance for this item).

10. 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.

11. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000202738 (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000202738 having regard to the offences declared on the Statutory Declaration Form which accompanied the Application Form.

RESOLVED: That Application Number WK/000202738 be deferred for one cycle to allow receipt of the Disclosure Barring Service (DBS) report.

**12. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000203287
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000203287 having regard to the information provided on the Application Form.

The Applicant attended the meeting with his representative 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/000203287 be GRANTED.

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

**13. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000201773
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000201773 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000201773 be deferred once cycle at the request of the Applicant.

- CHAIRMAN -



AGENDA ITEM: 8

**LICENSING & APPEALS
COMMITTEE:
21 July 2015**

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 TO LICENCE A VEHICLE THAT DOES NOT MEET THE AGE CRITERIA WITHIN THE 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 Operator to licence a disabled access Private Hire Vehicle that does not meet the age criteria within 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 Peter Preston
Private Hire Operator
38 Westgate
Skelmersdale
WN8 8AZ

4.0 BACKGROUND

- 4.1 On 29 June 2014 Mr Preston requested approval to licence a specialist mini bus with a hydraulic lift for accessibility of two wheelchair passengers plus 3 other passengers.

Vehicle details:

Vehicle Make:	Mercedes Sprinter 311 CDi
Registration Number	GJ58 LPA
Date of registration:	24 December 2008

- 4.2 To date this vehicle will be 6 years and 6 months old.
- 4.3 The Senior Licensing Officer advised that the current Hackney Carriage & Private Hire Statement of Licensing Policy 2013 states that all new vehicle applications must be a maximum of 6 years old.
- 4.4 On 29 June 2015 Mr Preston submitted a letter requesting the vehicle be licensed by this authority referring to the importance of ensuring a wide variety of opportunities being available to those with mobility difficulties. The Senior Licensing Officer advised that a report would be submitted to the Licensing & Appeals Committee accordingly. Mr Preston report is attached as Appendix 1 to this report.
- 4.5 For members information, all disabled access vehicles licenced by this Authority have access for only one wheelchair passenger.

5.0 CURRENT POSITION

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

Accessibility

- 13.6** The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”

- 13.7** For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Private Hire operators and drivers to use vehicles that will assist those passengers with mobility difficulties.

- 13.8** It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand (“taxi rank”), by the customer dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator, normally by telephone or by visiting a Private Hire operator office. It is, therefore, considered particularly vital that a person with disabilities should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience and requiring that all Hackney Carriages are accessible achieves that aim.
- 13.9** The Private Hire trade should be aware of a good practice guide produced by the Equality and Human Rights Commission, as drivers have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.
- 13.10** Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165 of the Equality Act 2010 see paragraphs 12.32-12.42.
- 13.11** Once enacted, Section 167 of the Equality Act 2010 will give the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. **Error! Reference source not found.** (page **Error! Bookmark not defined.**) lists those vehicles that the Authority has stipulated as “designated vehicles” under Section 167 of the Equality Act 2010.

Maximum age of vehicles

- 13.12** The Authority shall consider how far its Policy can and should support any local environmental initiatives by future initiatives such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard and aesthetic of its licensed vehicles.
- 13.13** Vehicles manufactured prior to 1994 do not have to meet emission limits designed to improve air quality. Therefore, in the interests of improving air quality, any application for the renewal of a Private Hire vehicle licence, shall, where the vehicle in question is more than 15 years old, be refused.
- 13.14** All vehicles licensed under a new application must be a maximum of 6 years old and, if compliant with the requirements for licence, shall therefore be granted a vehicle licence until the age of 15 years, whereupon the vehicle must be replaced with one of a maximum age of 6 years. If a vehicle is replaced at any time, this must be with one a minimum of 3 years younger than the current licensed vehicle. However, if a vehicle is replaced at any time for reasons that are

beyond the control of the driver, for example as of the result of criminal damage, this must be with one no older than the previously licensed vehicle.

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.

Appendices

Appendix 1

Mr Preston's Report

ASHLEY

Travel (Minibuses) Ltd
14 to 24 Seat Minibus Hire



29th June 2015

Dear Michaela

I would like to request private hire plate for a specialist mini bus with hydraulic lift to carry two wheel chairs for disabled access.

Referring to your licensing policy 13.6 accessibility

The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life.

It fully supports the view of the equality and human rights commission that making successful journeys is critical to the social inclusion of disabled people without the ability to travel disabled people are denied access to life opportunities their access to education shopping employment healthcare as well as social and family life is significantly improved when journeys become accessible.

Unfortunately this vehicle does not comply with 13.14

All vehicles licensed under a new application must be a maximum of 6 years old and if compliant with the requirements for licence shall therefore be granted a vehicle licence until the age of 15 years whereupon the vehicle must be replaced with one of a maximum age of 6 years.

If the vehicle is replaced at anytime this must be with one a minimum of 3 years younger than the current licensed vehicle.

However if a vehicle is replaced at any time for reasons that are beyond the control of the driver for example as of the result of criminal damage this must be with one no older then the previously licensed vehicle.

These vehicles are very expensive and in the current climate made it not viable to pay another £4000 for a new a model and has a bus company 30% of our fleet is aimed at disabled wheel chair access are small buses only take one wheel chair this can become very expensive for nursing homes and schools this vehicle would be a accent for the disabled in west Lancashire as we do get a lot of requests for a multiply wheelchair bus I will bring this bus to your next committee meeting for you to inspect.

Yours faithfully

Director: P.F. Preston. VAT Reg. No. 768 0601 22.

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