



Kim Webber B.Sc. M.Sc.  
Chief Executive  
52 Derby Street  
Ormskirk  
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L39 2DF

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Tuesday, 12 July 2016

**TO: COUNCILLORS N DELANEY, DEVINE, C EVANS, J KAY, D MCKAY, J MEE,  
R MELLING, MILLS, A OWENS, J PATTERSON AND K WRIGHT**

Dear Councillor,

A meeting of the **LICENSING & APPEALS COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET** on **TUESDAY, 19 JULY 2016** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

- 3. URGENT BUSINESS**

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

#### **4. DECLARATION OF PARTY WHIP**

Party Whips are not to be used by this Committee in respect of functions concerning the determination of new License Applications, Revocations and Appeals. When considering any other matter which relates to a decision of the Cabinet or the performance of any Member of the Cabinet, in accordance with Regulatory Committee Procedure Rule 9, Members must declare the existence of any Party Whip and the nature of it, before the commencement of the Committee's deliberations on the matter.

#### **5. DECLARATION OF INTEREST 45 - 46**

If a Member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of the agenda sheet).

#### **6. MINUTES OF SUB - COMMITTEES OR WORKING GROUPS 47 - 48**

To note the Minutes of the Employment Appeals Sub – Committee held on 9 June 2016.

#### **7. MINUTES 49 - 54**

To receive as a correct record the Minutes of the meeting held on 7 June 2016.

#### **8. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 - LICENSED VEHICLE AGE REQUIREMENTS 55 - 68**

To consider the report of the Director of Leisure and Wellbeing.

#### **9. EXCLUSION OF PRESS AND PUBLIC**

It is recommended that members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and as, in all the circumstances of the case the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information. The nature of the exempt information and the relevant exemption paragraphs are shown in brackets after the report title.

#### **10. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000215061 69 - 72**

(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS – Paragraphs 2 & 7)  
To consider the report of the Director of Leisure and Wellbeing.

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|------------|---|---------|
| <b>11.</b> | <b>APPLICATION FOR PRIVATE HIRE DRIVER LICENCE -<br/>WK/000216372</b>   | 73 - 76 |
|            | (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS – Paragraphs 2 & 7)<br>To consider the report of the Director of Leisure and Wellbeing. |         |
| <b>12.</b> | <b>APPLICATION FOR PRIVATE HIRE DRIVER LICENCE -<br/>WK/000214675</b>   | 77 - 80 |
|            | (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS – Paragraphs 2 & 7)<br>To consider the report of the Director of Leisure and Wellbeing. |         |
| <b>13.</b> | <b>APPLICATION FOR PRIVATE HIRE DRIVER LICENCE -<br/>WK/000216090</b>   | 81 - 84 |
|            | (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS – Paragraphs 2 & 7)<br>To consider the report of the Director of Leisure and Wellbeing. |         |
| <b>14.</b> | <b>PRIVATE HIRE DRIVER DETERMINATION OF EXISTING LICENCE<br/>- WK/000216716</b>   | 85 - 88 |
|            | (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS – Paragraphs 2 & 7)<br>To consider the report of the Director of Leisure and Wellbeing. |         |
| <b>15.</b> | <b>PRIVATE HIRE DRIVER DETERMINATION OF EXISTING LICENCE<br/>- WK/000217571</b>   | 89 - 92 |
|            | (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS – Paragraphs 2 & 7)<br>To consider the report of the Director of Leisure and Wellbeing. |         |

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-

Julia Brown on 01695 585065

Or email [julia.brown@westlancs.gov.uk](mailto:julia.brown@westlancs.gov.uk)

**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.





	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.



## EMPLOYMENT APPEALS SUB-COMMITTEE

Councillors:	Devine (Chairman) Delaney (Vice Chairman) Mee
Officers:	Principal Solicitor (Mrs K Lovelady) Member Services/Civic Support Officer (Mrs J Brown) Human Resources Advisor (Ms L Jackson)
Parties to The Appeal:	Management Director of Street Scene (Mr G Concannon) Human Resources Officer (Mrs G Farrimond)
Appellant Appellant Advisor	Employee Payroll Number (2900410) GMB Representative (Mr R Carrick)
Witnesses	Witness X Operational Street Scene Manager (Mr G Peters) Human Resources Support Officer (Mrs S Cloherty)

### 1. APOLOGIES

There were no apologies for absence received.

### 2. MEMBERSHIP OF THE 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 APPEAL 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 SUMMARY DISMISSAL - EMPLOYMENT PAYROLL NUMBER - 2900410 (IDENTITY OF AN INDIVIDUAL / LABOUR RELATIONS - PARAGRAPHS 2 & 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 summary dismissal.

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

- A. Management Statement of Case and Appendices.
- B. Investigation Statement of Case and Appendices.
- C. Supporting Documentation provided by Employee Payroll Number (2900410) and Ray Carrick (GMB representative) following the Disciplinary Hearing. Also includes a response from Mr G Concannon and communication from ACAS.

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. Questions put to all witnesses by each of the parties and Members.
- v. 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 meeting and the Sub – Committee gave consideration to their decision.

The Sub – Committee came to the following conclusion:-

RESOLVED: That the Appeal be Dismissed.

# Agenda Item 7

**LICENSING & APPEALS COMMITTEE**

**HELD: Tuesday, 7 June 2016**

Start: 7.30 pm

Finish: 10.00 pm

**PRESENT:**

Councillor: Devine (Chairman)  
N Delaney (Vice-Chair)

Councillors: D McKay J Mee  
K Wright C Evans  
R Melling Mills  
A Owens Mrs P Baybutt  
G Owen

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)  
Principal Solicitor (Mrs K Lovelady)  
Senior Licensing Officer (Mrs M Murray)  
Member Services / Civic Support 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 Baybutt and Owen for this meeting only, thereby giving effect to the wishes of the political groups.

**3 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no urgent items of business.

**4 DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**5 DECLARATION OF INTEREST**

Councillor Delaney declared a pecuniary interest in relation to Agenda Item 15 – Private Hire Driver Licence – failure to declare offences – WK/000215793 as the Private Hire Driver was known to him and therefore left the Chamber during consideration of this item.

**6 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS**

There were no minutes to receive.

**7 MINUTES**

RESOLVED That the minutes of the meeting held on 5 April 2016 be received as a correct record and signed by the Chairman.

**8 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 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

**9 PUBLIC REQUEST TO LICENCE A VEHICLE THAT DOES NOT MEET CURRENT AGE CRITERIA**

Members were asked to consider a request received from a Private Hire Driver to Licence a Private Hire Vehicle that does not meet the age criteria within the Hackney Carriage & Private Hire Statement of Licensing Policy 2016.

Consideration was given to the report of the Director of Leisure and Wellbeing as contained on pages 9 to 13 of the Book of Reports, the purpose of which was to consider a request received from a Private Hire Driver to licence a Vehicle that does not meet the age criteria within the Hackney Carriage and Private Hire Statement of Licensing Policy 2016.

The Senior Licensing Officer outlined the report to Members and explained that the vehicle had been inspected, registered and plated as a Private Hire Vehicle by South Ribble Borough Council since April 2006, although the computer records at South Ribble Borough Council only date back to 2008.

The Private Hire Driver attended the meeting and outlined the reasons for his request and responded to questions from Members.

- RESOLVED:
- A. That an exemption be made to the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 in order to grant the request to licence Private Hire Vehicle MA06 FKP.
  - B. That a report regarding the licenced vehicle age requirements contained in the council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 be presented to the next meeting of the Committee.

(Note - The Chairman varied the order of business in order to allow Agenda Item 9 to be heard after Agenda Item 11 to give the Private Hire Driver the opportunity to be present at the meeting).

**10 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000214457**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000214457 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

RESOLVED That Application Number WK/000214457 be withdrawn at the request of the Applicant.

**11 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000213971**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000213971 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

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/000213971 be GRANTED.

(Not 1 - The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

(Note 2 - The Chairman varied the order of business so that Agenda Item 11 be heard prior to Agenda Item 9 in order to allow the Private Hire Driver the opportunity to be present at the meeting).

**12 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000213090**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000213090 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

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/000213090 be REFUSED.

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

**13 PRIVATE HIRE DRIVER LICENCE - FAILURE TO DECLARE OFFENCE - WK/000214934**

Members were asked to consider a Private Hire Driver Licence having regard to the offences which the licence holder failed to declare.

The Private Hire Driver attended the meeting and was accompanied by his friend. The driver was interviewed by the Committee during which he was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED That under the provisions of Section 61(1)b of the Local Government (Miscellaneous Provisions) Act 1976 the Private Hire Driver Licence Number LN/000005269 be revoked on the grounds of reasonable cause in that the applicant may not be a fit and proper person to hold such a licence having regard to the nature of the convictions recorded against him and his failure to disclose them.

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

14 **PRIVATE HIRE DRIVER LICENCE - FAILURE TO DECLARE OFFENCES - WK/000215775**

Members were asked to consider a Private Hire Driver Licence having regard to the offences which the licence holder failed to declare.

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

RESOLVED That Private Hire Driver Licence Number LN/000007109 continue and a warning letter be sent regarding his future conduct.

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

15 **PRIVATE HIRE DRIVER LICENCE - FAILURE TO DECLARE OFFENCES - WK/000215793**

Members were asked to consider a Private Hire Driver Licence having regard to the offences which the licence holder failed to declare.

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

RESOLVED That Private Hire Driver Licence Number LN/000005314 continue and that a warning letter be sent reminding him to disclose any future convictions.

(Note 1: The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

(Note 2: Councillor Delaney declared a pecuniary interest in relation to Agenda Item 15 – Private Hire Driver Licence - failure to declare offences – WK/000215793 as the Private Hire Driver was known to him and therefore left the Chamber during consideration of this item and did not return to the meeting).

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- CHAIRMAN -

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# Agenda Item 8

**AGENDA ITEM: 8**

**LICENSING & APPEALS  
COMMITTEE: 19 JULY 2016**

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**Report of: Director of Leisure and Wellbeing**

**Contact for further information: Paul Charlson (ext 5246)  
(E-mail: [paul.charlson@westlancs.gov.uk](mailto:paul.charlson@westlancs.gov.uk))**

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**SUBJECT: HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 –  
LICENSED VEHICLE AGE REQUIREMENTS**

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Wards affected: Borough wide

## **1.0 PURPOSE OF REPORT**

1.1 To provide information regarding the current licensed vehicle age requirements contained in the Hackney Carriage and Private Hire Statement of Licensing Policy 2016.

## **2.0 RECOMMENDATIONS**

2.1 That the licensed vehicle age requirements and associated vehicle testing regime contained in the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 remain unchanged.

## **3.0 BACKGROUND**

3.1 In determining a related matter on 7 June 2016, Members requested information outlining the current licensed vehicle age requirements.

3.2 Members will be aware that the current licensed vehicle age requirements are contained in the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 (the Policy). The relevant sections of the Policy are provided in Appendices 2 and 3 and refer to the requirements for Private Hire (PH) vehicles and Hackney Carriages (HC) respectively. This information also contains details on the current vehicle testing regime for PH vehicles and HC, as this is directly relevant to the requirements for vehicle age.

3.3 Members will also be aware that these requirements have been in place since the Policy was first approved by this Committee on 16 February 2010. The Policy has been subject to formal review by this Committee on three occasions since that time in 2012, 2013 and most recently on 2 February 2016. On each occasion, a draft version of the Policy was presented to Members, then subject to

a period of public consultation before being returned to this Committee for approval.

3.4 In reaching its decision in 2010, the Committee received a considerable number of representations from the licensed trade and so the [then draft] Policy was subject to significant debate on two separate occasions. The paramount concern of the Committee was [and is] to ensure the safety of the travelling public. However, it also wanted to provide a mechanism to support the continual replacement of older vehicles with more modern, efficient and environmentally friendly vehicles as a means to improving the quality of the entire fleet of licensed vehicles for the travelling public. Therefore, in approving the Policy, the Committee sought to address the views of the licensed trade without compromising the safety of the travelling public.

3.5 Accordingly, the Committee determined the following vehicle age requirements:

- That the maximum age for HC be 18 years and the maximum age for PH vehicles be 15 years;
- That the maximum age for PH vehicles licensed for the first time be 6 years, and that the maximum age for HC licensed for the first time be 3 years younger than the vehicle it is replacing (i.e. if replacing an existing HC);
- That the maximum age for a HC licensed for the first time be 4 years (i.e. not replacing an existing HC).

3.6 In the aforementioned representations, HC drivers made the distinction between PH vehicles and HC. It was stated that HC are purpose built vehicles and are designed for a longer operational life than the vehicles routinely used for PH. It was also stated that a HC costs considerably more than a PH vehicle to purchase and operate. The Committee accepted these opinions, hence the differing age requirements between HC and PH vehicles.

3.7 It was agreed that the 2010 Policy should remain in effect for three years; therefore requiring review before 31 March 2013. However, in response to issues raised at the Council's HC and PH Trade Forum and changes brought about by the Council's Major Service Review in October 2011, several aspects of the Policy were amended and approved by this Committee on 21 February 2012. The amendments predominantly related to HC and PH vehicles, as follows:

- The [then] version of the Policy did not stipulate an age requirement for replacement PH vehicles (i.e. when a driver/owner wishes to change their vehicle from the one currently licensed prior to the maximum permitted age). The amendment allowed a driver/owner to replace their vehicle at any time, so long as it is at least 3 years younger than the current vehicle;
- Permitted the use of space saver spare wheels and 'run flat' tyres on vehicles manufactured with such equipment;
- Introduced a specific and measureable requirement for the level of permitted vehicle window tint;
- Increased the duration of HC and PH vehicle licences from 6 to 12 months (decided under the Council's Major Service Review at that time);

- Changed the specification and testing criteria for HC and PH vehicles to reflect the increased duration of vehicle licences by introducing a Vehicle Inspection Standard devised from the National Inspection Standards for Hackney Carriages and Private Hire Vehicles, published by the Public Authority Transport Network;
- To reflect the decision to increase the duration of vehicle licences, the number of vehicle testing stations contracted by the Council decreased from 4 to 2.

3.8 The Policy was also reviewed by this Committee on 9 April 2013. However, no significant issues related to HC or PH vehicles at that time.

#### 4.0 ISSUES

4.1 As Members will be aware, there is no specific requirement that dictates how the Council should determine licensed vehicle age. The most relevant document is the Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2010. The relevant section of this document is provided at Appendix 4 to this report.

4.2 As stated in this guidance, there is considerable difference between local authorities on this matter; as such policies are based on local requirements. The information contained in Table 1 serves to demonstrate this by highlighting the differing approaches between several authorities within Lancashire.

Table 1

Authority	Vehicle age requirement	Vehicle testing duration
Blackburn	No age limit	6 months if > 3 years old 12 months if < 3 years old
Chorley	No age limit	6 months
Fylde	No minimum age. Maximum age 12 years	12 months
Lancaster	No age limit	6 months if > 2 years old 12 months if < 2 years old Vehicles > 10 years must meet exceptional condition policy then tested every 4 months
Pendle	Maximum age 11 years	6 months
Preston	No age limit	6 months
Wyre	No age limit	12 months

4.3 The DfT guidance also states that an older vehicle could be maintained in the same safe operational state as a more modern vehicle and therefore it may not be appropriate to establish an upper vehicle age limit. However, relevant case law relating to HC clearly supports the setting of age limits for newly licensed and/or older vehicles. Furthermore, given the large number of miles that licensed vehicles are subject to, an older vehicle is likely be less efficient, less

environmentally friendly or less appealing to the travelling public. Many drivers / owners also do not want to use older vehicles due to increased running and maintenance costs.

- 4.4 Based on the above and in the absence of information that would indicate otherwise, the current vehicle age requirements contained in the Policy appear to be appropriate. The Policy has been regularly reviewed and subject to public consultation so as to take account of local issues; and so the resultant regime appears to work well. The Council holds contracts with two separate vehicle testing stations (one in Skelmersdale and one in Burscough) to carry out the required checks on each licensed vehicle every 12 months. Licensing Officers also carry out routine unannounced enforcement visits to randomly check vehicles during the period of licence. Therefore the recommendation of Officers is that the current licensed vehicle age requirements and associated vehicle testing regime remain unchanged at this time.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 The Policy has the potential to impact upon many areas within the Community. The Licensing Objectives, therefore, has some associations with the Community Strategy, and the proposals have the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D).

## **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 Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a Policy document. However, given the complexity of the licensing regime, it is good practice for the Council to formulate and publish relevant policies and standards.
- 7.2 If Members are minded to amend the Council's vehicle age requirements, the following implications and risks must be considered:
- Any change to the vehicle age requirements must also include consideration of the frequency and specification of vehicle testing. i.e. If vehicle age limits were removed, more frequent vehicle testing should be considered;
  - Any proposed amendment to the Policy should be subject to a period of public consultation (a 12 week period is usually deemed as best practice). Members would need to grant the Director of Leisure and Wellbeing delegated authority to conduct this consultation and return the responses to this Committee for determination;
  - A significant staff resource is required to formally amend the Policy. The most recent review of the document formed part of the work programme for the Licensing Service during 2015/16 and resources were planned accordingly. Any further amendment to the Policy would require additional and unplanned staff resources, which are likely to hinder service delivery;

- The Policy was only approved by this Committee on 2 February 2016 and came into force on 1 April 2016. Any amendment to the vehicle age and testing requirements so soon after approval is likely to be met with criticism without appropriate justification for the timing and content of the amendment;
- The contracts held between the Council and the two aforementioned vehicle testing stations expire on 31 March 2017. A tender exercise is scheduled to begin in August 2016 to procure this work based on the current regime. Vehicle age and testing requirements must be agreed before a tender exercise can be conducted, as the decision directly affects the nature and content of the contract. Accordingly, there would be insufficient time for the Policy to be amended and the resultant contracts to be awarded within the necessary statutory timescales before 31 March 2017. An exemption to Contract Procedure Rules could be sought to continue the use of the testing stations until the Council was able to tender the work, but this presents a significant risk as the current vehicle testing stations would not be compelled to extend their services accordingly. This would also require a significant additional and unplanned staff resource, which is likely to hinder service delivery.

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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
2. Extract from the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 – Private Hire vehicle age and vehicle testing requirements
3. Extract from the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 – Hackney Carriage age and vehicle testing requirements
4. Extract from Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2010

**Appendix 1**

<b>Equality Impact Assessment Form</b>		
<b>Directorate: People and Places</b>	<b>Service: Community Services</b>	
<b>Completed by: Paul Charlson</b>	<b>Date: 19/07/16</b>	
<b>Subject Title: HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 – LICENSED VEHICLE AGE REQUIREMENTS</b>		

<b>1. DESCRIPTION</b>	
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 ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	
<p><i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i>  <i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No <i>*delete as appropriate</i>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> 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>	
<b>3. EVIDENCE COLLECTION</b>	
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)?	All sections of the public use licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.
Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No

Marriage and Civil Partnership Pregnancy and Maternity	No No
<b>4. DATA ANALYSIS</b>	
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 requirements and procedures.
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?	Any proposed changes to the Policy will be subject to public consultation and reported back to 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?	Any proposed changes to the Policy will be subject to public consultation and reported back to Committee.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
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  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The current policy lasts for 5 years. It can be reviewed at any time, but will be reviewed after this 5 year period.



## **Appendix 2**

### **Extract from the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 – Private Hire vehicle age and vehicle testing requirements**

#### ***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.

#### ***Vehicle testing***

- 13.15** Private Hire vehicles shall be granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Authority.
- 13.16** As the term implies, Private Hire vehicles are used for reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for Private Hire vehicles. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 95) are in addition to those in the MOT Inspection Manual. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 13.17** All Private Hire vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 95).
- 13.18** The purpose of the Private Hire vehicle test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in

lieu of a regular preventative maintenance programme. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. Private Hire drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.

- 13.19** The inspection regime for vehicles has not been designed to create difficulties for the Hackney Carriage and Private Hire trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the inspections requirements to be justified by the risks it aims to address.

## **Appendix 3**

### **Extract from the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 – Hackney Carriage age and vehicle testing requirements**

#### ***Maximum age of vehicles***

- 17.14** 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.
- 17.15** 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 Hackney Carriage vehicle licence, shall, where the vehicle in question is more than 18 years old, be refused.
- 17.16** All vehicles licensed under a new application be a maximum of 4 years old and, if compliant with the requirements for licence, shall be granted a vehicle licence until the age of 18 years, whereupon the vehicle must be replaced with one of a minimum of 3 years younger. 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.
- 17.17** To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can finance and maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Hackney Carriage in the Borough.

#### ***Vehicle testing***

- 17.18** Hackney Carriages shall be granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Authority.
- 17.19** As the term implies, Hackney Carriages are used for hire or reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for Hackney Carriages. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 95) are in addition to those in the MOT Inspection Manual. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 17.20** All Hackney Carriages must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light

Commercial', ISBN 0-9549239-0-1 as amended and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 95).

- 17.21** The purpose of the Hackney Carriage test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. Hackney Carriage drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.
- 17.22** The inspection regime for vehicles has not been designed to create difficulties for the Hackney Carriage and Private Hire trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the inspections requirements to be justified by the risks it aims to address.

## Appendix 4

### Extract from Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2010

#### Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

#### Frequency of Tests.

The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.

#### Criteria for Tests.

Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs\*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

\*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see <http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

#### Age Limits.

It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

#### Number Of Testing Stations.

There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)



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