



**Committee:** LICENSING REGULATORY COMMITTEE

**Date:** THURSDAY, 18 NOVEMBER 2010

**Venue:** LANCASTER TOWN HALL

**Time:** 1.00 P.M.

## A G E N D A

1. **Apologies for Absence**
2. **Minutes of the meeting held on 14 October 2010 (previously circulated)**
3. **Items of urgent business authorised by the Chairman**
4. **Declarations of Interest**
5. **Vehicle Age Limits** (Pages 1 - 3)  
Report of Licensing Manager
6. **New Plates and Door Signs for Hackney Carriage and Private Hire Vehicles - Cut Off Date** (Pages 4 - 5)  
Report of Licensing Manager
7. **Introduction of Livery for Hackney Carriage Vehicles** (Pages 6 - 7)  
Report of Licensing Manager
8. **Exempt Items:-**

The Committee is recommended to pass the following recommendation in relation to the following items:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the ground that they could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Members are reminded that, whilst the following items have been marked as exempt, it is for the Committee itself to decide whether or not to consider them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and should balance the interests of individuals, or the Committee itself, in having access to information. In considering their discretion, Members should also be mindful of the advice of Council Officers.

9. **Existing Hackney Carriage and Private Hire Driver's Licences - Shaun Robert Wilson** (Pages 8 - 22)  
Report of Licensing Manager
10. **Existing Private Hire Operators Licence - Martin Payne** (Pages 23 - 27)  
Report of Licensing Manager
11. **Existing Private Hire Driver's Licence - Laurence William Dent** (Pages 28 - 33)  
Report of Licensing Manager
12. **Application for Renewal of Private Hire Driver's Licence - Nhamo Ephraim Gundu** (Pages 34 - 36)  
Report of Licensing Manager
13. **Existing Hackney Carriage Driver's Licence - Granville Howarth** (Pages 37 - 43)  
Report of Licensing Manager
14. **Existing Hackney Carriage driver's Licence - Daniel Kitson** (Pages 44 - 48)  
Report of Licensing Manager
15. **Existing Hackney Carriage Driver's Licence - David Kempster** (Pages 49 - 52)  
Report of Licensing Manager
16. **Existing Hackney Carriage Driver's Licence - David Brennan** (Pages 53 - 57)  
Report of Licensing Manager

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Tony Wade (Chairman), Mike Greenall (Vice-Chairman), Ken Brown, Chris Coates, John Day, Sheila Denwood, Melanie Forrest, Tony Johnson and Robert Redfern

### **(ii) Substitute Membership**

Councillors Eileen Blamire, Shirley Burns, Roger Dennison, Jane Fletcher, Janie Kirkman, Roger Sherlock and Malcolm Thomas

### **(iii) Queries regarding this Agenda**

Please contact Tom Silvani, Democratic Services - telephone (01524) 582132 or email [tsilvani@lancaster.gov.uk](mailto:tsilvani@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Members' Secretary, telephone 582170, or alternatively email [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on 10 November 2010.

**LICENSING REGULATORY COMMITTEE**

**VEHICLE AGE LIMITS**

**18<sup>th</sup> November 2010**

**Report of Licensing Manager**

**PURPOSE OF REPORT**

To enable Members to reconsider the provisions regarding vehicle age limits included in the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing

**This report is public.**

**RECOMMENDATIONS**

**Members are requested to approve the proposed amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing by adding the following condition with regard to vehicles:**

**“Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council’s designated testing station every 4 months.”**

**1.0 Report**

**1.1** Members will recall that the Licensing Regulatory Committee meeting on 2nd September 2010 considered the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing and approved a number of amendments to the consultation draft in the light of consultation responses received..

**1.2** One of the amendments made at that meeting was the removal of age restrictions on licensed vehicles. This was decided following discussions at the Taxi Liaison Group, the receipt of a representation from a member of the trade and in line with the Department for Transport Best Practice Guidance which states:-

“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.”

1.3 The Council Procedure Rules provide that in order to rescind a previous decision taken within the past six months, a motion from a quorum of the Committee is required. Following the informal meeting between the Committee and the trade on the 4th November 2010, the required number of members indicated that they would wish to review the issue of age limits. This was in the light of concern expressed by the trade about the standard of vehicles should vehicles more than ten years old be accepted for licensing.

1.4 The Licensing Manager would suggest that to address this concern, a new condition be added to the Rules and Regulations. This condition would read:-

“Any vehicle submitted for licensing that is 10years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council’s designated testing station every 4 months.”

## 2.0 Conclusion

If members are minded to approve the proposed change the licensing officers would wish the change to take effect immediately.

2.1 The addition of this condition would still ensure that the Council are considering the DFT guidance, whilst maintaining the standards of the vehicles that we license.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The Rules, Regulations and Procedures contribute to – developing and strengthening Lancaster’s economy and promoting the well being of Lancaster’s Communities.

The additional recommendations will improve public safety, failure to continually improve safety could leave the Council open to criticism.

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **LEGAL IMPLICATIONS**

The constitutional issues are addressed in the report.

### **BACKGROUND PAPERS**

None.

**Contact Officer:** Wendy Peck

	<p><b>Telephone:</b> 01524 582317 <b>E-mail:</b> <a href="mailto:wpeck@lancaster.gov.uk">wpeck@lancaster.gov.uk</a> <b>Ref:</b> WP</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------

**LICENSING REGULATORY COMMITTEE****New Plates and Door Signs for Hackney Carriage and  
Private Hire Vehicles – Cut off Date****18<sup>th</sup> November 2010****Report of Licensing Manager****PURPOSE OF REPORT**

To seek Members' approval of the introduction of a cut off date by which the new Taxi and Private Hire vehicle plates and door signs must be displayed.

**This report is public.**

**RECOMMENDATIONS**

**Members are recommended to support the implementation of a cut off date by which all licensed vehicles display the new signage.**

**1.0 Report**

- 1.1** Members will be aware that at a meeting of this committee held on 10<sup>th</sup> June 2010 new door signage and taxi licence plates were approved
- 1.2** The new signs and plates were being applied to vehicles on renewal of the licence. However, at the recent informal meeting between the Committee and the trade, concern was expressed that having licensed vehicles with different signs and plates was causing confusion for the public.
- 1.3** It is recommended therefore that members approve a date by which all licensed vehicles in Lancaster must display the new signage. The date recommended for this would be 31<sup>st</sup> January 2011.

**2.0 Conclusion**

- 2.1** If members accept the above proposal all vehicles will be displaying the new signage by the cut off date 31<sup>st</sup> January 2011 thus eliminating any confusion caused by the current situation.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

These recommendations will improve public safety, failure to continually improve safety could leave the Council open to criticism.

The proposed change does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

**FINANCIAL IMPLICATIONS**

There are no cost implications arising from this report. The costs of the new plates and door stickers will be met from within existing budgets.

**LEGAL IMPLICATIONS**

If Members are minded to introduce a cut-off date, this would clarify and be consistent with the Committee's decision of the 10th June 2010, and there are therefore no constitutional issues

**BACKGROUND PAPERS**

None.

**Contact Officer:** Wendy Peck  
**Telephone:** 01524 582317  
**E-mail:** wpeck@lancaster.gov.uk  
**Ref:** WP



**LICENSING REGULATORY COMMITTEE****Introduction of Livery for Hackney Carriage Vehicles  
18<sup>th</sup> November 2010****Report of Licensing Manager****PURPOSE OF REPORT**

To seek Members' approval for the deferral of the introduction of a livery for Hackney Carriage vehicles so that it can be considered along with the implications of the Equality Act 2010

**This report is public.**

**RECOMMENDATIONS**

**Members are requested to consider a deferral of the introduction of Livery for Hackney Carriage vehicles so that it can be considered and discussed with the trade in conjunction with the implications of the Equality Act 2010.**

**1.0 Report**

- 1.1 Members will recall that at the Licensing Regulatory Committee meeting on 2nd September 2010 a proposal to introduce livery for Hackney Carriage vehicles was approved in principle subject to further consultation on colour choice.
- 1.2 That consultation has now taken place, but due to some confusion within the trade as to what stage the consultation process was at, no proper conclusions can be drawn from the results.
- 1.3 Additionally the Government has started to bring into force parts of the Equality Act 2010. Part of the provisions effecting taxi drivers came into force in October 2010, and members may recall that at the Licensing Regulatory Committee held on 14<sup>th</sup> October they resolved that this authority should keep a list of designated wheelchair accessible vehicle in line with the requirements of the Act.
- 1.4 Section 161 of the Equality Act which will come into force at a later date, but no earlier than April 2011, will ensure that licensing authorities that have relatively few wheelchair accessible vehicles operating in their area will not be able to refuse to license such a vehicle on the grounds of controlling numbers.
- 1.5 For Section 161 to have effect, the Secretary of State must make regulations specifying:

- The proportion of wheelchair accessible taxis that must operate in an area before the respective licensing authority is lawfully able to refuse to licence such a vehicle on the grounds of controlling taxi numbers; and
- The dimension of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.

1.6 As further changes to specification may need to be considered in order to comply with the legislation, and purpose built vehicles may even be required, the licensing manager feels it would be unfair to impose changes to livery at this time, without considering the impact of the Equality Act. Instead livery should be considered in line with the requirements of that Act so that if proprietors are required to make adjustments to their vehicles or purchase new ones, they will only have to do it once.

## 2.0 Conclusion

If members are minded to defer the introduction of livery until the implications of the Equality Act 2010 are known, further consultation can take place with hackney carriage proprietors to discuss the best way forward to ensure that the legislation is complied with at the same time as the livery is introduced.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.	
<b>FINANCIAL IMPLICATIONS</b> There are no financial implications arising from this report.	
<b>LEGAL IMPLICATIONS</b> The legal implications are set out in the report. There is a right of appeal to the Magistrates' Court against a condition imposed in a hackney carriage vehicle licence.	
<b>BACKGROUND PAPERS</b> None.	<b>Contact Officer:</b> Wendy Peck <b>Telephone:</b> 01524 582317 <b>E-mail:</b> wpeck@lancaster.gov.uk <b>Ref:</b> WP

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted