



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 1 SEPTEMBER 2011

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 21 July 2011 (previously circulated)**
3. **Items of urgent business authorised by the Chairman**
4. **Declarations of Interest**
5. **Exempt Item:-**

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

“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 item of business, on the grounds that it 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 item has been marked as exempt, it is for the Committee itself to decide whether or not to consider it 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.

6. **Private Hire Vehicle Proprietor - Richard Charles Ibbottson (Pages 1 - 3)**

Report of Senior Licensing Officer.

Public Items:-

The press and public will be readmitted to the meeting at this point.

7. **Age Policy for Hackney Carriage and Private Hire Vehicles (Pages 4 - 10)**

Report of Licensing Manager.

8. **Access and Egress of Hackney Carriage and Private Hire Vehicles** (Pages 11 - 25)

Report of Licensing Manager.

9. **Adoption of Livery for Hackney Carriage Vehicles** (Pages 26 - 38)

Report of Licensing Manager.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors John Harrison (Chairman), Mike Greenall (Vice-Chairman), Shirley Burns, Chris Coates, Sheila Denwood, Jonathan Dixon, Billy Hill, Tony Johnson and Robert Redfern

(ii) Substitute Membership

Councillors Roger Dennison, Joan Jackson, Tracey Kennedy, David Kerr, Terrie Metcalfe, Margaret Pattison and Susan Sykes

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

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

Published on 23 August 2011.

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

Document is Restricted

LICENSING REGULATORY COMMITTEE**Age Policy for Hackney Carriage and Private Hire Vehicles.****1 September 2011****Report of Licensing Manager****PURPOSE OF REPORT**

To enable members to consider the outcome of the recent consultation on the continued use of the policy which has resulted in the removal of an age restriction for hackney carriage and private hire vehicles.

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the further consultation exercise on the removal of age restriction for Hackney Carriage and Private Hire vehicles that has taken place with members of the taxi trade.

1.0 Report

1.1 Some Members will recall that at the Licensing Regulatory Committee meeting on 2nd September 2010 the Committee approved the introduction of a policy which removed the condition on age restriction for private hire and hackney carriage vehicles licences. 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.”

1.2 Prior to this the following condition had been attached to vehicles licensed as hackney carriage or private hire vehicles by this authority:-

“Vehicles for which Hackney Carriage/Private Hire licences are applied for must be under 5 years of age from date of first registration and on attaining 10 years of age from date of first registration, will cease to be licensed by this authority and will no longer be able to function as licensed Hackney Carriages/Private Hire vehicles within the Lancaster City.

Exceptions to the 10 years age limit may be made in the case of certain vehicles, i.e. limousines, such as Rolls Royce, Bentley etc. Applications for such exceptions must be made in writing to the Licensing Manager.

In the case of London type Cabs, and certain executive vehicle, the upper age limit shall be 15 years old with replacement vehicles being less than six years old.”

- 1.3 Following the Committee’s decision on the 2nd September 2010 some members of the trade made representations to members of the Licensing Regulatory Committee. They said that the removal of the age restriction would lead to the industry being flooded with ‘bangers.’ In order to ensure that this didn’t happen the licensing manager prepared a report for this committee which was due to be considered on the 18th November 2010. The report recommended that the following condition be included in the policy

“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.”

Members may recall that due to the pressure from a small minority of the trade the report was not considered in November, but instead, members asked for further extensive consultation on a number of matters. The removal of the age restriction was included in that consultation process, which duly took place over a six month period concluding on June 30th 2011. A breakdown of the result of the consultation is attached at appendix 1 to this report, and a copy of the report that was prepared in November 2010 is attached as appendix 2 to this report.

- 1.4 The trade were asked whether we should continue with the policy as approved in September 2010, which would mean there would be no age restrictions, whether the previous age restriction should be reapplied, or whether the age restriction should remain removed, but with the addition of the condition in 1.3 above. Not all of the responses were easily interpreted, as many consultees had selected more than one option, however officers have tried to interpret the responses to the best of their ability.
- 1.5 Members will note that there was only a 13% (98 people) response from the whole trade about this issue. 34 of those responding wanted the old condition on age restriction reinstating, a further 20 thought that there should be under 5 years old when first licensed, however that subject to the condition mentioned in 1.3 there should be no maximum age limit. 35 of those responding said there should not be an age restriction, with 19 of those saying that this should be subject to the additional condition mentioned at 1.3 above. 9 of the responses were inconclusive. Overall 39 of the respondents’ indicated that they agreed that the condition as set out in 1.3 above should be applied.
- 1.6 During the past few months licensing officers have carried out inspections of all vehicles licensed by this authority, and have been highly impressed by the condition of some of the older vehicles, whilst many newer vehicles have been given defect notices, due to their tatty appearance. Further the licensing department has not been flooded with applications from people wanting to license very old vehicles, and whilst the policy of not having an age restriction has been in force, standards have been maintained due to rigorous inspections.

- 1.7 The age condition that was removed in September 2010, in officers' opinion, was very restrictive, in particular the fact that vehicles had to be less than 5 years old when first licensed. This prevented people coming into the trade as a proprietor, and also had the potential to cause people to get into debt by financing vehicles that they couldn't really afford. The condition also created anomalies, whereby someone could licence a vehicle that was 2 or 3 days under 5 years old and keep that vehicle licensed until it was 10 years old, whereas someone bringing a vehicle along that was 1 day over 5 years old, would be refused a licence, regardless of its condition or mileage. Additionally if a vehicle licence was inadvertently allowed to lapse, and the vehicle was over 5 years old, it would not be eligible to be relicensed, even though possibly a few days before it had been accepted as a licensed vehicle. If a vehicle was due for renewal 2 days before its 10th anniversary it would be eligible to be licensed, and would continue to be licensed until it was almost 11 years old, whereas if a vehicle was due for renewal 1 day after its 10th anniversary it would not be relicensed regardless of its condition and the fact that it had been still licensed to carry members of the public less than 24 hours before. It is perfectly reasonable for a vehicle over the age of 5 years to be in excellent condition and to be low mileage. One private hire proprietor/operator put the following comment on his consultation response:

"We operate exclusively in airport transfers, as do a significant number of private hire operators in Lancaster, our cars do large annual mileages(sometimes in excess of 130,000 miles) and therefore need replacing approximately every 2 years. The Council's previous insistence that private hire vehicles must be under 5 years old (irrespective of mileage), when first licensed had a serious effect on our profitability. Any extension of the age limit would be greatly appreciated."

There were many more similar comments received.

- 1.8 All vehicles must pass the inspection at the Council's Vehicle Maintenance Unit, and therefore must be suitable for purpose.

2.0 Options

Members should consider the results of the consultation and the Department for Transport Best Practice Guidance when coming to a decision on which, if any, of the following options they approve.

2.1 Option One.

To continue with the policy as approved on the 2nd September 2010, in which case no age restriction will apply.

2.2 Option Two

To revert back to the condition that was in place prior to the decision of the committee made on 2nd September 2010, which was:

"Vehicles for which Hackney Carriage/Private Hire licences are applied for must be under 5 years of age from date of first registration and on attaining 10 years of age from date of first registration, will cease to be licensed by this authority and will no longer be able to function as licensed Hackney Carriages/Private Hire vehicles within the Lancaster City.

Exceptions to the 10 years age limit may be made in the case of certain vehicles, i.e. limousines, such as Rolls Royce, Bentley etc. Applications for such exceptions must be made in writing to the Licensing Manager.

In the case of London type Cabs, and certain executive vehicle, the upper age limit shall be 15 years old with replacement vehicles being less than six years old.”

2.3 Option Three

To amend the current policy by adding the following condition:

“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.”

3.0 Conclusion

Members are asked to consider which, if any, of the above options to approve. Officers’ preferred option is option 3, as this will mean that we will be adhering to the Department for Transport Best Practice Guidance, whilst still having the control to maintain our high standards.

CONCLUSION OF IMPACT ASSESSMENT

(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. Rather, the purpose is to ensure that passengers are well served by safe, comfortable and suitable vehicles.

FINANCIAL IMPLICATIONS

There are no financial implications for the Council arising from this report.

LEGAL IMPLICATIONS

A person aggrieved by any conditions attached to a hackney carriage or a private hire vehicle licence may appeal to the Magistrates’ Court. A person refused the grant of a hackney carriage or private hire vehicle licence may appeal to the Magistrates’ Court

BACKGROUND PAPERS

None.

Contact Officer: Wendy Peck

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Ref: WP

Consultation of Age Restrictions

Members of the trade were asked, which of the following should apply:-

- a) There should be no age restriction
- b) Any vehicle to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee. Any such vehicle will be subject to a test at the Councils designated testing centre every 4 months.
- c) Vehicles must be under 5 years old when first licensed and will not be licensed beyond the age of 10 years (Please note that if a licence is allowed to expire or lapse, any subsequent application will be dealt with as though it is a first application)

Many of the respondents marked 2 of the options, some either didn't mark any, or marked all of them, and they will show on the table below as inconclusive.

	(a) No Age Restriction	(b) New Condition (additional tests)	(c) Age Restriction	(a) and (b)	(c) and (b)	Inconclusive
PH Operators	0	0	3	0	0	0
HC Proprietors	10	2	17	1	5	4
PH Drivers	1	3	2	2	4	0
HC Drivers	2	2	2	1	7	1
PH Proprietors	3	2	10	6	4	4

98 Responses were received

34 wanted a maximum, age at first licensing (5 years), and maximum age limit to apply (10 years)
 20 wanted a maximum age at first licensing to apply(5 years), but no maximum overall age, subject to additional tests etc.
 35 thought there should be no age restriction, with 19 of those saying this should be subject to the additional tests etc.
 9 of the responses were inconclusive.

In total 39 of those responding agreed that vehicles should be licensed beyond the age of 10 years subject to the additional condition at (b) above, 20 of those wanted a maximum age at first licensing (5 years) requirement to apply, and 19 of them didn't.

LICENSING REGULATORY COMMITTEE

Vehicle Age Limits

18 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.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>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.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no financial implications arising from this report.</p>	
<p>LEGAL IMPLICATIONS</p> <p>The constitutional issues are addressed in the report.</p>	
<p>BACKGROUND PAPERS</p> <p>None.</p>	<p>Contact Officer: Wendy Peck</p> <p>Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP</p>

LICENSING REGULATORY COMMITTEE**Access and Egress of Hackney Carriage and Private Hire Vehicles****1 September 2011****Report of Licensing Manager****PURPOSE OF REPORT**

To enable members to consider the outcome of the recent consultation on the requirement relating to access and egress of hackney carriage and private hire vehicles and whether the requirement should be maintained or amended.

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the consultation exercise into the review of the condition in the Rules and Regulations and Procedures for Hackney Carriage and Private Hire Vehicles which requires that:-

‘Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.’

Members are requested to consider whether this requirement is still appropriate, or whether it should be amended.

1.0 Report

1.1 Members will recall that at the Licensing Regulatory Committee meeting on 2nd September 2010 an updated version of Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing was approved. The purpose of this update was to consolidate all information into one document which could then be issued to all licensed drivers, proprietors and operators. The document clarifies the rules and regulations for the benefit of drivers, operators and proprietors as well as licensing officers.

1.2 The document as approved on the 2nd September 2010 included the requirement that:

“Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.’

This requirement was introduced on the grounds of public safety and comfort.

- 1.3 Following the Committee’s decisions on the 2nd September 2010 some members of the trade made representations to members of the Licensing Regulatory Committee, and as a result members asked for further extensive consultation on a number of matters. The access and egress arrangements were included in that consultation process, which duly took place and was concluded on June 30 2011.
- 1.4 For members’ information, this report is only concerned with access and egress. Other matters on which consultation took place will be reported on separately.
- 1.5 A breakdown of the result of the consultation is attached at appendix 1 to this report. Members will note that there was only a 13% response from the whole trade about this issue, 59% of the people responding disagree with the above requirement, this represents 7.8% of those consulted.
- 1.6 Members may recall that as part of the consultation process, a Trade Fair was organised, and vehicle suppliers were invited to bring along vehicles that had been adapted to comply with this requirement as well as vehicles that did not comply. Members of the trade, elected members, officers from Lancashire County Council transport section, and members of disability groups were invited to attend the trade fair, and their feedback was requested
- 1.7 Those that attended the Trade Fair were asked to rate the vehicles from 1 to 5 on various aspects of access, egress, comfort, leg room etc., 1 being excellent, and 5 being impossible. A table of the results and some of the comments is attached at appendix 2 to this report. The results of the trade fair appear to conclude that some vehicles are a lot more accessible and comfortable than others.
- 1.8 The Licensing Manager also consulted with other local authorities, and with the transport department at Lancashire County Council who are responsible for school contracts etc. The responses are attached at appendix 3 to this report.
- 1.9 The Department of transport best Practice Guidance states:-

“It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers “

1.10 On Accessibility, the Department of Transport Best Practice guidance states:-

“Local licensing authorities will want to consider how accessible the vehicles they licence as taxis are for disabled people (which includes – but is not limited to – people who need to travel in a wheelchair)

The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, **the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision.**

Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.”

1.11 It was always recognised that if a proprietor wished to license a vehicle that did not meet the requirement, that vehicle could be considered by the Committee, to determine whether an exception could be made on the individual merits of the application. Members will recall that at the Licensing Regulatory Committee held on 21st July 2011, a request was received from a proprietor to waive the requirement on access and egress, and members approved the application, a copy of the report is attached at appendix 4 to this report. As a result of this the vehicle is now on an approved list so that any further applications submitted for a vehicle with the same specification will be granted by officers.

1.12 Officers would recommend that the procedure set out above is adopted for all future applications, and that the vehicles are considered on their individual merit, as the outcome of the Trade Fair clearly shows that some vehicles that do not have direct access may be more suitable than others. Any such policy would be in line with the DFT guidance as it would not automatically rule out any particular type of vehicle. Additional safety requirements could then be imposed if required, as was the case with the vehicle approved in July. Members could then satisfy themselves that all of the vehicles licensed by the Council are suitable for purpose, comfortable, accessible and safe.

2.0 Conclusion

Members are asked to consider whether to reinforce the decision made on 2nd September 2010 and to approve the continued requirement that access and egress to all passenger seats should be unimpeded, in the interest of public safety and comfort, but noting that the Committee may make exceptions for specific models of vehicle. Alternatively, it would be open to the Committee to remove the requirement from its Rules and Regulations.

CONCLUSION OF IMPACT ASSESSMENT

(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. Rather, the purpose is to ensure that passengers are well served by safe, comfortable and suitable vehicles.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

A person aggrieved by any condition attached to a hackney carriage or private hire vehicle licence can appeal to the Magistrates Court.

BACKGROUND PAPERS

None.

Contact Officer: Wendy Peck

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Ref: WP

Appendix 1

Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.

	Hackney Proprietors (39)	Hackney Drivers (15)	Private Hire Proprietors (29)	Private Hire Drivers (12)	Private Hire operators (3)
Agree	8	12	12	5	0
Disagree	28	3	14	7	3
Don't Know	3	0	3	0	0

Consultation forms issued = 749

Consultation forms returned = 98

Represents a 13% response

58 of those responding disagree with this policy. This represents 59% of those that responded, but only 7.8% of the trade as a whole.

Appendix 2

There were 18 vehicles presented at the Taxi Trade Fair. People attending were asked to rate the vehicles on a scale of 1 to 5 for comfort and accessibility. 13 people completed, or part completed the questionnaire. Below is a compilation of the results.
NB Not everyone answered every question.

*** denotes vehicles that comply with our current policy.

	How good was access to the vehicle?	Responses	How good was egress from the vehicle?	Responses	How comfortable was the vehicle?	Did you think the vehicle had enough leg room?
VW Caddy ***	Excellent	4	Excellent	4	Very comfortable	Yes
	Good	5	Good	5	Quite comfortable	No
	Quite difficult	2	Quite difficult	2	Uncomfortable	
	Impossible	0	Impossible	0		
Citroen Euro Taxi ***	Excellent	4	Excellent	4	Very Comfortable	Yes
	Good	4	Good	5	Quite Comfortable	No
	Quite difficult	2	Quite Difficult	1	Uncomfortable	
	Impossible	0	Impossible	0		
Fiat Doblo	Excellent	4	Excellent	3	Very Comfortable	Yes
	Good	0	Good	2	Quite Comfortable	
	Quite difficult	4	Quite Difficult	3	Uncomfortable	No
	Impossible		Impossible			

Peugeot Teepo	Excellent	0	Excellent	0	Very Comfortable	0	Yes	3
	Good	4	Good	4	Quite Comfortable	6		
	Quite difficult	1	Quite difficult	1	Uncomfortable	0	No	1
	Impossible	0	Impossible	0				
Peugeot E7	Excellent	4	Excellent	4	Very Comfortable	4	Yes	7
	Good	3	Good	2	Quite Comfortable	3		
	Quite difficult	0	Quite Difficult	2	Uncomfortable	0	No	0
	Impossible	2	Impossible	1				
Fiat Seudo	Excellent	0	Excellent	0	Very Comfortable	0	Yes	2
	Good	5	Good	3	Quite Comfortable	7		
	Quite difficult	2	Quite difficult	3	Uncomfortable	0	No	4
	Impossible	1	Impossible	1				
Fiat Doblo ***	Excellent	0	Excellent	0	Very Comfortable	0	Yes	1
	Good	5	Good	4	Quite Comfortable	7		
	Quite Difficult	2	Quite Difficult	2	Uncomfortable	0	No	3
	Impossible	1	Impossible	0				
Peugeot Expert ***	Excellent	7	Excellent	7	Very Comfortable	3	Yes	6
	Good	2	Good	1	Quite	6		

	Quite Difficult	1	Quite Difficult	2	Comfortable	1	No	1
Kia Carens 7 seater	Impossible	0	Impossible	0				
	Excellent	0	Excellent	0	Very Comfortable	1	Yes	3
	Good	3	Good	4	Quite Comfortable	7		
	Quite Difficult	4	Quite Difficult	4	Uncomfortable	0	No	2
Kia Sedona	Impossible	1	Impossible	1				
	Excellent	2	Excellent	2	Very Comfortable	2	Yes	2
	Good	5	Good	4	Quite Comfortable	7		
	Quite Difficult	2	Quite Difficult	1	Uncomfortable	0	No	5
Kia Carens 5 seater ***	Impossible	1	Impossible	2				
	Excellent	3	Excellent	3	Very Comfortable	5	Yes	4
	Good	4	Good	3	Quite Comfortable	3		
	Quite Difficult	1	Quite Difficult	2	Uncomfortable	0	No	1
Citroen Seater Picasso C4 7	Impossible	0	Impossible	0				
	Excellent	0	Excellent	0	Very Comfortable	0	Yes	0
	Good	1	Good	1	Quite Comfortable	4		
	Quite Difficult	5	Quite Difficult	5	Uncomfortable	2	No	6
Renault Scenic	Impossible	0	Impossible	0				
	Excellent	0	Excellent	0	Very	0	Yes	0

		Good	0	Good	0	Comfortable	4	
Hyundai I800	Good	0	Good	0	Quite Comfortable	4		
	Quite Difficult	4	Quite Difficult	4	Uncomfortable	0		No
	Impossible	0	Impossible	0				
	Excellent	5	Excellent	5	Very Comfortable	4		Yes
	Good	2	Good	2	Quite Comfortable	4		
	Quite Difficult	1	Quite Difficult	1	Uncomfortable	0		No
Fiat Cubo (saloon)	Impossible	0	Impossible	0				
	Excellent	4	Excellent	4	Very Comfortable	3		Yes
	Good	2	Good	2	Quite Comfortable	5		
	Quite Difficult	1	Quite Difficult	1	Uncomfortable	1		No
	Impossible	2	Impossible	2				
	Excellent	3	Excellent	3	Very Comfortable	3		Yes
VW Caddy Max	Good	0	Good	0	Quite Comfortable	2		
	Quite Difficult	2	Quite Difficult	2	Uncomfortable	0		No
	Impossible	0	Impossible	0				
	Excellent	5	Excellent	5	Very Comfortable	3		Yes
	Good	3	Good	3	Quite Comfortable	7		
	Quite Difficult	2	Quite Difficult	2	Uncomfortable	0		No
VW Wheelchair Caddy Max	Good	2	Good	2	Uncomfortable	0		No
	Quite Difficult	2	Quite Difficult	2				
	Impossible	0	Impossible	0				
	Excellent	5	Excellent	5	Very Comfortable	3		Yes
	Good	3	Good	3	Quite Comfortable	7		
	Quite Difficult	2	Quite Difficult	2	Uncomfortable	0		No

	Impossible	0	Impossible	0		0		
Citroen Berlingo Multi Space	Excellent	1	Excellent	1	Very Comfortable	2	Yes	4
	Good	5	Good	5	Quite Comfortable	7		
	Quite Difficult	4	Quite Difficult	4	Uncomfortable	1	No	3
	Impossible	0	Impossible	0				

Comments made on the response forms filled in at the trade fair.

“The Kia Carens was good for access and egress, but only for the front seats. Our personal favourite was the VW Caddy” Representatives from Thumbprint, disability organisation.

“Welcomed the opportunity to inspect taxis for disabled/mobility.” Chair of the Licensing regulatory Committee.

“Small access to rear most seats of Renault Scenic. Rear most seats too small on Renault Scenic.” Trade member

“The wheelchair Caddy Max was the only vehicle with full type approval. Excellent wheelchair access achieved via the ramp, without having to be raised on kerb. General concern about the height of the sills on a number of vehicles which may cause a disabled person difficulty when getting in or out of the vehicle. Would also discourage the use of seats in the rear if the middle row has to be folded or tipped forward.” [Brian Derbyshire Senior Transportation Officer, SEN Social Care Transport, Lancashire County Council](#)

Appendix 3

LCC would fully back your clause. In recent tenders I have said we will exclude any seats that don't have direct access to a door, where a seat has to be folded or slid forward for other passengers to get out

**Senior Transportation Officer
SEN Social Care Transport
Lancashire County Council**

We had a similar situation here in Rossendale where upon we had and still have an influx of the Vauxhall Zafira type models we decided not to licence the x7 seater vehicle applications we put this matter to the licensing committee, they decided that the vehicles could be licensed for x7 passengers we enquired with Vosa had they any concerns their reply did not really support our concerns either way only to say it was at the time the most popular MPV and that they themselves had not had any cause to comment or make any representations upon request from licensing authorities.

Having said that having spoken to colleagues in Rochdale taxi licensing they will not licence them for 6/7 they demand the 3rd row of seats be removed, this i think could and will result in a challenge as Vauxhall were contacted during our intensions they rebuked any suggestion the vehicles were unsafe and indeed asked for proof unable to provide.

Rossendale Borough Council

In our borough all are hackneys are purpose built and provide for secure access and carriage of passengers in wheelchairs For MPVs etc used as PHV's they must have two entrance/egress points in the rear compartment, no tip up seats are permitted and all seats must be rear or front facing ie no cabin type seats are allowed. Passengers must have unobstructed access to these doors. We also check to determine whether handrails etc are needed

St Helens Metropolitan Borough Council

We used to require removal of one of the middle row of seats in certain mpvs where seats had to be tipped forward to gain access to the rearmost seats but after advice we changed to licensing the vehicle according to its designed capacity provided the rearmost seats are of adult size.

Barrow Borough Council

Just been passed your e-mail. Some time ago, Wigan Council introduced a vehicle Policy which although restricts seating numbers in some type(s) of vehicle, does not necessarily target MPV's.

The Local Gov Act 1976 amongst other things states that a vehicle has to be 'suitable, safe and comfortable' etc.

As vehicles are used by fare paying passengers this is only reasonable and as such one condition we have (policy under review however) is that all passengers in a vehicle must have unobstructed access to at least 2 doors. Access can be partially

blocked by a seat that folds up/down out of the way. Furthermore we ask that all passengers have 40 square cms on which to park their bums and 35.5 square cms deep with a further 30 sq cms in which to put their feet. This is reasonable.

I have to say that this creates issues I am finding myself dealing with on a regular basis, not least of all because quite honestly we are asking people to interfere with type approval. We cover our backs by asking that if any work is carried out then it is covered by a type approval certificate or engineers report.

This is simplification (short of time at the moment sorry) but my own view is that we should not be requiring people to interfere with vehicles type approval in any way. We should instead require any vehicle to be suitable, after all that's what the Act says. As to defining suitable.....?

One aspect would include luggage space, as in a lot of vehicles with a third row of seats there is not a lot of space left for the luggage. That's where I would start anyway, suitability and luggage.

Don't forget that when the Equality Act does kick in best guidance at this time in this country and all other EEC countries is that two types of vehicle be considered. Type one for pushing wheelchairs into and type two for the ambulant disabled i.e. wheel up to vehicle and put chair in the boot.

Its a big subject when you get started and we are all waiting for what the government are going to bring in.

Wigan Borough Council

We have toyed with the idea of imposing the same condition over the years but shied away from it because most of the operators soon got sick of the fold down seat and removed it themselves. The best practice guidance didn't help either.

Carlisle City Council

It is in our policy at 8.5 page 36 have a look on the webpage. We have not been challenged on this and the trade were party to the draft policy prior to publication.

Preston City Council

Although it is not a condition of a vehicle licence (as vehicle licence conditions are only applicable to licensed vehicles) Bury Council do have a vehicle licensing policy in relation to the licensing of vehicles and especially MPVs / minibuses, in that the passengers in the rear of such vehicles must have access to at least 2 doors without having to fold down or climb over any seats. The passenger doors can either be at the side of the vehicle or one can be at the side and one at the rear. If one of these two doors is at the rear, it must be accessible without having to climb over any bank of seats blocking it. In addition all the doors must be capable of being opened from inside the vehicle. In the case of adapted minibuses, this often results in one seat having to be removed from the bank of 3 seats preventing access to the passengers behind these seats to the two side doors or from one of 3 seats at the extreme rear of the vehicle should one of the doors be at the rear.

Bury Metropolitan Borough Council

LICENSING REGULATORY COMMITTEE

Local Government (Miscellaneous Provisions) Act 1976

Hackney Carriage Vehicle Licensing – Request for Waiver of Policy Requirement that all Vehicles must Provide Direct Access and Egress Without the Need to tip or Fold Seats

21 July 2011

Report of the Licensing Manager

PURPOSE OF REPORT

Mr P Bishop is the proprietor of a hackney carriage licensed by Lancaster City Council. He has requested a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat. The purpose of this report therefore is to enable Members to consider the request.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicant's request for a waiver of the standard requirement that all passengers should have direct access and egress without having to tip or fold seats, and to determine whether to grant an exemption to the restriction for Mr Bishop with regard to the VW Caddy Maxilife and for any other vehicles of the same model with identical specifications that may be presented for licensing in the future.

1.0 Introduction

- 1.1 Under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a hackney carriage vehicle licence.
- 1.3 The standard licence condition provides "Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided,

without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.”

- 1.4 Some Members will be aware that the continued application of the above licence condition has recently been the subject of a consultation process following its approval by this Committee last September. The consultation ended in June, and a full report of the outcome of that consultation will be delivered to this Committee in September.
- 1.5 Mr Bishop has currently licensed the VW Caddy to carry 5 passengers, one of the passengers being a wheelchair user. Mr Bishop does have one of the mandatory wheelchair accessible vehicles. Mr Bishop has requested to make representations to this Committee, as he would like to add two extra seats (which are removable) to the vehicle, to allow for maximum flexibility. The vehicle would then be licensed to carry a maximum of 6 passengers, when not carrying a wheelchair user. A copy of Mr Bishop’s letter is attached at appendix 1 to this report.
- 1.6 Mr Bishop has, at the suggestion of the licensing manager added some additional safety measures to the vehicle. The vehicle has a rear hatch/door which is capable of being opened from the inside of the vehicle, and is clearly marked ‘Emergency Exit’. This would allow passenger in the rear row of seats (if approved) to egress the vehicle through the back hatch, without having to move a passenger in front of them, in case of emergency. The vehicle is available for members to inspect.
- 1.7 Before coming to a decision on this matter, members may wish to consider some of the issues that may arise from the grant of this licence.
 1. This is a mandatory wheelchair accessible vehicle. The rationale of granting additional licences solely for wheelchair accessible vehicles was to ensure that the needs of passengers in wheelchairs could be met by these vehicle at all times. There is a danger that a driver may consider it too much trouble to remove extra seats before loading a wheelchair into the vehicle.
 2. If the condition were waived, the vehicle would be licensed to carry 6 passengers, and would display a plate accordingly. In actual fact when it was being used to carry a wheelchair passenger it would only be capable of carrying 3 passengers, inclusive of the wheelchair. This could have the potential to cause friction on the rank if customers are expecting the vehicle to carry the full complement of passengers.
 3. This type of arrangement may be more suitable for private hire vehicles that are pre booked, and therefore would know the customer requirements before leaving to do the job.
 4. From a positive point of view, this type of arrangement does allow for flexibility.
- 1.8 Mr Bishop has been invited to attend the meeting to make representations and answer some of the points raised above, in support of his request. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for a waiver of the standard licence requirement on access and egress, subject to the additional conditions that the rear door/hatch must be capable of being opened from inside the vehicle, and must be clearly marked 'Emergency Exit.'
- 2.2 If members are minded to approve this request, the licensing manager would like the Committee to authorise her to start an approved list of vehicles and to allow this type of vehicle, with the exact specifications, to be added to any such list, so that future requests to licence an identical vehicle can be dealt with by officers as an automatic grant.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None.	
FINANCIAL IMPLICATIONS Financial Services have not been consulted as there are no financial implications.	
LEGAL IMPLICATIONS Should Members be minded to refuse the applicants' request for a waiver of certain standard licence conditions they would have a right of appeal to the Magistrates' Court against the issue of a licence which included those conditions.	
BACKGROUND PAPERS None	Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref:

LICENSING REGULATORY COMMITTEE**Adoption of Livery for Hackney Carriage Vehicles****1 September 2011****Report of Licensing Manager****PURPOSE OF REPORT**

To enable members to consider the outcome of the recent consultation on the adoption of a livery for Hackney Carriage vehicles.

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the further consultation exercise on the introduction of livery for Hackney Carriage vehicles that has taken place with members of the taxi trade.

1.0 Report

- 1.1 Members will recall that at the Licensing Regulatory Committee meeting on 2 September 2010 the Committee approved the introduction of a licence condition requiring all new and replacement Hackney Carriage vehicles to be a specified colour, and a consequential licence condition that no new or replacement private hire vehicles shall be that colour. This was to be subject to consultation with members of the trade regarding the chosen colour. A copy of the report and the minutes of the meeting are attached at Appendix 1 to this report.
- 1.2 Following the Committee's decision on the 2nd September 2010 some members of the trade made representations to members of the Licensing Regulatory Committee. As a result members asked for further extensive consultation on a number of matters. The introduction of livery was included in that consultation process, which duly took place over a six month period concluding on June 30th 2011. A breakdown of the result of the consultation is attached at appendix 2 to this report.
- 1.3 Members will note that there was only a 13% response from the whole trade about this issue. 65 of those responding to the consultation disagree with this policy. This represents 66.3% of those that responded, but only 8.7% of the trade as a whole. There are 109 hackney carriage vehicles licensed in Lancaster, some proprietors own more than one vehicle (approximately 8), however some vehicles (57) have 2 proprietors. The number of hackney carriage proprietors that responded to the consultation (39), therefore was surprisingly low.
- 1.4 During the latter few months of 2010, an unmet demand survey was carried out on behalf of Lancaster City Council by a company called Mouchel. The principal

objective of the study was to determine what level of demand exists for hackney carriage services in the Lancaster City Council Licensing area. The survey was commissioned to satisfy the current licensing legislation, and the Department for Transport Best Practice Guidance, in order to demonstrate clearly the grounds on which the Council can defend its policy on restriction of hackney carriage vehicle numbers.

- 1.5 During the survey, public and stakeholder consultations took place. The public were shown photographs of a typical hackney carriage, and a typical private hire vehicle in the Lancaster licensing area. In Lancaster 59% said the hackney carriage pictured could be hired at ranks, in the street or by phone. However of these people, just under half also thought the same about the private hire vehicle. Some 54% of those interviewed in Lancaster knew that a private hire vehicle could be obtained by phone – although just 10% of those also knew the hackney definition correctly. 27% of respondents claimed both vehicles could be obtained by hailing, at a rank or over the phone.

In Morecambe, just 4% of those interviewed understood the hackney correctly, with only 15% overall saying you could get a hackney vehicle from a rank. Conversely, some 66% felt you could obtain a private hire vehicle from a rank.

- 1.6 Members of the public were asked the question “Would it help you to identify hackney carriages if they were painted one colour?” In Lancaster 43% of the people interviewed said it would, and in Morecambe 50% said it would. The balance of Lancaster interviewees felt it would not make a difference (51%) whilst the balance of Morecambe people (68%) thought it would. Few people overall said it would not help. A copy of the full report is available to view on the Council’s licensing web page.
- 1.7 In 2010 one private hire driver was successfully prosecuted for picking up a fare that was not pre booked; he also pleaded guilty to not having the correct insurance. This incident took place as part of a mystery shopping exercise carried out by licensing officers, following complaints from the trade that private hire vehicles were plying for hire. Two other private hire drivers have received formal warnings, again after being reported for plying for hire by members of the trade. There is currently a further investigation underway concerning a private hire vehicle plying for hire. The licensing department are regularly receiving complaints, mainly from hackney carriage drivers and proprietors, about private hire drivers plying for hire, and more recently about hackney carriage vehicles not licensed by this authority plying for hire in the Lancaster licensing area. Any private hire vehicle that plies for hire is a danger to the public, as in most cases their insurance would not be valid.
- 1.8 Members should consider in the light of this report whether the condition requiring all hackney carriage vehicles to be the same colour and the consequential condition that private hire vehicle should not be that colour is reasonably necessary on the grounds of public safety. Hackney carriages that all have the same livery are easily identifiable, and therefore members of the public, as well as police officers would be aware that they can be hailed in the street, and pick up at taxi ranks.
- 1.9 Section 47 (1) of The local Government (Miscellaneous Provisions) Act 1976 provides that :- ‘A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider to be reasonably necessary.’ Further sub section 2 of that section provides that;- ‘Without prejudice to the foregoing sub section, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design and

appearance or bear any distinguishing marks as shall clearly identify it as a hackney carriage.'

- 1.10 If members' are minded to approve the introduction of livery for hackney carriage vehicles, officers would suggest that any livery chosen should ensure that the cars are very distinctive from all other vehicle on the road, otherwise the exercise would be futile. A local car dealer has suggested that different coloured panels can be added to certain areas of the vehicles e.g. bonnets and boots at a low cost of about £70 per panel. These colours would be applied in some sort of acetate, and would be removable when the vehicle ceased to be licensed as a hackney carriage vehicle.
- 1.11 Members are requested to consider, on the basis of the results of this further consultation, and the consultation carried out by Mouchell with members of the public, whether they still consider a condition requiring all hackney carriage vehicles to be a uniform colour to be reasonably necessary on the grounds of public safety, or whether to reverse their earlier decision to introduce a uniform livery for the Hackney Carriage fleet in the Lancaster City Council district.

2.0 Conclusion

Members are asked to consider whether to reinforce the decision made on 2 September 2010 to approve the introduction of a livery for Hackney Carriage Vehicles on the grounds of public safety. Alternatively, the Committee may reverse the decision taken on that day and have no specification in colour for Hackney Carriage vehicles.

If members still consider the introduction of a condition requiring hackney carriage vehicles to be a uniform colour, and a consequential condition that private hire vehicles must not be that colour to be reasonably necessary, a further report will be presented to this committee at a later date so that a final decision on livery choice and the timescale for implementation can be made.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>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. Rather, the purpose is to ensure that passengers are well served by safe, comfortable and suitable vehicles.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no financial implications for the Council arising from this report.</p>	
<p>LEGAL IMPLICATIONS</p> <p>A person aggrieved by any conditions attached to a hackney carriage or a private hire vehicle licence may appeal to the Magistrates' Court.</p>	
<p>BACKGROUND PAPERS</p> <p>None.</p>	<p>Contact Officer: Wendy Peck</p> <p>Telephone: 01524 582317</p> <p>E-mail: wpeck@lancaster.gov.uk</p> <p>Ref: WP</p>

LICENSING REGULATORY COMMITTEE

**Introduction of Livery for Hackney Carriage Vehicles
2nd September 2010**

Report of Licensing Manager

PURPOSE OF REPORT

To seek Members' approval for the introduction of a livery for Hackney Carriage vehicles.

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the consultation exercise into the introduction of livery for Hackney Carriage vehicles that has taken place with members of the taxi trade and are recommended to approve the introduction of a licence condition that all new and replacement hackney carriages be a specified colour, and a consequential licence condition that no new or replacement private hire vehicle shall be that colour, with immediate effect, save that an exception be permitted where a proprietor demonstrates that the vehicle was ordered before the 6th September 2010.

1.0 Report

1.1 Members will recall that at the Licensing Regulatory Committee meeting on 10th June 2010 the Licensing Manager asked for their approval to carry out a consultation with members of the trade about the introduction of a livery for hackney carriage vehicles.

2.0 Consultation Responses

2.1 As a result of consultation with all members of the trade, 5 representations were received, 3 of which are objecting to the introduction of livery, and 2 have made recommendations should livery be introduced. Representations are attached at Appendix 1. The main points of the representations are as set out below.

2.2 One member of the trade has suggested that if livery is introduced, all hackney carriages should be Euro Cabs or the purpose built London Type Cabs. Whilst this is an option that could be considered by members, consideration should be taken with regards to the cost of these vehicles, approximately £25,000, as this would place a considerable financial burden on proprietors.

2.3 Another member of the trade has suggested that the colour silver should be used for livery. However as silver is such a common colour for vehicles, officers do not think that this would be easily distinguished from many other private vehicles. Additionally an objection was received from a private hire proprietor, whose company name is

Silver Taxis, and for obvious reasons would not be happy for the colour silver to be used as a livery for hackney carriage vehicles.

2.4 One member of the trade has expressed concerns that if all hackney carriages were the same colour, any member of the public who had the need to make a complaint about a particular vehicle would have difficulty in identifying the vehicle for the purpose of the complaint. The proprietor has suggested that members of the public only remember which vehicle they have travelled in based on colour. In the experience of the licensing department this is not the case, as it would be extremely difficult for any authority to resolve a complaint based on such a small amount of information. This theory would, however, in the licensing officers' opinion, require each vehicle in our current fleet of hackney carriages (109) to be a different colour. For members' information, this representation was received after the close of the consultation period, however officers would request that it is considered by the committee.

2.5 Members of the trade expressed concern that specifying a colour for hackney carriages would result in a premium having to be paid for that particular colour, which could mean proprietors sourcing vehicles from outside of the district. They state that this could have a detrimental effect on local suppliers. There is no evidence to back up this theory from other areas that do have livery. Further if local dealers decide to charge a premium for any colour selected for hackney carriage livery, which then results in a loss of trade for themselves, it would be a bad business decision on their part and any subsequent loss of sales would be caused by their own actions. Public safety is the main consideration of the licensing authority.

3.0 Proposal

3.1 Members are asked to consider the proposal for a livery in the light of the consultation responses received.

3.2 Over recent months there have been several complaints from hackney carriage proprietors that private hire vehicles currently licensed by this authority can not be distinguished from hackney carriage vehicles. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (The Act) states that :-

“a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle a licence to use the vehicle as a private hire vehicle grant in respect thereof a vehicle licence: Provided that a district council shall not grant such a licence unless they are satisfied – that the vehicle is not of any such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;”

3.3 Private hire vehicles licensed by this authority have door signs which state that the vehicle must be pre- booked and do not have a roof sign, as hackney carriage vehicles do. However, livery would help to distinguish hackney carriage vehicles from private hire vehicles further, and improve safety for members of the public using taxis as well as assisting with enforcement issues. For these reasons, officers would recommend the introduction of livery.

3.4 In areas where livery has been introduced the industry has been enhanced, as the chosen colour becomes synonymous with the word 'Taxi' within that area. Members of the public, will quite clearly see any 'Taxi' approaching, and will therefore become aware of who can and who cannot be 'flagged down' safely. The aim of this authority

when carrying out its private hire and hackney carriage licensing functions is to protect the public.

3.5 Section 47 of the Act provides that "...a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage"

3.6 The proposal therefore would be to use Section 47 to require that any new or replacement hackney carriage must comply with the approved livery, and to use Section 48 to require that any new or replacement private hire vehicle must not be the same colour as the chosen hackney carriage livery. Whilst this would take immediate effect, exceptions would be permitted where a proprietor is able to demonstrate that a vehicle was ordered before the 6th September 2010. Clearly there will be a transitional period during which some existing private hire vehicles will be the same colour as the hackney carriage livery, but this is inevitable.

3.7 If members are minded to approve the introduction of livery, officers would like to recommend that the chosen colour be white, as it is widely available, does not come in as many variety of shades as many other colours do, and should not place any additional financial burden on proprietors.

4.0 Conclusion

Officers believe that if the proposed recommendations are approved, they would improve public safety, and assist with enforcement.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) The introduction of livery would 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 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 or private hire vehicle licence.	
BACKGROUND PAPERS None.	Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

2ND SEPTEMBER 2010

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

Officers in attendance:-

Luke Gorst	Assistant Solicitor
Caroline Morrison	Senior Licensing Officer
Tom Silvani	Democratic Services

26 MINUTES OF THE MEETING HELD ON 22 JULY 2010 (PREVIOUSLY CIRCULATED)

The minutes of the meeting held on 22 July 2010 were signed by the Chairman as a correct record.

27 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

28 DECLARATIONS OF INTEREST

There were no declarations of interest.

29 REVIEW OF RULES, REGULATIONS AND PROCEDURES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Senior Licensing Officer presented a report to seek members' approval of the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing.

Members were reminded that at the Licensing Regulatory Committee meeting held on 10 June 2010 the Licensing Manager produced a draft document that was intended to update the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing. The purpose of the update was to consolidate all information into one document which could then be issued to all licensed drivers, proprietors and operators. The document clarifies the rules and regulations for the benefit of drivers, operators and proprietors as well as licensing officers.

Following the meeting consultation with members of the trade took place and representations were received. Officers were of the opinion that while not all the points covered in the representations were relevant to the consultation there were four main points which were covered in the report.

Members considered a revised version of the document produced following consideration of the representations, a summary of the proposed amendments was also attached to the report.

Members asked questions regarding the proposed amendments and sought clarification on several points.

It was advised that should members be minded to approve the proposed amendments there would be implications for the next report on the agenda 'Introduction of Livery for Hackney Carriage Vehicles'. If the 10 year age limit for licensed vehicles were removed from the guidelines this would have to be taken into account when considering the introduction of livery for hackney carriage vehicles.

Members were advised that should they be minded to approve the proposed amendments licensing officers would wish the policy to take effect immediately. It was acknowledged that some proprietors may have ordered vehicles that would not comply with the minimum specification, therefore, exceptions would be permitted where a proprietor was able to demonstrate that a vehicle was ordered before 6 September 2010.

It was proposed by Councillor Wade and seconded by Councillor Grenall:-

- (1) "That the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing be approved."

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposition to be carried.

Resolved:

- (1) That the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing be approved.

30 INTRODUCTION OF LIVERY FOR HACKNEY CARRIAGE VEHICLES

The Senior Licensing Officer presented a report to seek members' approval for the introduction of a livery for hackney carriage vehicles.

Members were reminded that at the Licensing Regulatory meeting on 10 June 2010 the Licensing Manager had asked for the committee's approval to carry out a consultation with members of the trade about the introduction of a livery for hackney carriage vehicles.

Members considered the representations which had been received by members of the trade which were attached to the report. These consisted of three representations made in objection to the introduction of livery, and 2 which made recommendations should the livery be introduced.

Members discussed the implications of the introduction of livery and asked questions of the Senior Licensing Officer regarding other licensing authorities which had introduced livery.

It was advised that should a livery be introduced there would be a transitional period where existing hackney carriage vehicles were not required to conform to the council's adopted livery, but this was considered inevitable.

The committee agreed in principal that they were in favour of a livery and discussed the different colours which could be adopted.

Members discussed the possibility of using yellow, but it was advised that several manufacturers which were popular for hackney carriage vehicles did not provide yellow vehicles.

Black and white were considered the best choices as with other colours there would be lots of different shades which could lead to inconsistency in the livery. It was advised that many other licensing authorities had adopted white as a livery colour. The committee agreed that white would be their preferred colour but that this should be subject to consultation with the trade.

Members discussed the implications of changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing. It was advised that as licensed vehicles were now permitted to be over 10 years old, a time limit may have to be introduced within which all hackney carriage vehicles must be the specified colour, this could be set by licensing if the new conditions were agreed.

It was proposed by Councillor Wade and seconded by Councillor Greenall:-

- “(1) That the committee approve the introduction of a licence condition that all new and replacement hackney carriage vehicles be a specified colour, and a consequential licence condition that no new or replacement private hire vehicles shall be that colour, subject to consultation with members of the trade regarding the chosen colour.”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposition to be carried.

Resolved:

- (1) That the committee approve the introduction of a licence condition that all new and replacement hackney carriage vehicles be a specified colour, and a consequential licence condition that no new or replacement private hire vehicles shall be that colour, subject to consultation with members of the trade regarding the chosen colour.

31 ADOPTION OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009

The Senior Licensing Officer presented a report to inform members of the amendments to the Local Government (Miscellaneous Provisions) Act 1982 with regard to the licensing of sex establishments, introduced by the Policing and Crime Act 2009, and to enable the Committee to make recommendations to Council to make the appropriate resolution to apply new provisions in the district.

Members were advised that in September 2008 the then Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area.

In order to address this issue Section 27 of the Policing and Crime Act 2009 (the 2009 act) reclassifies lap dancing clubs and similar establishments into a new category of Sex Establishments called a 'Sexual Entertainment Venue' (SEV) and gives local authorities in England and Wales the power to regulate such venues.

Members were advised that the amendment did not give premises automatic entitlement to operate within the area, rather it provides the council with the means by which applications can be properly determined. Furthermore, it would provide the council with the means to refuse an application on wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in the Lancaster district.

The Senior Licensing Officer explained the details of the amendments to the committee.

The committee were advised that if they were minded to make recommendations to Council to make the appropriate resolution, the issue could be considered at the next meeting of Council scheduled for 15 September 2010. The Council would then be required to publish a notice that it had passed the resolution for two consecutive weeks in a local paper, the first publication must not be later than 28 days before the day specified in the resolution for the provisions to come into force.

It was noted that if the council had not adopted the new legislation by the 6 April 2011, Section 27 of the 2009 Act placed an obligation on the Council to undertake a public consultation exercise to ascertain whether it should do so.

The committee asked questions of the Senior Licensing Officer regarding the details of the amendments to the act.

It was proposed by Councillor Wade and seconded by Councillor Day:-

- (1) "That the committee recommend that Council resolve under Section 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act as amended by Section 27 of the Policing and Crime Act 2009 is to apply to the area of the Council from 1 November 2010, and that the Head of Legal and Human Resources be authorised to arrange for the publication of notices as required by Section 2(2) of the 1982 Act."

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposition to be carried.

Resolved:

- (1) That the committee recommend that Council resolve under Section 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act as amended by Section 27 of the Policing and Crime Act 2009 is to apply to the area of the Council from 1 November 2010, and that the Head of Legal and Human Resources be authorised to arrange for the publication of notices as required by Section 2(2) of the 1982 Act.

Chairman

(The meeting ended at 1.55 p.m.)

**Any queries regarding these Minutes, please contact
Tom Silvani, Democratic Services - telephone (01524) 582132 or email
tsilvani@lancaster.gov.uk**

Do you think that the Council should introduce a livery for Hackney Carriage Vehicles (ie): all Hackney Carriage vehicles would be the same colour? The introduction of a livery would help to differentiate to members of the public Hackney Carriage vehicles from Private Hire vehicles, and help to distinguish the Hackney Carriage vehicles licensed by this Authority from others.

	Hackney Proprietors (39)	Hackney Drivers (15)	Private Hire Proprietors (29)	Private Hire Drivers (12)	Private Hire operators (3)
Agree	3	8	8	6	2
Disagree	36	7	18	3	1
Don't Know	0	0	3	3	0

Consultation forms issued = 749

Consultation forms returned = 98

Represents a 13% response

65 of those responding disagree with this policy. This represents 66.3% of those that responded, but only 8.7% of the trade as a whole.